

MONAGHAN TOWNSHIP
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Ordinance No. 79 of 2007

YORK COUNTY, PENNSYLVANIA

ADOPTED MAY 14, 2007

PREPARED BY
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ARTICLE I

GENERAL PROVISIONS

SECTION 101 TITLE.

This Ordinance shall be known and may be cited as the “Monaghan Township Subdivision and Land Development Ordinance of 2007.”

SECTION 102 PURPOSE.

The purpose of this Subdivision and Land Development Ordinance is to provide for the harmonious development of the Township by:

- a) Assisting in the orderly and efficient integration of land developments within the Township.
- b) Ensuring conformance of development plans with the Comprehensive Plan, and other municipal documents.
- c) Ensuring the provision of adequate public facilities including roadways, walkways, water supply, storm and sanitary sewerage facilities, open spaces and other improvements for the public health, safety and welfare.
- d) Ensuring coordination of inter-municipal and intra-municipal public improvement plans and programs.
- e) Securing the protection of water resources, drainageways and other environmental resources.
- f) Facilitating the safe and efficient movement of traffic.
- g) Securing equitable handling of all development plans by providing uniform standards and procedures.
- h) In general, promoting greater health, safety, and welfare of the citizens of the Township.

SECTION 103 ADOPTION-AUTHORITY.

The Board of Supervisors of Monaghan Township, York County, Pennsylvania, pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, reenacted and amended by Act 170 of 1988, and as subsequently amended, hereby enacts and ordains the following Ordinance governing subdivisions and land developments within the limits of Monaghan Township.

The Board of Supervisors shall administer and enforce this Ordinance and does hereby designate the Monaghan Township Planning Commission as an agency of the Board of Supervisors:

- a) With which applicants may hold all pre-application consultations relating to the plans.
- b) Which makes recommendations to the Board of Supervisors concerning subdivision plans, land development plans and waivers.

SECTION 104 JURISDICTION.

- 104.01 This Ordinance shall apply to all subdivision and land development plans submitted after the effective date of this Ordinance.
- 104.02 From the time an application for approval, whether preliminary or final, is duly filed, as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, 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 provisions 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.
- 104.03 When an application for approval, 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, 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.

Where Final Plan approval is preceded by Preliminary Plan 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.

Where the landowner has substantially completed the required improvements, as depicted upon the Final Plan within the aforesaid five-year limit, or any extension thereof as may be granted by the Board of Supervisors, no change of governing ordinance or plan enacted subsequent to the date of filing of the

Preliminary Plan shall modify or revoke any aspect of the approved Final Plan pertaining to zoning classification or density, lot, building, street or utility location.

In the case of a Preliminary Plan calling for the installation of improvements beyond the five-year period, a schedule shall be filed with the Preliminary Plan delineating all proposed sections, as well as deadlines within which applications for Final Plan approval of each section are intended to be filed. Such schedule shall be updated annually on or before the anniversary of the Preliminary Plan approval, until Final Plan approval of the last section has been granted. Any modification in the aforesaid schedule shall be subject to approval of the Board of Supervisors in its discretion.

Provided the landowner has not defaulted with regard to or violated any of the conditions of the Preliminary Plan approval, including compliance with the schedule for submission of Final Plans, then the aforesaid protections afforded by substantially completing the improvements depicted upon the Final Plan 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. This extended protection shall apply for an additional term or terms of three years from the date of Final Plan approval for each section.

Failure to adhere to the aforesaid schedule of submission of Final Plans for the various sections shall subject any such section to changes in zoning, subdivision and other governing ordinance enacted by the Township, subsequent to the date of the initial Preliminary Plan submission.

- 104.04 This Ordinance shall not affect any suit or prosecution pending or to be instituted, to enforce any provision of previous subdivision and land development ordinances of the Township of Monaghan, on an act done, contract executed, or liability incurred prior to the effective date of this Ordinance, nor shall any provisions of this Ordinance be construed to waive the obligations imposed upon an applicant to complete a previously approved Preliminary or Final Plan including the installation of all improvements required hereunder, in strict compliance with the requirements of the effective Monaghan Township Subdivision and Land Development Ordinance.
- 104.05 No subdivision or land development of any lot, tract, or parcel of land in Monaghan Township shall be effected; no street, sanitary sewer, storm sewer, water main, or other facilities 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 thereon unless and until authorized by this Ordinance.
- 104.06 No lot in a subdivision may be sold, no permit to erect or alter any building upon land in a subdivision or land development may be issued; and no building may be erected or altered in a subdivision or land development,

unless and until a Final Subdivision or Land Development Plan has been approved by the Board of Supervisors and recorded, and until the improvements required in connection therewith have been either constructed or guaranteed in a manner prescribed herein.

- 104.07 All subdivision and land development plans are subject to the prevailing Township Zoning Ordinance, and all other applicable ordinances, regulations, and requirements of the Township.

ARTICLE II

DEFINITIONS

SECTION 201 GENERAL.

Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined or interpreted differently within this section.

SECTION 202 GENERAL TERMS.

In this Ordinance, when not inconsistent with the context:

- a) Words in the present tense imply also the future tense,
- b) The singular includes the plural,
- c) The male gender includes the female gender,
- d) The term “person” includes an individual, partnership, corporation, unincorporated association, estate, or any other legally recognized entity.
- e) The term “shall” or “must” is always mandatory,
- f) The term “may” is permissive.

SECTION 203 SPECIFIC TERMS.

The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this Ordinance.

Access Drive. An improved cartway designed and constructed to provide for vehicular movement between a street and a tract of land containing any use other than one single-family dwelling unit or farm.

Agent. Any person other than the developer, who acting for the developer submits land development plans to the Township for the purpose of obtaining approval thereof.

Agriculture. The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the keeping or raising of livestock, such as cattle, cows, hogs, horses, sheep, goats, poultry, rabbits, birds, fish, bees, and other similar animals. This definition also includes non-commercial greenhouses and mushroom houses, as well as the processing and retail sale of goods produced on the farm.

Aisles. A private drive intended principally to provide vehicular access within a vehicular parking compound for a non-residential or multi-unit residential land use. Although aisles provide interior vehicular circulation, their principal function is to provide entrance and exit for individual parking spaces. Aisles may not be used to intersect streets.

Alley. A strip of land over which there is a public or private right-of-way intended to serve as secondary vehicular access to the side and/or rear of those properties whose frontage is on a street. An alley is not a street and is not intended for general traffic circulation.

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

Block. A tract of land which is entirely bounded by streets, public parks, cemeteries, railroads, watercourses, or any other barrier to the continuity to development.

Board of Supervisors - The Board of Supervisors of Monaghan Township, York County, Pennsylvania.

Building. Any structure or edifice designed or intended for use as an enclosure, a shelter, or for protection of persons, animals, or property.

Building, Accessory. A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, which is located on the same lot as that occupied by the principal building. Farm buildings not intended for habitation are considered to be accessory buildings.

Building, Principal. A building which is enclosed within exterior walls or fire walls, which is built, erected, and framed of component structural parts, which is designed for housing, shelter, enclosure, and support of individuals, or property of any kind, and which is a main structure on a given lot.

Building Area. The total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, awnings, terraces, and steps.

Cartway. The surface of a street, access drive, driveway, or alley available for vehicular traffic, including travel lanes and parking lanes but not including shoulders, curbs, sidewalks or swales.

Clear Sight Triangle. A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Comprehensive Plan. The plan, or parts thereof, which have been adopted by the Board of Supervisors, that constitutes a policy guide to decisions about the physical and social development of the Township.

Cumulatively (when applied to subsequent subdivision development in Sec. 602.17.6 of this Ordinance). This shall apply to all subdivision development on a specific parcel planned and/or executed since the adoption of Ordinance No 35 (amending Ord # 27) on October 5, 1992.

Curb. The raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic.

Curb Line. The outside edge of the cartway.

Dedication. The deliberate appropriation of land by its owner to another party.

Deed. A written instrument whereby an estate in real property is conveyed.

Density. A term used to express the allowable number of dwelling units per acre of land, exclusive of public rights-of-way and streets.

Developer. Any landowner, agent of such landowner, equitable owner, or tenant with the permission of the landowner, for whom subdivision or land development plans are being or have been made.

Driveway. A cartway designed and constructed to provide vehicular movement between a public road and a tract of land serving one single-family dwelling unit or a farm.

Easement. A right-of-way granted for limited use of private land for a public or quasi-public or private purpose, and within which the owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

Engineer. A Professional Engineer licensed as such in the Commonwealth of Pennsylvania.

Floodplain. An area under the jurisdiction of the floodplain zones in the Monaghan Township Zoning Ordinance, as amended.

Frontage. The linear measurement taken along a property's common boundaries with adjoining street rights-of-way, other than a limited access highway.

Grade. The slope expressed in a percent which indicates the rate of change of elevation in feet per hundred feet.

Land Development. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

- a) A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
- b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

A subdivision of land.

However, the following shall not be considered a land development:

- a) The conversion of an existing single-family detached or single-family semi-detached dwelling into no more than three residential units, unless such units are intended to be a condominium; or
- b) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

It should be noted that the above exclusions are required to conform with all other applicable ordinances and regulations of the Township.

Land Surveyor. A land surveyor registered in the Commonwealth of Pennsylvania.

Landowner. The legal, beneficial, equitable 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 conditions), a lessee (if he is authorized under the lease to exercise the rights of the landowner), or another person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

Landscape Architect. A landscape architect registered in the Commonwealth of Pennsylvania.

Lateral. A utility line between a utility main that is located within a utility easement, and the single building which the line serves.

Lot. A parcel of land, intended as a unit for transfer of ownership, use, or development.

Lot, Corner. A lot at the point of intersection of and abutting two or more intersecting streets, and which has an interior angle of less than 135 degrees

at the intersection of the two street lines. Corner lots shall have two front yards, one side and one rear yard.

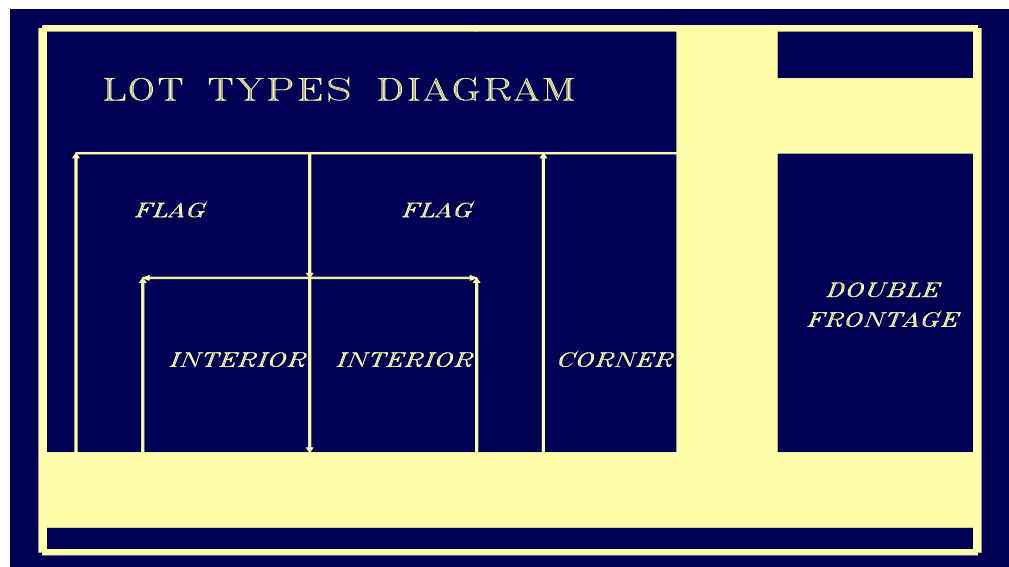
Lot, Double Frontage. A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundary of the lot, and vehicular access provided to both streets.

Lot, Flag. A lot whose frontage includes a narrow projection or “flagpole,” which is not sufficient for buildable area, but serves as access to the lot.

Lot, Interior. A lot other than a corner lot, the sides of which do not abut a street.

Lot, Reverse Frontage. A double frontage lot with vehicular access solely from the street with lesser volume of traffic.

Lot, Through. An interior lot having frontage on two parallel or approximately parallel streets.



Lot Area. The area contained within the property lines of individual parcels of land, excluding any area within a street right-of-way, but including the area of any easement.

Lot Coverage. A percentage of the lot area which may be covered with an impervious surface (e.g., buildings, driveways, parking area, sidewalks).

Lot Depth. The horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

Lot Width. The horizontal distance measured between side property lines. On corner lots, lot width shall be measured from the street right-of-way line of the non-address street to the directly opposite property line.

Mobile Home. A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units, designed to be joined into one integral unit, and capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. The term “manufactured home” may be used synonymously.

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

Manufactured Home Park. A parcel or contiguous parcels of land which has been so designated and improved to contain two or more mobile home lots for the placement thereon of mobile homes.

Multiple Dwelling Building. A building providing separate living quarters for two (2) or more families.

Pedestrian Easement. A right-of-way, municipally or privately owned which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

Plan. The map representing a tract of land including all supplementary data specified in Article IV of this Ordinance. The following are the types of plans specified by this Ordinance:

- a) As-Built. A corrected Final Plan, showing dimensions and locations of all streets and other public improvements as actually constructed.
- b) Concept Plan. An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings, with the general layout of a proposal for consideration prior to the formal submission of a plan.
- c) Final Plan. A complete and exact subdivision and/or land development plan prepared for official recording as required by statute to define property rights, propose streets and other public improvements.
- d) Preliminary Plan. A complete and exact subdivision and/or land development plan, the purpose of which is to authorize the preparation of Final Plans.

Planning Commission. The Planning Commission of Monaghan Township.

Public Grounds. Public parks, playgrounds, open space and other public areas; and sites for school, sewage treatment, refuse disposal and other public owned or operated facilities.

Public Improvement. Any street, street sign, sidewalk, curb, landscaping required by this Ordinance, storm drainage for dedication or which affects adjacent properties or streets, sanitary sewer facilities for joint use, water supply facilities for joint use, fire hydrants, lot line markers, survey monuments and other such improvements required by this Ordinance. The public improvement shall include the improvement, facility, or service area together with its associated site or right-of-way necessary for access.

Right-of-Way. Land reserved for use as a street, alley, crosswalk, utilities or other public or private use.

Screen or Buffer Planting. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Slope. The degree of deviation of a surface from the horizontal. Slope is expressed in a percentage which indicates the rate of elevation change in feet per one hundred (100) feet.

Street. A strip of land over which there is a public or private right-of-way intended to serve principally as a means of vehicular access to and frontage for abutting properties, as well as general traffic circulation. Streets are further classified as follows:

ARTERIAL - a street which provides for inter-community travel connecting population centers and carrying large volumes of traffic at speeds higher than desirable on other types of streets. Existing arterial streets are identified in the Monaghan Township Comprehensive Plan. A list of existing arterial roads is available at the Township Building.

COLLECTOR - a street which (1) provides access to a residential land use with a density in excess of three (3) dwelling units per acre, an industrial land use, or a commercial land use and/or serves as the main entrance or circulation street in a sizable development. Existing collector streets are identified in the Monaghan Township Comprehensive Plan. A list of existing streets is available at the Township Building.

CUL-DE-SAC - a street with a single common ingress and egress with a turnaround at the end.

MINOR - a street which provides access to a residential land use with a density of three (3) or less units per acre or an institutional land use.

SERVICE DRIVE OR ALLEY - a minor right-of-way on which no property fronts, which provides the secondary means of access for two or more properties.

Street Grade. The elevation of a street along the centerline of the cartway.

Street Line (Right-of-Way Line). A line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line.

Street, Private. A street not offered for dedication or whose dedication was not accepted by the municipality.

Subdivision. The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, 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 (10) acres, not involving any new streets or easements of access or residential dwelling shall be exempted.

Swale. A wide shallow ditch which gathers or carries surface water.

Township. Monaghan Township, York County, Pennsylvania.

Township Engineer. A duly registered professional engineer, licensed as such by the Commonwealth of Pennsylvania, employed by the Township or engaged as a consultant thereto.

Unit of Occupancy. A unit the use of which is not subordinate or customarily incidental to a principal unit. A unit of occupancy can be an independent unit within a building or a separate, detached building.

Waiver. A process for alleviating specific requirements imposed by this Ordinance pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, reenacted and amended by Act 170 of 1988, and as subsequently amended. Waivers are provided under Sections 305 and 803.

Watercourse. A permanent or intermittent stream, river, brook, creek, channel, or swale, whether natural or man-made, for gathering or carrying surface water.

Wetland. Area with the characteristics of wetland, as defined by either the U. S. Environmental Protection Agency; U. S. Army Corps of Engineers; Pennsylvania Department of Environmental Resources; or the U. S. Soil Conservation Service. Wetland areas are not limited to the locations delineated on wetland maps prepared by the U. S. Fish and Wildlife Service.

Zoning Officer. A duly constituted municipal officer designated to administer and enforce the Township Zoning Ordinance.

Zoning Ordinance. The current version of the Monaghan Township Zoning Ordinance, Ordinance No. 30, as amended.

ARTICLE III

PLAN PROCESSING PROCEDURES

SECTION 301 GENERAL.

The procedures set forth in this Article shall be followed for all subdivision and/or land development plans.

The Township Planning Commission, Township Engineer, various Township officials, and County Planning Commission are advisory to the Township Board of Supervisors.

The Pre-Application Review specified in Section 302.02 is voluntary. The purpose of the review is to provide the advice and assistance of the Township Planning Commission, while the project is at an early stage.

Three (3) mandatory plan processing procedures are provided in this Article. The magnitude of the project dictates the applicability of each mandatory plan processing procedure. The procedures are sequential. Successful completion of a procedure must be obtained prior to submission under the next procedure. The following are the mandatory plan processing procedures in order of succession:

PROCEDURE	PROJECT DESCRIPTION		
Concept Plan (Section 302)	Greater than twenty-five (25) lots.	Greater than fifty (50) parking spaces.	Improvement*
Preliminary Plan (Section 303)	Greater than five (5) lots.	Greater than ten (10) parking spaces.	Improvement*
Final Plan (Section 304)	All subdivisions and land developments.		
<p>*For the purpose of this Article, the term "Improvement" shall include the following construction:</p> <ul style="list-style-type: none"> Street, gutter or sidewalk located within a street right-of-way; Storm water management facilities for dedication or which affects adjacent properties or streets; Alteration to existing watercourses; Public/community sanitary sewer facilities; and, Public/community water supply facilities. 			

The Concept Plan procedure is established to provide the advice and assistance of the Township Planning Commission and Board of Supervisors prior to the preparation of detailed design plans.

The Preliminary Plan contains detailed design data. Approval of the Preliminary Plan entitles the applicant to submit Final Plans in accordance with the terms of the Preliminary Plan.

The Final Plan contains detailed design data and guarantees the construction of certain improvements. Approval of the Final Plan concludes with the recording of the plan which authorizes the construction of public/private improvements, and the selling of land.

Exemptions from the above plan processing procedures are provided in Section 306.

This Article also includes Waiver provisions in Section 305 which allow the Board of Supervisors to modify provisions of the Ordinance as they apply to a specific project.

SECTION 302 CONCEPT PLAN APPLICATION

302.01 Concept Plan.

Concept Plans are required for subdivisions or land developments involving greater than twenty-five (25) lots, or greater than fifty (50) parking spaces individually or cumulatively. Concept Plans are also required for projects which include the following improvements: street cartway; curb, gutter or sidewalk located within a street right-of-way; storm water management facilities for dedication or which affects adjacent properties or streets; alteration to existing watercourses; public/community sanitary sewer facilities; and, public/community water supply facilities.

Concept Plans shall be submitted to the designated Township representative who has been authorized to receive plans at the Township Building, on any business day. However, Concept Plans must be submitted twenty-one (21) days prior to the regular meeting of the Township Planning Commission in order to be placed on the agenda.

302.01.1 Application Requirements. All Concept Plan applications shall include the following:

- a) A minimum of ten (10) copies of the Concept Plan Data, which is specified in Section 401. Additional copies of the Concept Plan may be required by the Township.
- b) One (1) application form. (See Appendix No. 6.)
- c) Filing fee, as set by resolution of the Board of Supervisors. (See Fee Schedule available at the Township Building.)

The designated Township representative shall first determine that the application is substantially complete in accordance with Section 302.01.1 a), b), and c). This determination does not constitute approval or disapproval of the Plan but is provided to assure the submission of sufficient data for the Board of Supervisors to make a formal action on the

Plan. If the application is found to be incomplete, the applicant will be notified in writing that the submitted data does not constitute a formal filing of the Concept Plan and specify the deficiencies.

302.01.2 Distribution. The designated Township representative shall distribute the Concept Plan to the Township Zoning Officer, Township Engineer, Township Planning Commission, County Planning Commission, Board of Supervisors and, if deemed necessary, other officials (e.g., adjacent municipalities, fire department, school board, PennDOT, Soil Conservation Service, etc.).

302.01.3 Review of the Concept Plan. The Concept Plan is reviewed first by the Township Zoning Officer, and Township Engineer. When deemed necessary, other officials may be requested to review the Concept Plan. These individuals will report their findings to the Township Planning Commission and Board of Supervisors. Attendance at the Township Planning Commission meeting by the applicant or authorized agent is mandatory to answer questions on the Plan. The applicant will be advised of the scheduled Township Planning Commission meeting date.

A review of the Plan shall determine its conformance with the standards contained in this Ordinance, as well as other applicable ordinances.

The Township Planning Commission and Township Engineer shall render a review on the Plan and submit a copy of their recommendations to the Board of Supervisors in a timely manner.

Should the applicant elect to revise the Concept Plan in accordance with the recommendations of the Township Planning Commission prior to a ruling on the Concept Plan by the Board of Supervisors, the Plan shall be formally withdrawn in writing and resubmitted as a new application in accordance with Section 302.01 of this Ordinance.

The County Planning Commission will be provided with thirty (30) days from the date the application was forwarded to them to transmit their comments on the Plan.

302.01.4 Ruling on the Concept Plan. The applicant will be advised of the scheduled meeting date for consideration of the Concept Plan by the Board of Supervisors. Attendance at this meeting by the applicant or authorized agent is mandatory to answer questions on the Plan.

The Board of Supervisors shall review the Concept Plan and shall communicate said review to the applicant within ninety (90) days following the date of the regular meeting of the Township Planning Commission which follows the date the application was filed.

The ruling of the Board of Supervisors shall be in writing, and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

The sole purpose of the Concept Plan review is to provide the advice and assistance of the Township to the applicant prior to the preparation of detailed design data.

302.02 Pre-Application Review (Optional)

Applicants are urged, but not required, to discuss possible development sites and plans, which do not fall under Section 302.01, with the Township Planning Commission prior to submission of the Preliminary or Final Plans. The purpose of the pre-application meeting is to afford the applicant an opportunity to receive the advice and assistance of the Township, while the project is at an early stage. Request for a Pre-Application Review shall not constitute formal filing of a plan.

To aid in the effectiveness of the Pre-Application Review, the plan information listed in Section 401 is requested. However, applicants are permitted to submit less information and discuss proposals without the benefit of a plan.

In order for a pre-application review to appear on the Planning Commission agenda and have available comments from various Township officials, it is required that a request for a pre-application review include ten (10) copies of a Sketch Plan which includes those items listed in Section 401, and one application form (see Appendix No. 6). The request shall be submitted to the Township representative at the Township Building at least twenty-one (21) days prior to that meeting. However, applicants are permitted to submit less information and discuss unsubmitted plans with the Township Planning Commission.

SECTION 303

PRELIMINARY PLAN APPLICATION.

Except for the provisions of Section 306, Preliminary Plan applications are required for subdivisions involving greater than five (5) lots, or greater than ten (10) parking spaces individually or cumulatively. Preliminary Plans are also required for projects which include street cartway; curb, gutter or sidewalk located within a street right-of-way; storm water management facilities for dedication or which affects adjacent properties or streets; alteration to existing watercourses; public/community sanitary sewer facilities; and, public/community water supply facilities. When required, Concept Plans must be reviewed prior to Preliminary Plan submission. The Preliminary Plan shall be substantially consistent with the Concept Plan.

Preliminary Plans shall be submitted to the designated Township representative, at the Township Building, on any business day. However, Preliminary Plans must be submitted twenty-one (21) days prior to the Planning Commission meeting in order to be placed on the agenda.

Applicants are required to submit a Sewer Facilities Plan Revision or Supplement in conjunction with the Preliminary Plan to avoid unnecessary delays in attaining revision or supplement approval prior to the Final Plan stage.

303.01 Application Requirements. All Preliminary Plan applications shall include the following:

- a) Ten (10) copies of a plan which delineates at least the proposed access, parking, building, and lot layout. This plan may be part of the data which makes up the full Preliminary Plan.
- b) A minimum of three (3) copies of the Preliminary Plan and all reports, notifications and certification which are specified in Section 402. Additional copies of the Preliminary Plan and reports may be required by the Township.
- c) One (1) application form. (See Appendix No. 6.)
- d) Filing fee as set by resolution of the Board of Supervisors. (See Fee Schedule available at the Township Building.)

The designated Township representative shall first determine that the Preliminary Plan application is substantially complete in accordance with Section 303.01 a), b), and c). This determination does not constitute approval or disapproval of the Plan but is provided to assure the submission of sufficient data for the Board of Supervisors to make a formal action on the Plan. If the application is found to be incomplete, the applicant will be notified in writing that the submitted data does not constitute a formal filing of the Preliminary Plan and specify the deficiencies.

303.02 Distribution. The designated Township representative shall distribute the Preliminary Plan to the Township Zoning Officer, Township Engineer, Township Planning Commission, County Planning Commission, Board of Supervisors and, if deemed necessary, other officials (e.g., adjacent municipalities, fire department, school board, PennDOT, Soil Conservation Service, etc.).

303.03 Review of the Preliminary Plan. The Preliminary Plan is reviewed first by the Township Zoning Officer and Township Engineer. The Township Zoning Officer, or his/her designee, shall have the submission reviewed by emergency services personnel (police chief, fire chief, ambulance service, or their designee) and shall affix a record of review and approval

on the cover page of one copy of the proposed plan. When deemed necessary, other officials may be requested to review the Preliminary Plan. These individuals will report their findings to the Township Planning Commission and Board of Supervisors. Attendance at the Township Planning Commission meeting by the applicant or authorized agent is mandatory to answer questions and establish the acceptance of any possible recommended conditions of approval. If there is no acceptance of conditions of approval, the Plan will be recommended for disapproval. The applicant will be advised of the scheduled Township Planning Commission meeting date.

A review of the Plan shall determine its conformance with the standards contained in this Ordinance, as well as other applicable ordinances, and make recommendations to the Board of Supervisors.

The Township Planning Commission and Township Engineer shall render a review on the Plan and submit copies of their decision to the Board of Supervisors in a timely manner.

Should the applicant elect to revise the Preliminary Plan in accordance with the recommendations of the Township Planning Commission prior to a ruling on the Preliminary Plan by the Board of Supervisors, the Plan shall be formally withdrawn, in writing, and resubmitted as a new application, in accordance with Section 303 of this Ordinance.

The County Planning Commission will be provided with thirty (30) days from the date the application was forwarded to them to transmit their comments on the Plan.

303.04 Ruling on the Preliminary Plan. The applicant will be advised of the scheduled meeting date for consideration of the Preliminary Plan by the Board of Supervisors. Attendance at this meeting by the applicant or authorized agent is mandatory to establish the acceptance of any possible conditions of approval. The acceptance or rejection of the conditions of approval will be entered in the minutes of the Board of Supervisors. If there is no acceptance of conditions of approval, the Plan will be disapproved.

The Board of Supervisors shall approve, conditionally approve, or disapprove the Preliminary Plan and shall communicate said decision to the applicant within ninety (90) days following the date of the regular meeting of the Township Planning Commission which follows the date the application was filed.

The ruling of the Board of Supervisors shall be in writing, specifically cite any conditions of approval and/or any plan defects, and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

Refusal by the applicant to accept conditions of approval shall constitute disapproval of the plan.

In the event that any waiver of requirements from this Ordinance is deemed necessary by the Board of Supervisors, the waiver and the reasons for its necessity shall be entered in the minutes of the Board of Supervisors.

When the Preliminary Plan is not approved in terms as presented to the Board of Supervisors, 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 Ordinance.

Approval of the Preliminary Plan entitles the applicant to Final Plan approval, in accordance with the terms of the Preliminary Plan, conditions of Preliminary Plan approval and Final Plan requirements. Preliminary approval binds the applicant to the plan as approved. The Final Plan shall be substantially consistent with the approved Preliminary Plan. Preliminary approval does not authorize the recording, sale or transfer of lots, nor shall this plan be recorded in the office of the York County Recorder of Deeds.

Preliminary approval shall expire within five (5) years after being granted unless an extension is requested by the applicant and approved by the Board of Supervisors. Requests for extensions shall be submitted to the Township at least thirty-one (31) days prior to any prevailing expiration date.

303.05 Compliance with Conditions of Approval. If the Board of Supervisors conditions its Preliminary Plan approval upon receipt of additional information, alterations, changes or notifications, such data shall be submitted and/or alterations noted on five (5) copies to be submitted to the designated Township representative. The conditions of approval must be satisfied to obtain Preliminary Plan approval. The Board of Supervisors will acknowledge the satisfactory compliance with all conditions, if any, of the Preliminary Plan approval at a public meeting.

Compliance with the conditions of Preliminary Plan Approval must be attained within six (6) months of the Board of Supervisors action on the Plan (see Section 303.04) or the Township action on the Plan shall be considered a disapproval unless the Board of Supervisors grant a waiver by extending the effective time period.

At the option of the applicant, and upon receipt of an unconditional Preliminary Plan approval, a Preliminary Plan may be presented to the Township for signature. (See Appendix No. 3 and 4 for certificate.)

SECTION 304

FINAL PLAN APPLICATION.

A Final Plan application is required for all subdivision and land development plans. When a Concept Plan or Preliminary Plan is required, in accordance with Sections 302 and 303, an application for Final Plan approval can be submitted only after completing the prior plan stage.

The Final Plan shall be substantially consistent with the Preliminary Plan. The Final Plan may include sections of an approved Preliminary Plan provided each section independently conforms to the Ordinance, regulations and other standards of the Township, and includes a reasonable portion of the Preliminary Plan.

Final Plans shall be submitted to the designated Township representative at the Township Building, on any business day. However, Final Plans must be submitted twenty-one (21) days prior to the Planning Commission meeting in order to be placed on the agenda.

304.01 Application Requirement. All Final Plan applications shall include the following:

- a) Ten (10) copies of a plan which delineates at least the proposed access, parking, building, and lot layout. This plan may be part of the data which makes up the full Final Plan.
- b) A minimum of three (3) copies of the Final Plan and all reports, notifications and certificates which are specified in Section 403. Additional copies of the Final Plan and reports may be required by the Township.
- c) One (1) application form. (See Appendix No. 6.)
- d) Filing fee as set by resolution of the Board of Supervisors. (See Fee Schedule available at the Township Building.)

The designated Township representative shall first determine that the Final Plan application is substantially complete in accordance with Section 304.01 a), b), c), and d). This determination does not constitute approval or disapproval of the Plan but is provided to assure the submission of sufficient data for the Township Board of Supervisors to make a formal action on the Plan. If the application is found to be incomplete, the applicant will be notified in writing that the submitted data does not constitute a formal filing of the Final Plan and specify the deficiencies.

304.02 Distribution. The designated Township representative shall distribute one (1) copy of the Final Plan to the Township Zoning Officer, Township Engineer, Township Planning Commission, Board of Supervisors and, if deemed necessary, other officials (e.g., adjacent municipalities, fire department, school board, PennDOT, Soil Conservation Service, etc.).

304.03 Review of the Final Plan. The Final Plan is reviewed first by the Township Zoning Officer and Township Engineer. If the nature of the Final Plan is such that a Preliminary Plan was not required, the Township Zoning Officer, or his/her designee, shall have the submission reviewed by emergency services personnel (police chief, fire chief, ambulance service, or their designee) and shall affix a record of review and approval on the cover page of one copy of the final plan. When deemed necessary, other officials may be requested to review the Final Plan. These individuals will report their findings to the Township Planning Commission and Board of Supervisors. Attendance at the Township Planning Commission meeting by the applicant or authorized agent is mandatory to answer technical questions and establish the acceptance of any possible recommended conditions of approval. If there is no acceptance of conditions of approval, the Plan will be recommended for disapproval. The applicant will be advised of the scheduled Township Planning Commission meeting date.

A review of the Plan shall determine its conformance with the standards contained in this Ordinance, as well as other applicable ordinances, and make recommendations to the Board of Supervisors.

The Township Planning Commission and Township Engineer shall render a review on the Plan and submit copies of their recommendations to the Board of Supervisors in a timely manner.

Should the applicant elect to revise the Final Plan in accordance with the recommendation of the Township Planning Commission prior to a ruling on the Final Plan by the Board of Supervisors, the Plan shall be formally withdrawn, in writing, and resubmitted as a new application, in accordance with Section 304 of this Ordinance.

The County Planning Commission will be provided with thirty (30) days from the date the application was forwarded to them to transmit their comments on the Plan.

304.04 Ruling on the Final Plan. The applicant will be advised of the scheduled meeting date for consideration of the Final Plan by the Board of Supervisors. Attendance at this meeting by the applicant or authorized agent is mandatory to answer technical questions and establish the acceptance of any possible conditions of approval. The acceptance or rejection of the conditions of approval will be entered in the minutes of the Board of Supervisors. If there is no acceptance of conditions of approval, the Plan will be disapproved.

The Board of Supervisors shall approve, conditionally approve, or disapprove the Final Plan and shall communicate said decision to the applicant within ninety (90) days following the date of the regular meeting of the Township Planning Commission which follows the date the application was filed.

The ruling of the Board of Supervisors shall be in writing, specifically cite any conditions of approval and/or any plan defects, and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision. Refusal by the applicant to accept conditions of approval shall constitute disapproval of the Plan.

In the event that any waiver of requirements from this Ordinance is deemed necessary by the Board of Supervisors, action on the waiver shall be entered in the minutes of the Board of Supervisors.

When the Final Plan is not approved in terms as presented to the Board of Supervisors, 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 Ordinance.

When requested by the applicant, in order to facilitate financing, the Board of Supervisors shall furnish the applicant with a signed copy of a resolution indicating approval of the Final Plan contingent upon the applicant obtaining financial security in a form satisfactory to the Board of Supervisors. The resolution's contingent approval shall expire and be deemed to be revoked if the Financial Security Agreement is not executed within ninety (90) days, unless an extension is requested in writing by the applicant and a written extension is granted by the Board of Supervisors.

No Final Plan will receive approval by the Board of Supervisors unless the applicant has completed all required public improvements, in accordance with the procedures provided in Section 503 of this Ordinance, or has filed with the Board of Supervisors an improvements guarantee in the manner prescribed in Article V.

304.05 Compliance with Conditions of Approval.

If the Board of Supervisors conditions its Final Plan approval upon receipt of additional information, alterations, changes or notifications, such data shall be submitted and/or alterations noted on five (5) copies to be submitted to the designated Township representative. The conditions of approval must be satisfied to obtain Final Plan approval. The Board of Supervisors will acknowledge the satisfactory compliance with all conditions, if any, of the Final Plan approval at a public meeting.

If the Board of Supervisors conditions its Final Plan approval upon receipt of an improvement guarantee, the applicant shall follow either the financial security provision in Section 502 of this Ordinance, or the provision for installation of public improvements specified in Section 503 of this Ordinance.

Compliance with all conditions of Final Plan approval must be attained within ninety (90) days of the Board of Supervisors' ruling on the plan (see Section 304.04), or the Township action on the plan shall be considered a disapproval. The Board of Supervisors may re-approve the Final Plan for an additional ninety (90) days. Failure to acquire such re-approval shall cause the Final Plan to be deemed 'Not Approved'.

- 304.06 Final Plan Certification. Upon approval of the Final Plan by the Board of Supervisors, the applicant shall present to the Township three (3) paper copies of the Final Plan for recordation. Additional paper copies of the Plan are necessary if the applicant needs copies for his records. All Final Plans shall bear original signatures in black ink on each certificate and be dated after the last revision.

Upon payment of any outstanding plan review, inspection, or recordation fees as set by resolution of the Board of Supervisors, and compliance with any conditions of approval pursuant to Section 304.05, Final Plans shall be signed by the Township Planning Commission and the Board of Supervisors (see Appendix Nos. 3 and 5).

Monaghan Township shall submit the paper copies of the plan to the York County Planning Commission and to the York County Recorder of Deeds for recordation.

- 304.06.1 The Final Plan shall be filed with the York County Recorder of Deeds within ninety (90) days of the Board of Supervisors' certification. No lot may be sold and/or construction initiated until the Final Plan is filed with the York County Recorder of Deeds. It should be noted that the Township will not issue further approvals or permits until the evidence of recordation is provided by the applicant.
- 304.06.2 Recording of the Final Plan shall have the effect of an irrevocable offer to dedicate all streets and other areas designated for public use shown thereon unless reserved by the developer as hereinafter provided. The approval of the Board of Supervisors shall not impose any duty upon the Township concerning maintenance or improvement of any such dedicated street, or public use, until the Board of Supervisors shall have accepted the same by the prevailing procedures of the Township.
- 304.06.3 If the Final Plan includes a notation to the effect that there is no offer of dedication to the public of certain designated uses, areas or streets, the title to such areas shall remain with the owner, their heirs and assigns, and the Township shall assume no responsibility for improvements or maintenance thereof, which fact shall also be noted on the Final Plan.

SECTION 305

WAIVER REQUEST.

The Board of Supervisors may waive any mandatory provision of these regulations to the benefit of the applicant provided the majority of a quorum of the Board of Supervisors present at a scheduled public meeting, determines that the waiver:

- a) Is consistent with the purpose of the Ordinance as described in Section 102,
- b) Will remove or reduce an unreasonable standard, or undue hardship, as it applies to the particular property, which is grossly disproportionate to any benefit derived from the standard, or when an alternative standard provides equal or better results,
- c) Provides for reasonable utilization of the property while securing the public interest.

It shall be the burden of the applicant to demonstrate compliance with the above conditions.

- 305.01 Waiver Application. Notwithstanding the ability of the Board of Supervisors to independently consider a waiver, all requests for waivers which are desired by the applicant shall be submitted to the designated Township representative, at the Township Building, on any business day. A waiver request shall include three (3) copies of all applicable plans, reports, and supplementary data, and one (1) application form (see Appendix No. 7). If this information was filed with a Concept Plan, Preliminary Plan or Final Plan, additional copies need not be submitted.
- 305.02 Distribution. One (1) copy of the waiver request will be distributed to the Township Planning Commission, Board of Supervisors and, if necessary, other officials.
- 305.03 Review of the Waiver. The waiver is reviewed by the Township staff and Planning Commission. Recommendations are forwarded to the Board of Supervisors.
- 305.04 Ruling on the Waiver. The Board of Supervisors shall have the authority to approve or disapprove the waiver. In granting any waiver, the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Ordinance.

Action on the waiver shall be entered in the minutes of the Board of Supervisors and forwarded to the applicant. Failure of the Board of

Supervisors to render a decision and communicate it to the applicant as described herein, shall not be deemed approval of the waiver.

SECTION 306

PLANS EXEMPTED FROM STANDARD PROCEDURES.

- 306.01 Procedure for Processing Revised Subdivision and/or Land Development Plans. Previously approved subdivision and/or land development plans may be changed in accordance with this procedure to correct an obvious error. The revised plan shall not alter the number, location or configuration of lots, buildings or other aspects of the plan beyond the original understanding of the Board of Supervisors. The revised plans shall note the specific revision and indicate that the plan supersedes the previous plan solely as it applies to the revision.

All revised subdivision and/or land development plan applications which meet the above, shall be submitted to the designated Township representative, at the Township Building, on any business day. Each application shall include three (3) paper copies of the revised plan and one (1) application form (see Appendix No. 6). The Board of Supervisors shall have the authority to approve or disapprove the revised plan. The applicant will be advised of the scheduled meeting for consideration of the revised plan.

If the Board of Supervisors determine that the revised plan conforms with the above standards, the plan will supersede the previous submission. Revisions to previously recorded plans shall be prepared as Final Plans for recordation in accordance with Section 304.06.

- 306.02 Procedure for Processing Lot Add-On Plans. The lease, conveyance, sale, or transfer of land for the sole purpose of increasing the lot size of an adjacent contiguous lot shall be submitted pursuant to the following procedure, provided no additional lots are created and the resulting configuration does not create a nonconformity with the design provisions of this Ordinance. The lot add-on plan shall indicate that the new parcel will be joined-in-common with the lands of the intended grantee.

Applications for all lot add-on plans shall be submitted to the designated Township representative, at the Township Building, during normal business hours.

However, lot add-on plans must be submitted at least twenty-one (21) days prior to the Planning Commission meeting.

Applicants are required to submit a Sewer Facilities Plan Revision, Exception, or Waiver with the lot add-on plan.

All lot add-on plans must show the entire deeded parcel (including all tracts) to which the lot is to be added and the entire deeded parcel

(including all tracts) from which the lot is to be taken. Applicants are not required to show all contiguous lands owned by the applicant as required in Section 402.03.5.

All lot add-on plans shall include the following:

- a) Eight (8) copies of a plan and all reports, notifications, and certificates which are specified in Section 403;
- b) One (1) application form;
- c) Filing Fee as set by resolution of the Board of Supervisors.

All lot add-on plans shall have an additional signature block for the owners of the adjacent property to which the lot is to be added. The signature(s) are to be in black ink, dated after the latest revision to the plan, and duly acknowledged before an officer authorized to take acknowledgment of deeds. The language in the block shall clearly indicate the intent of the person/party signing it to receive the lot as part of his lands. All lot add-on plans shall have a separate note clearly explaining the purpose of the subdivision, the parcel to be added, the parcel to be added to, that these parcels are to be joined in-common, and may not be separated without a subdivision plan. The signature block and note shall be to the satisfaction of the Board of Supervisors.

If the Planning Commission recommends approval or conditional approval then the lot add-on plan will be forwarded to the Board of Supervisors for their review and approval.

The lot add-on plan may be revised after Planning Commission review and before Board of Supervisors action so long as the revised plan is submitted to Monaghan Township at least six (6) business days before the day of the Board of Supervisors meeting.

If the Board of Supervisors unconditionally approves the plan then the applicant shall prepare Final Plans for recordation in accordance with Section 304.06. If the Board of Supervisors conditions its Final Plan approval upon receipt of additional information, alterations, changes, or notifications such data shall be submitted or alterations of plan made on at least eight (8) copies to be submitted to the designated Township representative.

Compliance with conditions of Final Plan approval shall be determined by the Township Engineer and Zoning Officer and must be attained within ninety (90) days of the Board of Supervisors ruling on the plan.

Upon compliance with the conditions of approval, the applicant shall prepare Final Plans for recordation in accordance with Section 304.06.

ARTICLE IV

INFORMATION TO BE SHOWN ON OR SUBMITTED WITH SUBDIVISION AND LAND DEVELOPMENT PLANS

SECTION 401 CONCEPT PLAN.

The scale and sheet size of Concept Plans shall be as required for Preliminary Plans in Section 402.01. The Concept Plan shall be prepared by a landowner, engineer, land surveyor, landscape architect, or land planner. It is suggested the Concept Plan shall show or be accompanied by the following data, legible in every detail, but not necessarily drawn to exact scale with precise dimensions:

- a) Name and address of the landowner and applicant (if applicable).
- b) Name and address of the individual and the firm that prepared the plan.
- c) Location map with sufficient information to locate the property.
- d) North arrow.
- e) Written scale and graphic scale.
- f) Identification of the district, lot size and/or density and yard requirements of the prevailing Zoning Ordinance.
- g) Existing tract boundaries accurately labeled with the names of adjacent landowners and adjacent plans of record.
- h) Name of the municipality in which the project is located, including the location of any municipal boundary lines if located within the vicinity of the property.
- i) Significant topographical and manmade features (e.g. steep slope, bodies of water, quarries, floodplains, tree masses, structures).
- j) Proposed street, parking, building, lot layout, water supply, sanitary sewage disposal and other planned features.
- k) Proposed land use; if several land uses are proposed, the location of each land use shall be indicated.

The Concept Plan shall be accompanied by an application (see Appendix No. 6) and filing fee. The filing fee shall be in the form of a check or money order drawn to Monaghan Township in an amount specified on the

fee schedule adopted by resolution of the Board of Supervisors and available at the Township Building.

SECTION 402

PRELIMINARY PLANS.

Preliminary plans shall be prepared by an engineer, land surveyor, and/or a landscape architect registered in the Commonwealth of Pennsylvania to perform such duties. Metes and bounds descriptions shall be prepared by land surveyors, and designs which entail engineering expertise shall be prepared by engineers with appropriate expertise. The Preliminary Plan shall show, be accompanied by, or be prepared in accordance with the following:

402.01 Drafting Standards.

402.01.1 The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, or 100 feet to the inch. Profile plans shall maintain a ratio of 1:10 vertical to horizontal.

402.01.2 Dimensions for the entire tract boundary shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. Lot line descriptions shall read in a clockwise direction. The description shall be based upon a survey and not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.

If a landowner is going to retain a single lot with a lot area in excess of ten (10) acres, the boundary of that lot may be identified as a deed plotting and may be drawn at any legible scale; if the retained lot has a lot area of ten (10) or fewer acres, its existing perimeter must be described to the accuracy requirements above.

402.01.3 Submissions for review shall consist of three (3) full-size plans on a sheet size of twenty four by thirty six (24 X 36) inches, and six reduced copies of the full-size plans on a sheet size of eleven by seventeen (11 X 17) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 5). Upon approval of the plan by the Board of Supervisors, submissions for recording shall consist of three (3), or more, full-size sets of the approved plans on a sheet size of twenty four by thirty six (24 X 36) inches.

402.01.4 Plans shall be legible in every detail to the satisfaction of the Township.

- 402.01.5 All plan information shall be provided in an easy to read format. Applicants are encouraged to follow the standard plan format provided in Appendix No. 10.
- 402.02 Location and Identification.
- 402.02.1 The proposed project name or identifying title.
- 402.02.2 The municipality in which the project is to be located. If the tract of land is located in the vicinity of a municipal boundary line, the location of the boundary shall be shown.
- 402.02.3 A location map, drawn to scale, relating the property to at least two (2) intersections of existing road centerlines, including the approximate distance to the intersection of the centerlines of the nearest existing street intersection.
- 402.02.4 The name and address of the owner, authorized agent of the tract, the developer and the firm that prepared the plans.
- 402.02.5 Source of title to the land included within the subject application, as shown in the office of the York County Recorder of Deeds. If equitable owner, the name, address and reference to the equity agreement.
- 402.02.6 The map and lot number assigned to the property by the York County Tax Assessment Office.
- 402.02.7 The file or project number assigned by the firm that prepared the plan, the plan date, and the date(s) of all plan revisions.
- 402.02.8 A north arrow, a graphic scale, and a written scale.
- 402.02.9 The total acreage of the entire existing tract.
- 402.02.10 A statement on the plan identifying the district, lot size and/or density, lot coverage, building coverage, and yard requirements of the prevailing Zoning Ordinance.
- 402.02.11 A statement on the plan identifying any existing waivers, variances, special exception, conditional use, and existing non-conforming structures/uses.
- 402.03 Existing Features.
- 402.03.1 Existing contours, at a minimum vertical interval of two (2) feet for land with average natural slope of four percent (4%) or less and at a minimum vertical interval of five (5) feet for more steeply sloping

land. Contours shall be accompanied by the location of the bench mark within or immediately adjacent to the subject tract and a notation indicating the datum used. Contours plotted from the United States Geodetic Survey may only be used for subdivision plans which require no new streets or other public improvement. Unless required for site evaluation, contour data is not necessary beyond two hundred (200) feet of the proposed lots, or within remaining land which exceeds ten (10) acres. The United States Geodetic Survey shall be used for benchmark datum.

402.03.2 The names of all immediately adjacent landowners, and the names and plan book record numbers of all previously recorded plans for adjacent projects.

402.03.3 The location and description of existing lot line markers and monuments along the perimeter of the entire existing tract.

402.03.4 The following items when located (a) on the subject tract, (b) within two hundred (200) feet of the subject tract, or (c) beyond two hundred (200) feet of the subject tract when the item affects the tract:

The location, size, and name of existing rights-of-way and cartways for streets, access drives, driveways, and service streets.

The location and size of the following existing features and any related rights-of-way: sanitary sewer facilities (including individual on-lot facilities), water supply facilities (including individual on-lot facilities), fire hydrants, buildings, swales, watercourses, bodies of water, floodplain, wetland, and storm water management facilities which affect storm water runoff on the subject tract.

The location and size of existing rights-of-way for electric, telephone, cable television, gas, and oil transmission lines, and railroads.

402.04 Proposed Features.

402.04.1 Complete description of the centerline for all new streets. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc, and chord. The description shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.

402.04.2 Approximate lot line dimensions and lot areas for all parcels. Along existing street rights-of-way, the description shall utilize the existing deed lines.

402.04.3 Lot numbers in consecutive order.

- 402.04.4 In the case of land development plans, the location and configuration of proposed buildings, parking compounds, streets, access drives, driveways, and all other significant facilities.
- 402.04.5 A statement on the plan indicating the proposed total number of lots, units of occupancy, density, minimum lot size, lot coverage, building coverage, types of sanitary sewage disposal, type of water supply, name of authority providing sanitary sewage disposal and water supply (if applicable), and proposed land use. The location of each land use if several types of uses are proposed. This statement shall also include the criteria needed to calculate off-street parking, lot coverage and other requirements of the prevailing Township Zoning Ordinance.
- 402.04.6 Easements for utilities, access, storm water facilities, etc.
- 402.04.7 Building setback lines, with distances from the property and street right-of-way. A typical example may be used to identify side and rear yard setback, however, odd or unusual shaped lots shall be plotted with all setback lines.
- 402.04.8 Identification of buildings and other structures to be demolished.
- 402.04.9 Typical street cross-section for each proposed street and typical cross-section for any existing street which will be improved as part of the application. Each cross-section shall include the entire right-of-way width. Cross-sections for improvements to existing streets shall be provided for each fifty (50) foot station location.
- 402.04.10 Vertical and horizontal alignment on the same sheet for each proposed street, storm water management facility, sanitary sewer (including manhole numbers), and water distribution system. All street profiles shall show at least the existing (natural) profile along the centerline, proposed grade at the centerline, and the length of all proposed vertical curves for streets. All water distribution and sanitary sewer systems shall provide manhole locations, size and type of material. This information is not subject to recording with the York County Recorder of Deeds.
- 402.04.11 Proposed names for new streets.
- 402.04.12 Location and material of all permanent monuments and lot line markers, including a note that all monuments and lot line markers are set or indicating when they will be set.
- 402.04.13 The location of all proposed dwellings and a grading plan illustrating existing and proposed grades through the use of

topographic contours and/or spot elevations. The grading plan shall include finished grades and ground floor elevations at all doorways.

402.04.14 A statement on the plan indicating any proposed waivers. This statement must be revised, prior to recordation of the plan, to acknowledge the outcome of the requested waiver.

402.04.15 Identification of any lands to be dedicated or reserved for public, semi-public, or community use by metes and bounds on the plan.

402.05 Reports.

402.05.1 A plan drawn to the standards of a Concept Plan for the entire landholding when, in the opinion of the Township, the application significantly impacts the undeveloped portion of the landholding. The application will be considered in light of its relationship to the entire landholding.

402.05.2 A Sewer Facilities Plan Revision (Plan Revision Module for Land Development), or Supplement when required by the Pennsylvania Sewerage Facilities Act 537 of 1966, as amended. The site plan or subdivision sheet submitted for the (Plan Revision Module for Land Development, or) Exemptions to Revisions for a proposed subdivision, must be submitted with the subdivision plan before final approval, to be recorded with the final plan.

402.05.3 A Storm Water Management Plan in accordance with the Monaghan Township Storm Water Management Ordinance of 1992, as amended.

402.05.4 A Steep Slope Report shall be required for all applications which propose any earth disturbance involving lands that possess slopes exceeding fifteen per cent (15%). Standards for boundary interpretation are provided in Section 612. Any application which does not propose earth disturbance within the designated 'Steep Slope Areas' shall affix the following statement to the plan:

There will be no earth disturbance permitted in the designated steep slope area in the absence of an approved Steep Slope Report. If any construction and/or modification is proposed to the existing topography and/or vegetative cover within steep slope areas by any subsequent property owner, a Steep Slope Report must first be submitted to, and approved by, the Township.

The Steep Slope Report shall include the following:

- a) A topographic map of the site which highlights those areas that possess slopes exceeding fifteen percent (15%). Also reflected on this map shall be all existing and proposed site alterations and improvements (e.g., buildings, streets, access drives, driveways, parking compounds, utilities, etc.) that are located within the steep slope area.
- b) In those instances where construction and/or modifications to the existing topography and vegetative cover is proposed within areas of fifteen percent (15%) or greater slope, a detailed description of the methods that are being used to:
 - (1) protection and stabilization of areas that have a high potential for soil erosion;
 - (2) accommodate storm water runoff;
 - (3) assure structural safety and minimize harm to the environment associated with construction on steep slopes;
 - (4) protection and preservation of on-site and off-site valuable natural wildlife, plant habitats, and water quality;
 - (5) protection of steep slopes on adjoining properties; and,
 - (6) assure adequate foundations for buildings and/or structures.
- c) A soils engineering report prepared by a registered professional engineer with expertise in soil, geology, and construction shall be submitted for all construction and/or modifications to the existing topography and vegetative cover in areas of fifteen percent (15%) or greater. The soils engineering report shall include:
 - (1) the nature, types, distribution and stability of the surface and subsurface soils for load bearing, stability and compaction;
 - (2) extent, description and location of exposed rock and bedrock;
 - (3) erodability of surface soil; and,
 - (4) depth to seasonal high water table.

402.05.5

A Traffic Impact Report for all residential land uses which exceed fifty (50) lots or units in whole or in part, nonresidential uses that require more than fifty (50) parking spaces, or upon a determination by the Board of Supervisors that the volume or type of anticipated vehicle movements may adversely impact road conditions.

- a) A Traffic Impact Report shall include, at a minimum, the following information:
 - (1) study purpose and objectives;
 - (2) description of the site and study area;
 - (3) existing conditions in the area of the development;
 - (4) recorded or approved nearby development;
 - (5) trip generation, trip distribution, and modal split;

- (6) projected future traffic volumes;
- (7) an assessment of the change in roadway operating conditions resulting from the development traffic; and,
- (8) recommendations for site access and transportation improvements needed to maintain traffic flow to, from, within, and past the site at an acceptable and safe level of service.

Prior to the preparation of a Traffic Impact Report, the project engineer is encouraged to meet with the Township to identify the study area, define the area of influence, and non-site traffic impacts.

- b) The analysis shall be presented in a straightforward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations. The recommendations shall specify the time period within which the improvements should be made (particularly if the improvements are associated with various phases of the development construction), and any monitoring of operating conditions and improvements that may be required. Data shall be presented in tables, graphs, maps, and diagrams wherever possible for clarity and ease of review. An executive summary of one or two pages shall be provided, concisely summarizing the purpose, conclusions, and recommendations.

The Traffic Impact Report shall conform with the following process of analysis:

- (1) Preparer. The report shall be prepared under the supervision of a qualified and experienced transportation engineer with specific training in traffic and transportation engineering and at least two (2) years of experience related to preparing Traffic Impact Reports.
- (2) Study Area. The study area shall be based on the characteristics of the surrounding area. The intersections to be included in the report shall be adjacent to the site or have direct impact upon the access to the site. The intersections shall be mutually agreed upon by the Township and the traffic engineer preparing the study.
- (3) Definition of Influence Area. Prior to trip distribution of site-generated trips, an influence area must be defined which contains eighty percent (80%) or more of the trip ends that will be attracted to the development. A market study can be used to establish the limits of an influence area. If a market study is not available, an influence area shall be estimated based on a reasonable documented estimate. The influence area can also be based on a reasonable maximum convenient travel time to

the site, or delineating area boundaries based on locations of competing developments.

- (4) **Horizon Year.** The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full build-out and occupancy. This year is referred to as the horizon year.
- (5) **Trip Generation Rates.** The Traffic Impact Report shall include a table showing the categories and quantities of land uses, with the corresponding trip generation rates or equations, and resulting number of trips. The trip generation rates used must be either from the latest edition of *Trip Generation* (Institute of Transportation Engineers, Washington, D.C.), or from a local study of corresponding land uses and quantities. All sources must be referenced in the study.

If pass-by trips or shared trips are a major consideration for the land use in question, studies and interviews at similar land uses must be conducted or referenced. Any significant difference between the sums of single-use rates and proposed mixed-use estimates must be justified in the report. The reasoning and data used in developing a trip generation rate for special/unusual generators must be justified and explained in the report.

- (6) **Non-Site Traffic Estimates.** Estimates of non-site traffic shall be made, and will consist of through traffic and traffic generated by all other developments within the study area for which preliminary or final plans have been approved. Non-site traffic may be estimated using any one of the following three methods: “Build-up” technique, area transportation plan data or modeled volumes, and trends or growth rates.
- (7) **Estimates of Trip Distribution.** Trip distribution can be estimated using any one of the following three methods:
 - i. analogy;
 - ii. trip distribution model; and,
 - iii. surrogate data.

Whichever method is used, trip distribution must be estimated and analyzed for the horizon year. A multi-use development may require more than one distribution and coinciding assignment for each phase. Consideration must also be given to whether inbound and outbound trips will have similar distributions.

- (8) Trip Assignments. Assignments must be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected (and perceived) minimum travel times. In addition, multiple paths should often be assigned between origins and destinations to achieve realistic estimates, rather than assigning all of the trips to the route with the shortest travel time. The assignments must be carried through the external site access points and in large projects (those producing five hundred [500] or more additional peak direction trips to or from the site during the development's peak hour) through the internal roadways. When the site has more than one access driveway, logical routing and possibly multiple paths should be used to obtain realistic driveway volumes. The assignment should reflect conditions at the time of the analysis. Assignments can be accomplished either manually or with applicable computer models.

If a thorough analysis is required to account for pass-by trips, the following procedure should be used:

- i. determine the percentage of pass-by trips in the total trips generated;
- ii. estimate a trip distribution for the pass-by trips;
- iii. perform two separate trip assignments, based on the new and pass-by trip distributions; and,
- iv. combine the pass-by and new trip assignment.

Upon completion of the initial site traffic assignment, the results should be reviewed to see if the volumes appear logical given characteristics of the road system and trip distribution. Adjustments should be made if the initial results do not appear to be logical or reasonable.

- (9) Total Traffic Impacts. Traffic estimates for any site with current traffic activity must reflect not only new traffic associated with the site's development, but also the trips subtracted from the traffic stream because of the removal of the existing land use. The traffic impact report should clearly depict the total traffic estimate and its components.
- (10) Capacity Analysis. Capacity analysis must be performed at each of the major street and project site access intersection locations (signalized and unsignalized) within the study area. In addition, analyses must be completed for roadway segments, deemed sensitive to site traffic within the study area. These may include such segments as weaving sections, ramps, internal site roadways, parking facility access points, and reservoirs for vehicles queuing off-site and on-site. Other

locations may be deemed appropriate, depending on the situation.

The operational analyses in the *1985 Highway Capacity Manual, Special Report 209* (Transportation Research Board, National Research Council, Washington, D.C.), or the latest edition, should be used for analyzing existing conditions, traffic impacts, access requirements, or other future conditions for which traffic, geometric, and control parameters can be established.

- (11) Required Levels of Service. The recommendations of the traffic impact study shall provide safe and efficient movement of traffic to and from and within and past the proposed development, while minimizing the impact to non-site trips. The current levels of service must:
 - i. be maintained if they are “C” or less; and,
 - ii. not deteriorate to worse than “C” if they are currently “A” or “B.”
- (12) Responsibility for Improvements. The applicant shall be responsible for the improvements required to provide safe and convenient ingress and egress to the development site.

402.05.6

A Water Supply Capacity Report for projects which propose a groundwater system of greater than twenty-five (25) residential units (single or cumulative), or commercial uses or industrial uses which propose the single or cumulative use of greater than seven thousand five hundred (7,500) gallons per day of groundwater. A Water Supply Capacity Report shall be prepared by a professional engineer with expertise in hydrology, soils and geology. The Report must demonstrate that the groundwater recharge on the subject property after development, during drought conditions (precipitation at forty percent [40%] below normal) will exceed the anticipated water usage and that the project will not lower the groundwater table in the area to the extent of decreasing the groundwater supply available to other property below safe levels.

- 402.05.7 Prior to any earth disturbance activity, or submission of any Building (or other) Permit application to the Township, the homeowner of record and/or the contractor shall contact the York County Conservation District to determine if, based upon the anticipated amount of earth disturbance, any additional approvals or plans regarding compliance with DEP Chapter 102 or NPDES regulations are required, and shall be responsible for such approval prior to any permit application submission to the Township.

402.06 Certifications and Notifications.

- 402.06.1 Where the land included in the subject application has an electric or telephone transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the application shall be accompanied by a copy of the right-of-way agreement or a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.
- 402.06.2 A statement by the individual responsible for the data to the effect that the survey, plan and/or other general data are correct (see Appendix No. 1). This statement must be placed on both plans and reports.
- 402.06.3 A statement acknowledging that the subdivision or land development shown on the Plan is presented with the consent of the landowner.
- 402.06.4 A statement that a Highway Occupancy Permit has been approved (and identification of the permit attached, pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), as amended), before any improvements are initiated within a State highway, or a street, access drive, or driveway intersection to a State highway is permitted. Further, if access is proposed to a Township road, identification of an approved Driveway/Highway Occupancy Permit issued by the Township must be identified.
- 402.06.5 An application. (See Appendix No. 6.)
- 402.06.6 (Optional) A statement acknowledging Township action. (See Appendix Nos. 3 and 4.)
- 402.07 Filing Fee. The Preliminary Plan shall be accompanied by a check or money order drawn to Monaghan Township in an amount specified on the fee schedule adopted by resolution of the Board of Supervisors and available at the Township Building.

SECTION 403 FINAL PLANS.

Final plans shall be prepared by an engineer, land surveyor, or landscape architect registered in the Commonwealth of Pennsylvania to perform such duties. The Final Plan shall be substantially consistent with the Preliminary Plan. The Final Plan shall show, be accompanied by, or prepared in accordance with the following:

- 403.01 Drafting Standards. The same standards are required for a Final Plan as specified for a Preliminary Plan in Section 402.01.
- 403.02 Location and Identification. The same standards are required for a Final Plan as specified for a Preliminary Plan in Section 402.02.

- 403.03 Existing Features. The same standards are required for a Final Plan as specified for a Preliminary Plan in Section 402.03.
- 403.04 Proposed Features. In addition to the following data, the same standards are required for a Final Plan as specified for a Preliminary Plan in Section 402.04.
- 403.04.1 Complete description of the centerline and right-of-way line for all new streets. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc, and chord. The description shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
- 403.04.2 Complete description of all lot lines, with accurate bearings and distances, and lot areas for all parcels. Curve segments shall be comprised of arc, chord, bearing and distance. Along existing street rights-of-way, the description may utilize the existing deed lines or road centerlines. Along all proposed street rights-of-way, the description shall be prepared to the right-of-way lines. The description shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
- 403.04.3 Locational dimensions for easements shall be identified on the plan by metes and bounds, the recipient of the easement as well as the present or proposed use shall be identified on the plan, and the identification of the easement on the plan shall have sufficient detail to provide easy on-site location.
- 403.05 Reports. The same standards are required for a Final Plan as specified for Preliminary Plan in Section 402.05. If the reports were submitted with the Preliminary Plan and the contents are unchanged, they may be submitted by reference as opposed to full text submission.
- 403.06 Certifications and Notifications. In addition to the following data, the same standards are required for a Final Plan as specified for Preliminary Plan in Section 402.06.
- 403.06.1 A statement acknowledging Final Plan approval (see Appendix No. 5). This statement must be placed on all sheets which are subject to recording in the office of the York County Recorder of Deeds.
- 403.06.2 A statement acknowledging Plan Review by the Township Planning Commission (see Appendix No. 3). This statement must be placed on all sheets which are subject to recording in the office of the York County Recorder of Deeds.
- 403.06.3 Notice from the Pennsylvania Department of Environmental Resources that a Sewer Facilities Plan Revision or Supplement has been approved.
- 403.06.4 A notarized statement signed by the landowner, duly acknowledged before an officer authorized to take acknowledgment of deeds, to the effect that the subdivision or land development shown on the plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and plan, and that they desire the same to be recorded (see

Appendix No. 2). This must be dated following the last change or revision to said plan.

- 403.06.5 A statement of dedication of streets and other public property as well as area that is not to be offered for dedication. (See Appendix No. 2.)
- 403.06.6 The submission of a controlling agreement for private streets in accordance with Section 602.02 when an application proposes to establish areas which are not offered for dedication to public use.
- 403.06.7 Such written notices of approval as required by this Ordinance, including written notices approving the street name, encroachments along State Routes, water supply systems, sanitary sewage systems, and storm water runoff to adjacent properties.
- 403.06.8 A statement to accommodate the York County Recorder of Deeds information. (See Appendix No. 3.)
- 403.06.9 Improvement guarantees in accordance with Article V.
- 403.06.10 An application. (See Appendix No. 6.)
- 403.06.11 An executed Memorandum of Understanding which sets forth the responsibilities of all parties regarding the installation and inspection of the required improvements. (See Appendix No. 9.)
- 403.07 Filing Fee. The Final Plan shall also be accompanied by a check or money order drawn to Monaghan Township in an amount specified on the fee schedule adopted by resolution of the Board of Supervisors and available at the Township Building.

ARTICLE V

IMPROVEMENT GUARANTEES

SECTION 501 GENERAL.

No project shall be considered in compliance with this Ordinance until the streets, street signs, sidewalks, curbs, landscaping required by Ordinance, storm drainage for dedication or which affect adjacent properties or streets, sanitary sewer facilities for joint use, water supply facilities for joint use, fire hydrants, lot line markers, survey monuments and other such public improvements have been installed in accordance with this Ordinance and other applicable Township ordinances.

When sanitary sewer and water supply facilities are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

No Final Plan shall be signed by the Board of Supervisors for recording in the office of the York County Recorder of Deeds unless: (1) a financial security in accordance with Section 502 is accepted by the Board of Supervisors, and/or (2) the public improvements required by this Ordinance have been installed, in accordance with Section 503.

SECTION 502 FINANCIAL SECURITY.

The administration of the financial security shall comply with the provisions of this Article, the Pennsylvania Municipalities Planning Code, Act 247, as re-enacted and amended by Act 170 of 1988, and as subsequently amended, and other applicable laws of the Commonwealth.

502.01 Submission of Financial Security. Final Plan applications which include public improvements that have not been installed, shall include a financial security and Memorandum of Understanding. (See Appendix No. 9.)

502.01.1 Type of Financial Security. Financial security must comply with the following, and is subject to review by the Township Solicitor and Board of Supervisors for adequacy.

- a) Escrow Account. A deposit of cash either with (1) the Township or (2) in escrow with a Federally-chartered financial institution.
- b) Irrevocable Letter of Credit. A letter provided by the developer from a Federally-chartered financial institution.

502.01.2 General Contents. In addition to other information required by the Township, financial securities shall include the following:

- a) The amount of secured funds.
- b) In case of failure on the part of the developer to complete the specified improvements within a time period specified in a written agreement, the funds shall be paid to the Township immediately and without further action, upon presentation of a signed draft in an amount necessary to finance the completion of those improvements, up to the limit of the security.
- c) The security is irrevocable and may not be withdrawn, or reduced in amount by other than the Township, until release or partially released by the Township.

502.01.3 Amount of Financial Security. The amount of financial security shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date schedule for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals said one hundred ten percent (110%). Any additional security shall be posted by the developer in accordance with this Ordinance.

The amount of financial security required shall be based upon an estimate of the cost of completion (including quantities and unit cost) of the required improvements, prepared and submitted by [a] an applicant or developer and prepared and certified by [an] a professional engineer and certified by such engineer to be a fair and reasonable estimate of such cost. Said estimate shall be reviewed by the Township Engineer, with a recommendation presented to the Board of Supervisors, and approved by the Board of Supervisors on an individual basis.

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 ten percent (10%) for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above procedure.

502.02 Release of Financial Security. When all or part of the financially secured improvements are completed, the developer may notify the Board of Supervisors and

request a release of the financial security. The reduction of a portion of the financial security shall be limited to the lesser of a minimum twenty percent (20%) or one hundred thousand dollars (\$100,000) of the total financial security.

All requests for release of financial security shall be in writing, by certified or registered mail to the Board of Supervisors, at the Township Building, and a copy thereof shall be sent to the Township Engineer. This notice shall include the "As-Built Plan" in accordance with Section 507.

The Board of Supervisors shall, within ten (10) days after receipt of notice for release of financial security, direct the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, within thirty (30) days, file a written report with the Board of Supervisors, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, are not approved by the Township Engineer, said report shall contain a statement of reasons for such rejection.

The Board of Supervisors shall notify the developer, within fifteen (15) days of receipt of the Township Engineer's report, in writing by certified or registered mail of the action of the Board of Supervisors with relation thereto.

If any portion of the said improvements shall not be approved or shall be rejected by the Board of Supervisors the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

502.03 Other Remedies. If proceeds of the financial security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Supervisors may, at its option, install all or part of such improvements and may institute appropriate legal or equitable action to recover the funds 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 applicant, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

SECTION 503 INSTALLATION OF PUBLIC IMPROVEMENTS IN CONJUNCTION WITH CONDITIONAL FINAL PLAN APPROVAL.

The procedure is available for the installation of public improvements in lieu of placing financial security with the Township.

503.01 Authorization for Construction. Conditional Final Plan approval with the only outstanding condition being the guarantee of public improvements, the Memorandum of Understanding (see sample memorandum on Appendix No. 8) and approvals/permits from other agencies with jurisdiction grants the authority to install only the Public Improvements required as part of this Ordinance. Public

improvements are limited to streets, street signs, sidewalks, curbs, landscaping required by this Ordinance, storm drainage for dedication or which affects adjacent properties or streets, sanitary sewer facilities for joint use, water supply facilities for joint use, fire hydrants, lot line markers, survey monuments and other such public improvements.

503.02 Completion of Public Improvements. When all or part of the public improvements are complete, the developer shall notify the Board of Supervisors. Notification of completion of a portion of the public improvements is only necessary should the developer elect to financially secure the remaining improvements in accordance with Section 502.

Notification of completion of improvements shall be in writing, by certified or registered mail, and a copy thereof shall be sent to the Township Engineer. This notice shall include the "As-Built Plan" in accordance with Section 506.

The Board of Supervisors shall, within ten (10) days after receipt of notice of completion, direct the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, within thirty (30) days, file a report, in writing, with the Board of Supervisors, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, are not approved by the Township Engineer, said report shall contain a statement of reasons for such rejection.

The Board of Supervisors shall notify the developer, within fifteen (15) days of receipt of the Township Engineer's report, in writing by certified or registered mail of the action of the Board of Supervisors with relation thereto.

If any portion of the said improvements shall not be approved by the Board of Supervisors, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

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 Board of Supervisors or the Township Engineer.

SECTION 504 DEDICATION OF IMPROVEMENTS.

All improvements shall be deemed to be private improvements and only for the benefit of the specific project until such time as the same have been offered for dedication and formally accepted by the Board of Supervisors. No responsibility of any kind with respect to improvements shown on the plan shall be transferred until the improvements have been formally accepted. All requests for dedication shall include the assignment document in a recordable form.

SECTION 505 MAINTENANCE GUARANTEE.

The Board of Supervisors may, at its discretion, require the developer to submit a maintenance guarantee or other approved guarantee as specified herein, guaranteeing the structural integrity as well as function of any improvement shown on the Final Plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication by the Board of Supervisors. Said guarantee shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements and be of the same type of financial security as required in this Article.

SECTION 506 INSPECTION OF IMPROVEMENT DURING CONSTRUCTION.

Inspections shall be required prior to the start of construction, during installation of materials and structures, and upon the completion of all improvements. Prior to the initiation of construction, the developer shall arrange a pre-construction meeting with the Township Engineer so that an inspection schedule can be coordinated with the construction schedule. The Township Engineer shall be notified two (2) working days in advance of any intended date of construction. The provisions stated herein shall not be construed as mandating periodic inspections and the undertaking of periodic inspections shall not be construed as an acceptance of the work during construction or as a final inspection of the construction.

The Township, at the expense of the developer, reserves the right to require tests of the improvement to determine whether the improvement complies in all respects with the requirements of the Township.

A specific schedule and procedure for information will be established for each project. The following is intended to describe the format of inspections:

- 506.01 Subsoil System. Inspection and testing to determine subsoil compaction to required density, and inspection of subsoil elevation to insure grade and profile compatibility.
- 506.02 Subgrade Structure. Inspection and testing of subgrade type and required density.
- 506.03 Underground Utilities and Storm Drainage System. Inspection and testing of pipe installation, including service laterals, inlets, manholes, endwalls, and bridges prior to backfilling. Air testing of water distribution system to required standards.
- 506.04 Concrete Curb Structure. Inspection prior to installation of string line to show type of curb, grade, and alignment. Material inspection, including the submittal of all certified material delivery slips.
- 506.05 Street Sub Base Course. Inspection of materials placed as sub base prior to installation of base course, including the submittal of all certified material delivery slips.
- 506.06 Street Base Course. Inspection of materials placed as base, including the submittal of all certified material weight slips.

- 506.07 Street Wearing Course Structure. Inspection of materials placed as wearing surface, including the submittal of all certified material weight slips.
- 506.08 Sidewalk Structures. Inspection of sub base grade and form grade and alignment prior to any pour.
- 506.09 Right-of-Way Profile. Inspection of required finish grade elevations to limits of street right-of-way.
- 506.10 Storm Drainage Easement Structures. Inspection of required finish grade elevations, alignments and profiles to limits of easement.
- 506.11 Seeding, Sodding and Erosion Controls. Inspection as required to assure compliance with storm drainage regulations.

SECTION 507 AS-BUILT PLANS.

Upon completion of all required improvements and prior to final inspections of improvements, the developer shall submit a Plan labeled "As-Built Plan," showing the actual location, dimension and elevation of all existing improvements. In addition, the plan shall demonstrate that the existing grading, drainage structures and/or drainage systems and erosion and sediment control practices, including vegetative measures, are in substantial conformance with the previously approved drawings and specifications. The plan shall specifically identify all deviations from the previously approved drawings. Three (3) copies of the plan shall be submitted to the Township for distribution to the Township Engineer and the appropriate Township Files.

ARTICLE VI

DESIGN STANDARDS

SECTION 601 GENERAL.

The standards and requirements contained in this Article shall apply as minimum design standards for subdivisions and/or land developments. Whenever other Township ordinances or regulations impose more restrictive standards and requirements than those contained herein, the more restrictive shall apply.

601.01 Site Analysis. An analysis shall be made of the site characteristics, such as site configuration, geology, soil, topography, water bodies, ecology, vegetation, structures, road network, visual features and past/present use of the site. Development of the site shall be designed to:

- a) preserve the natural features of the site;
- b) avoid areas of environmental sensitivity; and,
- c) minimize negative impacts and alteration of natural features.

601.02 Preservation of Natural and Cultural Features. The following specific areas shall be preserved as undeveloped open space, and incorporated into the overall design:

- a) Wetlands, as defined by this Ordinance, except in those situations where permits or approvals from applicable State and Federal agencies have been obtained (see Section 610);
- b) Significant trees or stands of trees, defined as the largest known individual trees of each species in the State, large trees approaching the diameter of the known largest tree, or species or clumps of trees that are rare to the area or of particular horticultural or landscape value;
- c) Floodplain, as defined by the Monaghan Township Zoning Ordinance;
- d) Steep slopes in excess of twenty-five percent (25%);
- e) Habitats of endangered wildlife, as identified on Federal or State lists; and,
- f) Historically significant structures and sites, as listed on Federal or State lists of historic places.

601.03 General Design Goals. The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and

to mitigate adverse effects of shadow, noise, glare, odor, traffic, drainage, and utilities on neighboring properties.

601.04 Conformance with Adopted Plans. Design of the development shall take into consideration all adopted Township, County, and State plans for the Township and surrounding community.

SECTION 602 STREETS, ALLEYS, ACCESS DRIVES AND DRIVEWAYS

602.01 General Arrangements. Streets, alleys, access drives and driveways form the circulation system. The circulation system shall be designed to:

- a) Permit the safe, efficient and orderly movement of vehicles;
- b) Meet the needs of the present and future population;
- c) Provide a simple and logical pattern;
- d) Respect the natural features and topography; and,
- e) Present an attractive streetscape.

602.02 Private Streets. Private streets are prohibited unless they meet the design standards of these regulations. Applications which propose a private street shall be accompanied by a right-of-way agreement which is subject to the review and approval of the Township. This agreement shall be recorded with the office of the York County Recorder of Deeds on the same date as the recording of the Final Plan. This agreement shall contain at least the following:

- a) Identification of the entity with responsibility for the private street. This entity shall be principally composed of the owners of land which the private street system serves.
- b) Provision for enforcing the agreement upon all parties of the agreement.
- c) Assurance that the street will be constructed and maintained in conformance with this Ordinance.
- d) A requirement that a future offer of dedication will not be made until and unless the street is restored to the prevailing standards for a Township street.
- e) A requirement that an offer of dedication will include either the entire street system, or sections which provide reasonable circulation within the public street system.
- f) A method for assessing maintenance repair cost.

602.03 Improvements of Existing Streets. Where a subdivision and/or land development abuts an existing Township and/or State street, or the Traffic Impact Report (see Section 402.05.5) identifies an impact upon an existing Township and/or State street, the application shall conform to the following:

602.03.1 Ultimate Right-of-Way. Existing Township and/or State streets shall be provided with the ultimate street right-of-way specified in the latest edition of the *Monaghan Township Comprehensive Plan*.

602.03.2 Installation of Improvements. Where a subdivision and/or land development abuts a Township and/or State street which does not meet the minimum cartway width of this Ordinance, or the Traffic Impact Report indicates that improvements are required on abutting or nearby streets, the application shall include the installation of the improvements.

602.03.3. Guarantee of Improvements. Improvement guarantees in the form permitted by this Ordinance shall assure that such improvements will be made within such period of time as the Township shall determine, such determination to be based on the likely timing of the project and the improvements of the other portion of said street.

602.04 Arterial Street Design. An arterial street is one which provides for intra-community travel connecting population centers and carrying large volumes of traffic at speeds higher than desirable on other types of streets, as well as local traffic. The design standards for arterial streets shall be as specified by the Pennsylvania Department of Transportation and based upon the projected average daily traffic and speed limit.

Where a development abuts an arterial street, the Township may require the use of marginal access streets, reverse frontage lots, or such other treatment that will provide protection for abutting properties, reduce the number of intersections with the major street, and separate the local and through traffic.

602.05 Street Function. Local streets shall be laid out to discourage use by through traffic and excessive speeds. Streets shall be designed to form continuations of streets with similar function and access streets of a greater function. A rigid rectangular street pattern is not required. The use of the modified grid pattern or curvilinear streets may be provided when their use will result in a more desirable relationship with circulation routes, adjoining development patterns, topography, and natural features.

602.06 Street Provisions for Future Development. Where appropriate, areas shall be reserved for future street usage in conjunction with the development of adjacent tracts. Areas reserved for future street usage will not be required to be improved; however, the right-of-way for these areas shall be reserved for street improvements to be provided by the developer of the adjacent tract.

Wherever there exists a dedicated or platted area reserved for future street usage along the boundary of a tract being developed, the adjacent street shall be extended into the

proposed project provided this use is not adverse to the man-made or natural features of the site.

When connecting a proposed street to an existing temporary cul-de-sac, such connection and all restoration work required to restore the adjacent lots in the area of the existing turnaround shall be the responsibility of the developer proposing the connection.

602.07 Street Names. Continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets within the same postal area. All new street names are subject to approval by the Township and Postmaster.

602.07.1 Street Signs. Street signs including name, and traffic controls shall be installed by the Township and funded by the developer.

602.08 Vertical Alignments. Vertical street alignments shall be measured along the centerline. The minimum grade of all streets shall be one-half percent (.5%). The maximum grade for streets with a projected average daily traffic count over one thousand (1,000) vehicles and/or a speed limit over twenty-five (25) miles per hour shall not exceed eight percent (8%). All other streets shall not exceed ten percent (10%). When, in the opinion of the Board of Supervisors, site conditions warrant and traffic safety conditions permit, the maximum grade may be increased up to twelve percent (12%). Grades in excess of ten percent (10%) shall not be located in the vicinity of intersections or extend for distances which are excessive for safe traffic flow.

602.08.1 Vertical curves shall be used in changes of grade exceeding one percent (1%). The minimum lengths, in feet, of vertical curves shall be based upon the following:

	SPEED LIMIT*		
	30	40	50
Crest Vertical Curves	28	55	85
SAG Vertical Curves	35	55	75

*If the 85th percentile speed varies by more than ten (10) miles per hour from the speed limit, the Township may require the 85th percentile speed to be used.

For example, if a three percent (3%) upgrade is followed by a four (4) percent downgrade, the algebraic difference in grade for a 30 miles per hour speed limit is 7 [+3-(-4)=7]; the minimum length of the vertical curve would then be 196 feet [28x7=196].

602.08.2 Where the approaching grade exceeds seven percent (7%) on streets at a four-way street intersection, or the terminating street at a three-way

intersection, a leveling area shall be provided. Such leveling area shall have a maximum grade of four percent (4%) for a minimum length of one hundred (100) feet measured from the intersection of the centerlines.

602.08.3 The grade within the diameter of a turnaround at the terminus of a permanent cul-de-sac shall be at least one half percent (.5%) and not exceed five percent (5%) in all directions.

602.08.4 All areas within the street right-of-way shall be graded substantial consistent with the street centerline. The maximum slopes of banks located outside of the street right-of-way, measured perpendicular to the right-of-way of the street shall not exceed three to one (3:1) for fills and two to one (2:1) for cuts.

602.09 Horizontal Alignments. Horizontal street alignments shall be measured along the centerline. Horizontal curves shall be used at all angle changes.

Single, long radius curves shall be used rather than a series of curves with varying radii and/or a series of short curves separated by short, straight segments.

The minimum horizontal curve radius shall be one hundred fifty (150) feet. All curves shall be tangential arcs.

A minimum one hundred (100) foot tangent shall be provided between reverse curves on collector streets.

602.09.1 Perimeter Streets. Street locations along the perimeter of a property shall be required to provide building setback lines and clear sight triangles within the adjacent properties; permission for these encroachments shall be obtained in the form of a right-of-way from the adjacent landowner.

602.09.2 Cartway Alignment. The centerline of the street cartway shall correspond with the centerline of the street right-of-way.

602.10 Street Right-of-Way and Cartway Widths. The minimum street rights-of-way and cartway widths shall be as follows:

Function	Minimum Right-of-Way Width ¹	Minimum Cartway Width ¹
<u>Collector.</u> A street which (1) provides access to a residential land use with a density in excess of three (3) dwelling units per acre, an industrial use, or a commercial land use and/or serves as the main entrance or circulation street in a sizable development.	60 ft.	36 ft.

<u>Minor.</u> A street which provides access to a residential land use with a density of three (3) or less dwelling units per acre or an institutional land use.	50 ft.	28 ft.
Turnaround ²	100 ft.	80 ft.

¹Width/diameter.

²The Board of Supervisors, upon the recommendation of the Planning Commission, may permit an alternative turnaround design, including a turnaround incorporated into a parking court or a landscaped island, provided safe movement of traffic assured, adequate radii are used and guaranteed long-term maintenance is provided.

The extension of existing streets which are presently constructed with a cartway different from the standards of this Ordinance shall be provided with a transition area, the design of which is subject to Township approval.

602.11 Street Improvements - All streets shall be designed in accordance with PennDOT specifications, acceptable engineering standards, and the following:

602.11.1 Subgrade - The subgrade shall be prepared, as specified below:

- a) All rock shall be removed and covered with a six (6) inch cushion of suitable material meeting the physical placement and compaction requirements of PennDOT.
- b) Preparation of subgrade shall conform to the construction requirements of PennDOT.
- c) One-quarter (1/4) inch per foot crown must be maintained when fine grading subgrade and subbase.
- d) No stone shall be laid on frozen ground.
- e) Geotextile fabric shall be used when required, in accordance with the specific street design or at the direction of the Township Engineer.

602.11.2 Subgrade, Base and Surface Courses - The subgrade, base and surface courses shall be compacted with a ten (10) ton vibratory roller, or its equivalent when authorized by the Township Engineer, and conform with one of the following:

Alternate Type	Minor Street	Collector Street
Surface	3.5 in.	3.5 in.
CABC, CABC-DG	6.0 in.	8.0 in.
Sub Base	6.0 in.	6.0 in.

Surface	1.5 in.	3.5 in.
BCBC	4.5 in.	4.0 in.
Sub Base	6.0 in.	6.0 in.

All construction shall be in conformance with the provisions of the Monaghan Township Road Ordinance, and the latest edition of PennDOT Manual 408.

602.11.3 Finished Streets - All finished streets must maintain one-quarter (¼) inch per foot crown, except on super elevations.

602.12 Street Intersections.

602.12.1 All intersections with a State Route shall be subject to the approval of the Pennsylvania Department of Transportation (PennDOT). Copies of Highway Occupancy Permits from PennDOT shall be submitted for all proposed intersections with a State Route prior to Final Plan approval.

602.12.2 Multiple intersections involving the junction of more than two streets are prohibited. Only two and four way intersections are permitted.

602.12.3 The distance between centerline intersections along collector or minor streets shall be no less than one hundred fifty (150) feet measured along the centerline of the street being intersected. Intersections with arterial streets shall not be located closer than one thousand (1,000) feet, measured from centerline to centerline, along the centerline of the arterial street.

602.12.4 Right angle intersections shall be used whenever possible. No street shall intersect another at an angle of less than seventy-five (75) degrees or more than one hundred five (105) degrees.

602.12.5 The cartway edge at intersections shall be rounded by a tangential arc with a minimum radii of fifty-five (55) feet for collector and/or arterial streets, and thirty (30) feet for minor streets. The right-of-way radii at intersections shall be substantially concentric with the cartway edge.

602.12.6 There shall be provided and maintained at all existing and proposed intersections a clear-sight triangle with a line of sight between points which are established along the centerline of the intersecting streets. The minimum clear-sight triangles are as follows:

Types of Street	Clear-Sight Triangle Side
Arterial/Collector	150 ft.
Minor	100 ft.

Clear-sight triangles shall be indicated on all plans. No building, structure, planting, or other obstruction that would obscure the vision of a motorist shall be permitted within these areas. No obstructions, grading and/or plantings greater than three (3) feet above the cartway grade are permitted

in the clear-sight triangle. A public right-of-way shall be reserved for the purpose of removing any object, material or other obstruction to the clear sight.

602.13 Sight Distance. All intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment. The sight distance shall be measured at the centerline of the cartway to an object four and one quarter (4.25) feet above the pavement, from a height of three and one half (3.50) feet and ten (10) feet from the edge of paving at the intersection. The following are minimum sight distances:

SPEED (M.P.H.)*	STREET GRADE IN PERCENT												
	<1	+1	-1	+2	-2	+3	-3	+4	-4	+5	-5	+6	-6
15	75'	74'	75'	73'	76'	73'	77'	73'	77'	73'	78'	72'	79'
20	109'	108'	110'	107'	111'	106'	112'	105'	113'	105'	114'	104'	115'
25	147'	145'	148'	144'	150'	143'	151'	142'	153'	140'	155'	139'	157'
30	196'	194'	198'	191'	201'	189'	204'	187'	207'	185'	210'	183'	214'
35	249'	245'	252'	242'	256'	238'	260'	236'	265'	233'	269'	231'	274'
40	314'	309'	319'	309'	325'	299'	331'	295'	337'	291'	345'	287'	352'
45	383'	376'	390'	370'	398'	364'	406'	358'	415'	353'	425'	348'	435'
50	462'	453'	471'	444'	481'	436'	492'	429'	504'	421'	517'	415'	531'
55	538'	527'	550'	517'	562'	508'	576'	494'	590'	490'	605'	422'	622'

SPEED (M.P.H.)*	STREET GRADE IN PERCENT													
	+7	-7	+8	-8	+9	-9	+10	-10	+11	-11	+12	-12	+13	-13
15	72'	79'	71'	80'	71'	81'	71'	82'	70'	83'	70'	84'	70'	85'
20	103'	117'	102'	118'	102'	119'	101'	121'	101'	123'	100'	125'	100'	127'
25	138'	159'	137'	161'	136'	164'	135'	166'	134'	169'	134'	172'	133'	175'
30	182'	217'	180'	221'	178'	226'	177'	230'	175'	235'	174'	241'	173'	247'
35	228'	280'	226'	286'	224'	292'	221'	299'	219'	306'	217'	314'	215'	323'
40	284'	360'	280'	369'	277'	379'	274'	389'	271'	401'	268'	414'	266'	428'
45	343'	447'	338'	459'	334'	472'	330'	487'	326'	503'	322'	521'	319'	540'
50	409'	547'	403'	563'	397'	581'	392'	600'	388'	622'	382'	647'	378'	674'
55	475'	641'	467'	660'	461'	682'	454'	706'	448'	733'	442'	762'	437'	795'

*If the 85th percentile speed varies by more than ten (10) miles per hour from the speed limit, the Township may require the 85th percentile speed to be used.

Sight distance for roads with grades greater than thirteen percent (13%) shall be calculated in accordance to the following:

$$SSSD = 1.47 Vt + \frac{V^2}{30(f \pm g)}$$

SSSD = Minimum safe stopping sight distance (feet).

V = Velocity of vehicle (miles per hour).

t = Perception time of motorist (average = 2.5 seconds).

f = Wet friction of pavement (average = 0.30).

$g = \text{Percent grade of roadway divided by } 100.$

Source: Pennsylvania Code, Title 67. Transportation, Chapter 44, Access to And Occupancy of Highways by Driveways and Local Roads, (January, 1982).

- 602.14 Cul-de-Sac Streets. A cul-de-sac will not be approved when a through street is more advantageous to the Township. Temporary or permanent cul-de-sac streets shall not exceed a centerline distance of eight hundred (800) feet in length, measured from the centerline intersection with a street which is not a cul-de-sac to the center of the cul-de-sac turnaround. The use of such turnaround shall be guaranteed until such time as the street is extended. All cul-de-sac streets, whether permanently or temporarily designed, shall be provided at the closed end with a fully paved turnaround to the specifications stated in Section 602.10 of this Ordinance.
- 602.15 Future Access Strips. Future Access Strips are rights-of-way reserved for future street improvements. When in the opinion of the Board of Supervisors access to adjacent land is desirable, Future Access Strips shall be provided and designed in conformance with the requirements for a street.
- 602.16 Alley. Alleys are prohibited unless the Township determines a need for secondary access. Alleys shall be limited to providing a secondary means of access to the side and/or rear of those lots with street frontage and designed to discourage through traffic. Alleys shall conform to the following standards:
- 602.16.1 Alleys may not be offered for dedication to the Township. Applications for alleys shall be accompanied by a right-of-way agreement, prepared in accordance with Section 602.02.
- 602.16.2 No part of any dwelling, garage, or other structure shall be located within eighteen (18) feet of the cartway of an alley.
- 602.16.3 Alleys shall be designed in accordance with the street standards in Sections 602.01, 602.05, 602.06, 602.07, 602.08, 602.09, 602.11, 602.12, 602.13, and 602.15.
- 602.16.4 An alley may not terminate as a cul-de-sac.
- 602.16.5 A minimum right-of-way width of thirty (30) feet and a minimum cartway width of twenty (20) feet shall be provided for alleys.
- 602.16.6 On-street parking is prohibited along alleys and this prohibition must be acknowledged both on the Plan and on the site.
- 602.17 Driveways. Driveways shall only be used to provide vehicular access between a parking area for a single residential unit of occupancy and a street, alley, or access drive. Driveways shall conform to the following:

- 602.17.1 No more than two (2) driveway connections per lot shall be permitted, and only one (1) driveway connection per one hundred (100) feet of lot frontage is permitted.
- 602.17.2 Driveways shall not connect with a public street within forty (40) feet of the right-of-way lines of any intersecting streets, nor within five (5) feet of a fire hydrant. Driveways shall be set back at least ten (10) feet from any side lot line, unless a common or joint driveway location is proposed.
- 602.17.3 Driveways shall be located and constructed so that a clear-sight triangle of seventy-five (75) feet, as measured along the street centerline in each direction from the driveway centerline, and five (5) feet along the driveway centerline, measured from the street right-of-way line, is maintained; no permanent obstructions over three (3) feet above the street grade are permitted in the clear-sight triangle.
- 602.17.4 Driveway intersections shall conform with the sight distance requirements stated in Section 603.13 of this Ordinance.
- 602.17.5 A driveway shall not exceed a slope of eight percent (8%) within twenty-five (25) feet of the street right-of-way lines.
- 602.17.6 Driveway access shall be provided to the street of lesser classification when there is more than one street classification involved. If an existing collector road (as identified in Sec 315 of the Monaghan Township Zoning Ordinance) abuts or traverses any portion of a proposed subdivision of more than five lots (cumulatively), no lots shall be laid out with direct access onto such road. If a road, now or hereafter, designated as an arterial abuts or traverses any portion of a proposed subdivision more than three lots (cumulatively), no lots shall be laid out with direct access to such arterial road. Access to such road shall be provided only by intersecting streets with at least 800 feet between intersections.
- 602.17.7 No driveway shall provide a curb cut exceeding twenty-four (24) feet in width.
- 602.17.8 All intersections with a State Highway shall be subject to the approval of the PA Department of Transportation (PennDOT). Any driveway intersecting with a State Highway shall obtain a Highway Occupancy Permit from PennDOT prior to recording of the Final Plan.
- 602.17.9 Driveways shall be paved with bituminous concrete from the edge of the street cartway a minimum distance of fifteen (15) feet toward the lot and be provided in a manner consistent with the design, construction, and storm water drainage of the street.
- 602.17.10 Driveways which intersect, other than a minor street, shall provide adequate turnaround within the lot so egress to the street is in a forward direction.

602.18 Access Drives. Access drives are private drives, which provide vehicular movement between a street and a tract of land containing any use other than one single-family dwelling unit or farm. Access drives shall conform to the following:

602.18.1 The vertical alignments of access drives shall conform to the specifications for streets, as stated in Section 602.08 of this Ordinance.

602.18.2 The horizontal alignments of access drives shall be measured along the centerline. Horizontal curves shall be used at all angle changes in excess of two (2) degrees. All curves shall be tangential arcs. The minimum horizontal curve radius shall be seventy-five (75) feet.

602.18.3 All access drive intersections shall be:

- a) Subject to approval of the Pennsylvania Department of Transportation (PennDOT) when intersecting a State Route. Copies of Highway Occupancy Permits from PennDOT shall be submitted for all proposed intersections with a State Route prior to Final Plan approval.
- b) Set back one hundred (100) feet from the intersection of any street right-of-way lines.
- c) Set back one hundred (100) feet from the intersection of any other access drive located upon the same lot (measured from cartway edges).
- d) Set back fifteen (15) feet from any side and/or rear property lines; however, this setback can be waived along one property line when a joint parking lot is shared by adjoining uses.
- e) Located in relationship to access drive intersections on adjacent properties to provide safe and efficient movement of vehicles.
- f) Designed with right angle intersections whenever possible. No access drive intersection shall utilize an angle less than seventy-five (75) degrees unless turning movement restrictions are imposed.
- g) Rounded by an tangential arc with a minimum radius of thirty (30) feet. The Township may require fifty-five (55) foot radius where truck traffic is anticipated.
- h) Provided with a clear-sight triangle and sight distance as required for a minor street, in accordance with Sections 602.12.6 and 602.13 of this Ordinance.

602.18.4 Access drives which form a cul-de-sac shall not exceed eight hundred (800) feet in length, measured from the centerline intersection of a street or access

drive which is not a cul-de-sac. Access drive cul-de-sacs which do not terminate in a parking compound shall be provided at the terminus with a fully paved turnaround with a minimum diameter of one hundred (100) feet.

602.18.5 When vehicular parking is prohibited along access drives, the prohibition must be acknowledged on the Plan and properly signed along the cartway.

602.18.6 The cartway of all access drives shall be constructed with a minimum six (6) inch crushed aggregate base course and a two and one-half (2½) inch bituminous concrete surface course of materials specified in the latest edition of the Pennsylvania Department of Transportation Manual 408. Additionally, all work procedures shall conform to the latest edition of the Pennsylvania Department of Transportation Manual 408.

602.18.7 The following table specifies various access drive width requirements:

Function	Required Cartway Width
Two lanes of traffic with parking	36 feet
Two lanes of traffic without parking*	24 feet
One lane of traffic with one lane of parking**	20 feet
One lane of traffic without parking**	12 feet

*Off-street parking lots must be provided in accordance with the Monaghan Township Zoning Ordinance.

**The one-way direction of traffic must be identified along the cartway.

602.18.8 The maximum slopes of banks located within twenty (20) feet of the cartway shall not exceed three to one (3:1) for fills, and two to one (2:1) for cuts.

602.19 Recreation or Non-Licensed Vehicle Crossings of Streets, Alleys, Access Drives, and Driveways. The following standards shall apply for all recreation or non-licensed vehicle trail crossings (e.g., equestrian, golf carts, off-road vehicles, snowmobiles):

- a) Crossings shall be provided in a manner consistent with the design, construction, and storm water drainage of the street, alley, access drive, or driveway.
- b) Crossings shall be easily identifiable.
- c) Crossings shall be perpendicular to the vehicular traffic movements.

- d) No crossing shall be located between fifteen (15) feet and one hundred fifty (150) feet from the cartway edge of a street, alley, access drive, or driveway intersection.
- e) Crossings shall be provided with a clear-sight triangle of seventy-five (75) feet measured along the centerline of the street, access drive, or driveway, and five (5) feet from the edge of the roadway at the centerline of the recreation vehicular crossing. No obstructions, grading and/or planting greater than three (3) feet above the cartway grade are permitted in the clear-sight triangle. A public right-of-way shall be reserved for the purpose of removing any object, material or other obstruction to the clear sight.
- f) A clear-sight distance, in accordance with Section 602.13 shall be provided at all crossings.
- g) Crossings shall not exceed a slope of eight percent (8%) within twenty-five (25) feet of the cartway being crossed.
- h) Crossings shall be signed to warn motorists and crossers of the crossing. The surface of the crossing shall be brightly painted with angle stripes.
- i) Crossing of collector or arterial streets shall consist of a tunnel that is located below the street grade. On-grade crossing of collector or arterial streets is prohibited.

SECTION 603 VEHICULAR PARKING FACILITIES.

- 603.01 Off-street parking shall be provided in accordance with the provisions of the Monaghan Township Zoning Ordinance and this Ordinance.
- 603.02 Parking for Single-Family Dwellings. Every single family dwelling parking spaces must be provided behind the street right-of-way line and may take the form of garages, carports or driveways. The remaining regulations contained in this section do not apply to off-street parking facilities serving one single-family dwelling.
- 603.03 Surfacing. All parking lots shall be constructed and maintained with a paved surface of concrete or bituminous materials, or another dust-free surface, approved by the Township.
- 603.04 Separation from Streets and Sidewalks. Parking spaces shall be guarded by curbs or other protective devices, which are arranged so that parked cars cannot project into the streets, yards, or sidewalks.
- 603.05 Drainage. Parking lots shall be graded to a minimum slope of three-quarter percent (.75%) to provide for drainage.
- 603.06 Parking Space Sizes. The following lists required minimum space sizes in feet:
Standard car spaces:

Parallel 20 by 8
 Non-parallel 20 by 9
 Spaces for physically handicapped: 20 x 12

603.07 Design Standards for Handicapped Parking Spaces. Off-street parking facilities for greater than twenty-five (25) parking spaces shall provide one (1) handicapped parking space for each twenty-five (25) parking spaces for the first one hundred (100) spaces, plus one percent (1%) of the parking facilities over the first one hundred (100) spaces. Parking spaces for the physically handicapped shall be located as close as possible to ramps, walkways, entrances, and elevators. Where feasible, these parking spaces shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars to reach the ramps and other facilities. The spaces shall be situated in those areas of the parking lots located nearest to each primary building entrance. Parking spaces for the physically handicapped shall be identified by signs. The sign shall state that the space is reserved by law for the physically handicapped.

Where a curb exists between a parking lot and a sidewalk, a horizontally scored ramp or curb cut shall be provided for wheelchair access. The curb cut shall not be less than four (4) feet wide and shall have a grade of not more than one (1) foot in twelve (12) feet. Curb cuts shall be provided within thirty (30) feet of each accessible entrance to the structure, at all pedestrian walk intersections, and elsewhere to provide reasonable direct circulation within each development. The curb cuts shall not be more than one hundred fifty (150) feet apart.

603.08 Aisles. All aisles shall have the minimum widths indicated in the following table:

Angle of Parking	Width of Driveway in Feet One-Way Traffic	Width of Driveway in Feet; Two-Way Traffic
90 Degrees	22	22
60 Degrees	18	22
45 Degrees	13	22
30 Degrees	12	22
Parallel	12	22

All aisles in areas where there is no parking permitted shall be eleven (11) feet wide for each lane of traffic.

603.09 Marking of Parking Spaces and Interior Drives. All parking lots shall be adequately marked and maintained for the purpose of defining parking stalls and interior drives. As a minimum, the lines of all parking stalls and interior drives (including directional arrows, etc.) shall be solid and four (4) inches in width.

603.10 Not less than a four (4) foot radius of curvature shall be permitted for horizontal curves in parking areas.

- 603.11 All dead-end parking lots shall be designed to provide sufficient backup area for all end stalls.
- 603.12 Lighting. Adequate lighting shall be provided if the parking lot is to be used at night. The lighting shall be arranged so as not to reflect or glare on adjoining lots or streets.
- 603.13 Perimeter Landscaping. When a parking lot abuts a street, a landscaped strip shall be provided along the entire streetline. This landscaping strip may be located within any other landscaped strip required to be located along a street.

The following lists the required width of landscape strips:

Number of Spaces in Parking Lot Including Joint Facilities	Landscape Strip Width in Feet Measured from Street R.O.W. Line
Less than 100	15
100 to 250	20
Over 250	25

Vegetative ground cover alone is not sufficient to meet this requirement. Trees, shrubs, or other approved material shall be provided. At least one (1) shade tree shall be provided for each one hundred (100) linear feet of landscaping area. These trees shall have a clear trunk at least five (5) feet above finished-grade level.

- 603.14 Interior Landscaping. In any parking lot containing twenty-five (25) or more parking spaces (except a parking garage), five percent (5%) of the total area of the lot shall be devoted to interior landscaping. Such interior landscaping may be used at the end of parking space rows to break up rows of parking spaces at least every ten parking spaces, and to help visually define travel lanes through or next to the parking lot. Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping.

For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands, and curbed areas.

Ground cover alone is not sufficient to meet this requirement. Trees, shrubs, or other approved material shall be provided. At least one (1) shade tree shall be provided for each three hundred (300) square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk at least five (5) feet above finished-grade level.

Parked vehicles may not overhang interior landscaped areas more than two and one-half (2½) feet. Where necessary, wheel stops or curbing shall be provided to insure no greater overhang.

If a parking lot of under twenty (20) spaces is built without interior landscaping, and later additional spaces are added so that the total is twenty (20) or more, the interior landscaping shall be provided for the entire parking lot.

- 603.15 Speed Bumps. All speed bumps provided as part of access drives or parking lot aisles shall be marked with permanent, yellow diagonal stripes. There shall be a warning sign posted at each entrance to a parking area having speed bumps. In no case shall the overall height (or depth) of speed bumps exceed two (2) inches.

SECTION 604 SIDEWALK AND CURB.

604.01 Sidewalk. Sidewalk shall be provided in all residential areas where the majority of lots are less than fifteen thousand (15,000) square feet, or land developments with an average gross density of four (4) or more dwelling units per acre. Additionally, sidewalk shall be required in the following circumstances:

- a) To continue existing sidewalk systems to the terminus of a service area or block.
- b) To provide access to vehicular parking compounds, school bus zones, or recreational facilities.
- c) To provide access to and/or within a commercial, industrial, or other community facilities.

604.01.1 Sidewalk which is located along streets or access drives shall be located along the side(s) of the street upon which lots front and pedestrian traffic is anticipated.

604.01.2 Sidewalk which is provided off street or off access drives shall be located along anticipated pedestrian traffic routes.

604.01.3 Sidewalk located adjacent to public streets shall be constructed in accordance with the following:

- a) Sidewalk shall be constructed of concrete. Concrete used in sidewalk work shall be certified to develop a compressive stress of at least three thousand (3,000) P.S.I. at twenty-eight (28) days. Certification of the mix shall be furnished to the Township. Concrete shall be placed in forms that are straight and securely braced. Care shall be taken to control the water content to prevent separation of the aggregates. The concrete shall have a broom finish and the edge shall be finished with an edging tool.
- b) All concrete sidewalk shall be constructed on a four (4) inch crushed stone or gravel base to insure proper drainage. The concrete shall be placed so that there is a separate joint every five (5) feet. There shall be one-half (½) inch premoulded expansion joints between every fifth

section, and between all points where the concrete sidewalk abuts a concrete curb.

- c) All concrete sidewalk shall have a minimum thickness of four (4) inches, except where driveways cross sidewalks and for driveway apron areas. These areas shall have a minimum thickness of six (6) inches and shall contain one layer of No. 6 wire forming six (6) inch squares. The wire shall be installed so that it is not closer than one (1) inch from the top or bottom surface of the driveway.

604.01.4 Sidewalk located outside of the public right-of-way, (e.g., adjacent to driveways, access drives, and parking compounds) may be constructed of any stable, mud-free and dust-free material.

604.01.5 Sidewalk shall have a minimum width of four (4) feet.

604.01.6 Sidewalk shall be graded so as to discharge storm water runoff. A minimum cross slope of two percent (2%) shall be provided.

604.01.7 Sidewalk along public streets shall be located two (2) feet inside the street right-of-way and physically divided from the street cartway by curb or grass strip.

604.01.8 Maintenance and repair cost for sidewalk is the sole responsibility of the landowner.

604.01.9 Pedestrian easements, which may be required by the Township to facilitate pedestrian circulation or to give access to community facilities, shall have a minimum right-of-way width of ten (10) feet in which a walkway width of four (4) feet. This walkway shall be improved to the standards assigned by the Township.

604.02 Curb. Curb shall be provided in accordance with the following specifications.

604.02.1 Curb shall be provided where ever sidewalks are installed.

604.02.2 Depending on storm drainage conditions, curb may be required in blocks where a street grade exceeds five percent (5%).

604.02.3 The Township may require curb where unusual or particular conditions prevail with respect to storm water runoff, prospective traffic and/or safety of pedestrians.

604.02.4 Transitions in curb type shall be subject to approval by the Township.

604.02.5 Curb shall be constructed in accordance with the following:

- a) Curb shall be of marble, granite, or concrete construction. All concrete used in construction of curbs shall be certified to develop a compressive stress of at least three thousand (3,000) P.S.I. at twenty-eight (28) days. Certification of the mix shall be furnished to the Township.
- b) Concrete shall be placed in forms that are straight and securely braced, unless a curbing machine is used. Care shall be taken to control the water content to prevent separation of the aggregates. All concrete shall be thoroughly tamped into any forms, if used. After the concrete has set sufficiently, any forms if used, shall be removed and the exposed surface shall be rubbed to provide an even finish.
- c) Vertical curb shall be twenty (20) inches deep, eight (8) inches wide at the top, and nine (9) inches wide at the base. The distance from the top of the curb to flow line of the gutter shall be eight (8) inches.
- d) Slant curb shall be sixteen (16) inches deep at the back, twelve (12) inches at the front, and fourteen (14) inches wide at the top and base. The distance from the top of the face of the curb to the flow line of the gutter shall be one (1) inch.
- e) Curb shall be built in ten (10) foot lengths; construction joints of asphalt impregnated paper of one-sixteenth (1/16) inch shall be provided at ten (10) foot intervals, and expansion joints of one-quarter (1/4) inch premoulded filler shall be placed at intervals of one hundred (100) feet.
- f) To provide for driveways, depressions in vertical curb may be constructed and finished only during the time of pouring. The curb-cut shall maintain one (1) inch from the top of the face of the curb depression to the flow line of the gutter, and a transition of two to one (2:1) from the depressed curb to the top of the curb.

SECTION 605 BLOCKS AND LOTS.

- 605.01 General. The configuration of blocks and lots shall be based upon the lot area requirements, traffic circulation, salient natural features, existing man-made features, and land use. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.
- 605.02 Residential Blocks. All blocks in a residential subdivision shall have a maximum length along any side of sixteen hundred (1,600) feet. Where practical, the minimum length of any side shall be three hundred (300) feet.
- 605.03 Non-Residential Blocks. Block configurations in nonresidential areas shall be based primarily upon safe and efficient traffic circulation, and salient natural features.

605.04 Lot Configuration.

605.04.1 Whenever practical, side lot lines shall be radial to street lines.

605.04.2 In order to avoid jurisdictional problems, lot lines shall, wherever feasible, follow municipal boundaries rather than cross them. Where a lot is divided by a municipal boundary, the minimum standards of both municipalities shall apply.

605.04.3 Lots with areas that are two or more times the minimum area requirements shall, wherever feasible, be designed with configurations that allow for additional subdivision. The Township may require a sketch plan of such large lots that indicates the potential future subdivision is generally in conformance with the design standards.

605.04.4 All lots shall front on a street.

605.04.5 Double Frontage Lots are prohibited. A double frontage lot fronts upon two parallel streets or upon two streets which do not intersect and vehicular access is provided to both streets. The Township may permit Reverse Frontage Lots as provided in Section 605.04.06.

605.04.6 Reverse Frontage Lots front upon two parallel streets, or upon two streets which do not intersect, and vehicular access is provided to only one (1) of the streets. All residential Reverse Frontage Lots shall designate one (1) frontage as the rear yard with a minimum depth of seventy-five (75) feet and have a planted buffer easement of at least twenty (20) feet in width located immediately contiguous to the street right-of-way. Vehicular access shall be prohibited from the rear of Reverse Frontage Lots.

All Reverse Frontage Lots shall include an identification of the frontage for use as a road access. The street designated for frontage must be consistent with contiguous lots.

605.04.7 Flag lots shall not be created when lots can be designed to satisfy the minimum width requirements. The Township may approve the platting of a limited number of flag lots when:

- a) The flag lot complies with the requirements of the Monaghan Township Zoning Ordinance.
- b) The flag lot is being used for infill situations where there is no potential of new street construction to the proposed lot.
- c) The flag lot is the result of the division of agricultural land to create an additional building site on the least suitable portion of the property for continued agricultural use.

No more than two contiguous flag lots shall be permitted. Flag lots shall be separated by at least two (2) non-flag lots.

The “flagpole” or access portion of the flag lot shall maintain a minimum width of twenty-five (25) feet and shall not change direction more than once. The area of the flagpole shall not be included with the area of the “flag” or the body of the lot in satisfying the standards of the Monaghan Township Zoning Ordinance. The lots located contiguous to the flagpole shall contain a twenty-five (25) foot setback along the flagpole. The cartway located within the flagpole shall maintain a minimum six (6) foot setback from the property line.

Flag lots shall be provided with adequate driveway area for a turnaround so that egress to the street is in the forward direction.

No portion of any “flagpole” shall be used for on-site sewage disposal or improvements other than access improvements.

The front yard shall be designated as the lot line (other than the street line) which is most parallel to the street that provides access. The minimum lot width and front yard setback shall be established from the front yard designation.

The Township may attach any reasonable conditions to the creation of flag lots as it finds necessary or desirable to provide for the orderly development of land and street systems.

605.04.8 All remnants of land (areas remaining after subdivision) shall conform to the lot area and configuration requirements.

605.04.9 All lots shall be designed to provide sufficient building area based upon building setbacks, easements, floodplains, etc.

605.05 Lot Size and/or Intensity. Lot areas shall conform with the prevailing Monaghan Township Zoning Ordinance requirements.

SECTION 606 BUILDING SETBACK LINES AND BUILDING SEPARATIONS.

The building setback lines and building separations shall conform with the prevailing Monaghan Township Zoning Ordinance requirements.

SECTION 607 EASEMENTS.

Easements for sanitary sewer facilities, storm water drainage facilities, public utilities, or pedestrian access shall meet the following standards:

- 607.01 To the fullest extent possible, easements shall be adjacent to property lines.
- 607.02 Nothing shall be placed, planted, set, or put within the area of an easement that would adversely affect the function of the easement or conflict with the easement agreement.
- 607.03 The plan and easement agreement shall clearly identify who has the right-of-access and responsibility for function of the easement area.
- 607.04 Pedestrian easements shall have a minimum width of ten (10) feet.
- 607.05 Sanitary sewer and water supply easements shall have a minimum width of twenty (20) feet. In the case of a shared utility easement, sufficient area shall be provided to allow a minimum of ten (10) feet between the centerline of the utility and the edge of the right-of-way.
- 607.06 Storm water easements shall have a minimum width of twenty (20) feet and shall be adequately designed to provide area for (a) the collection and discharge of water, (b) the maintenance, repair, and reconstruction of the drainage facilities, and (c) the passage of machinery for such work.
- 607.07 Where any electric or telephone transmission or petroleum product transmission line traverses a property, the applicant shall confer with the applicable transmission or distribution company to determine the minimum distance which shall be required between each structure and the centerline of such petroleum or petroleum product transmission line. All applications shall include a copy of the recorded agreement or a letter from the owner of the transmission line stating any conditions on the use of the tract and the right-of-way width.

SECTION 608 SURVEY MONUMENTS AND MARKERS.

- 608.01 Permanent stone or concrete monuments shall be accurately placed ~~along~~ one side of the right-of-way lines of each street. These monuments shall be placed at the limits of the property; points of curvature, intersection and tangency. The Township Engineer may recommend the increase or decrease in the amount of monumentation based upon specific site conditions.
- An intermediate monument shall be placed wherever topographical or other conditions make it impossible to sight between two otherwise required monuments.
- 608.02 Markers shall be set at all points where lot lines intersect curves and/or other property lines, and at both high and low elevation points to provide easy identification.
- 608.03 Monuments shall be of concrete or stone, with a flat top having a minimum width or diameter of four (4) inches and a minimum length of thirty (30) inches. Concrete monuments shall be marked with a three-quarter (3/4) inch copper or brass dowel; stone or pre-cast monuments shall be marked on the top with a proper inscription and a drill hole.

- 608.04 Markers shall consist of iron pipes or steel bars at least thirty (30) inches long and not less than three-quarters (3/4) of an inch in diameter.
- 608.05 All monuments and markers shall be placed by a registered land surveyor so that the scored or marked point shall coincide exactly with the point of intersection of the lines being monumented or marked.
- 608.06 All monuments/markers shall be set flush with the finished grade, except for temporary placement and/or woodland conditions.
- 608.07 All existing monuments and lot line markers shall be delineated on the Preliminary Plan. All existing and proposed monuments and lot line markers shall be delineated on the Final Plan.

SECTION 609 STORM WATER MANAGEMENT.

All subdivision and land development plans shall conform with the Monaghan Township Storm Water Management Ordinance of 1992, as amended.

SECTION 610 FLOODPLAIN AND WETLAND.

- 610.01 All subdivision and land development plans shall conform with the floodplain standards specified in the Monaghan Township Zoning Ordinance, as amended.
- 610.02 All subdivision and land development plans shall identify the location of existing wetland as determined by the standards of either the U. S. Environmental Protection Agency; U. S. Army Corps of Engineers; Pennsylvania Department of Environmental Resources; or the U. S. Soil Conservation Service. Wetland areas are not limited to those areas delineated on wetland maps prepared by the U. S. Fish and Wildlife Service. Any proposed encroachment into the wetland shall include a copy of the permit or approval from the applicable State and Federal agencies. No action by the Township shall be relied upon in lieu of a permit issued by the appropriate agency.

SECTION 611 LANDSCAPING.

- 611.01 Protection of Natural Features - The finished topography of the site shall adequately facilitate the proposed development without excessive earth moving, and destruction of natural amenities. Natural features shall be preserved and incorporated into the final landscaping wherever possible and desirable. The applicant shall demonstrate the means whereby the natural features shall be protected during construction.
- 611.02 Existing Wooded Areas. Existing wooded areas shall be protected to prevent unnecessary destruction. Healthy trees with a caliper of six (6) inches or more as measured at a height of four and one-half (4½) feet above existing grade, shall not be removed unless they are located within fifteen (15) feet of any planned improvement.

In areas where trees are retained, the original grade level shall be maintained so as not to disturb the trees.

At least twenty-five percent (25%) of the number of trees (minimum trunk caliper of five [5] inches at six [6] inches above ground) that exist at the time of Plan submission shall be maintained or replaced immediately following construction. Replacement trees shall be a minimum trunk caliper of two (2) inches at a height of six (6) inches above finished grade. Plans shall be submitted showing existing trees and proposed construction and which indicate conformance with this section.

Significant trees or stands of trees, defined as the largest known individual trees of each species in the State, large trees approaching the diameter of the known largest tree, or species or clumps of trees that are rare to the area or of particular horticultural or landscape value, shall be preserved.

- 611.03 Landscape Materials. All planting shall be performed in conformance with good nursery and landscape practice. Plant materials shall conform to the standards recommended by the American Association of Nurserymen, Inc., in the current edition of the American Standard of Nursery Stock, ANZIZ60.

All planting shall be nursery grown in a climate similar to that of the locality of the project. All landscape materials shall be sound, healthy and vigorous; they shall be free from disease, insects, insect eggs, and larvae. All landscape materials shall be maintained to conform with this Ordinance. All dead landscape materials shall be replaced within one year.

- 611.04 Ground Cover. Vegetative ground cover shall be provided on all areas of the project which are not covered by paving, stone, or other solid material. Varieties of ground cover shall be subject to the approval of the Township.

- 611.05 Screening and Landscaping Requirements - Where required by the Monaghan Township Zoning Ordinance, screening and landscaping shall be provided in accordance with the following provisions:

A minimum ten (10) foot wide landscape strip shall be provided along all side and rear property lines, and the street frontage. The landscape strip shall be maintained with a vegetative ground cover.

A visual screen shall be required in all side and rear yards between all nonresidential uses and any adjoining lands which are in a residential use or in a residential zone. The following requirements shall represent minimum standards for the construction of a visual screen. Additional requirements may be applied at the discretion of the Board of Supervisors based upon the recommendations of the Township Engineer based upon site specific conditions to achieve adequate screening and buffering of adjacent properties:

1. Natural woodlands shall be preserved and shall be supplemented with evergreen trees of at least six feet of height, if they do not naturally exist;

2. If not wooded, grass mounds at least three feet high, but not higher than six feet, shall be created and planted with evergreen trees and evergreen shrubs. There shall be at least five evergreen trees and shrubs. Evergreen trees shall be at least six feet tall, and evergreen shrubs shall be at least three feet in height; or
3. A six foot tall opaque fence or screen wall may be installed in place of landscaped grass mounds.
4. Alternate screening and buffering methods may be considered if the applicant proves their effectiveness in creating a visual screen.

In all situations where screening and landscaping are required, it shall be provided in accordance with the above standards as well as all other requirements of the Monaghan Township Subdivision and Land Development Ordinance, as amended.

SECTION 612 STEEP SLOPE CONSERVATION.

Steep slope conservation standards shall apply to all land within the Township which contains areas of fifteen percent (15%) or greater slope.

612.01 Boundary Interpretation - An initial determination as to whether the steep slope conservation standards apply to a subdivision or land development plan shall be based upon the presence of fifteen percent (15%) or greater slope, as documented in one of the following:

- a) The York County Soil Survey, the U. S. Soil Conservation Service; or,
- b) The topographic survey prepared by the United States Geodetic Survey.

Should a dispute arise concerning the boundaries of any steep slope conservation area, a topographic survey prepared by a registered land surveyor with minimum vertical intervals of five (5) feet shall be submitted. Final boundary interpretation shall be made by the Township.

612.02 Average Slope. On property which contains slopes of fifteen percent (15%) or greater, the average slope of the lot shall be determined by the following formula and identified on the plan.

$$\frac{.0023 \times I \times L}{A} = S$$

- | | | |
|-------|---|---|
| .0023 | = | conversion factor of square feet to acres |
| I | = | ten (10) foot contour interval |
| L | = | combined length of contour lines in feet |
| A | = | lot area in acres |
| S | = | average slope in percent |

612.03 General Design Requirements. The following requirements are based upon the average slope of a lot. Whenever other ordinances or regulations impose more restrictive standards than those contained herein, the more restrictive shall apply.

Average Slope of Lot	Minimum Percent of Undisturbed Area ¹	Maximum Impervious Surface
15%—20%	40%	10%
20.1—25%	65%	10%
25.1—30%	85%	10%
Over 30%	90%	10%

¹Undisturbed area shall be defined as land in its natural state before development.

612.04 Construction Prohibition. All structures, buildings, parking compounds, streets, and other substantial improvements, with the exception of utilities, are prohibited in areas with a pre-development slope of twenty-five percent (25%) or greater.

612.05 Setback. No change in existing topography, which results in a slope greater than the pre-development condition, may be located within twenty-five (25) feet of the neighboring property.

SECTION 613 SANITARY SEWAGE DISPOSAL.

613.01 When, in accordance with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended, a Sewer Facilities Plan Revision (Plan Revision Module for Land Development), or Supplement, is required, approval from the Pennsylvania Department of Environmental Resources shall be submitted as a condition of Final Plan approval.

613.02 The applicant shall provide the type of sanitary sewage disposal facility consistent with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended.

613.03 Sanitary sewer systems shall be designed in accordance with the prevailing rules and regulations of the Pennsylvania Department of Environmental Resources and any applicable bona fide sewer authority, or cooperative association of lot owners. Notification from the appropriate authority or association of the existing ability to provide sanitary sewer service, approval of the design plans and acceptance of Performance Guarantees shall be submitted as a condition of Final Plan approval.

If sanitary sewage disposal is to be provided by means other than by an individual on-lot system for use by a single unit of occupancy, the Final Plan application shall include:

- a) Evidence that the supplier is a certificated public utility; a bona fide cooperative association of lot owners; or 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.

- b) Notice of approval of the design, installation, and possible financial guarantee from the provider.
- c) Appropriate measures, as deemed necessary by the Board of Supervisors, to ensure adequate future maintenance of the system.

613.04 Where individual on-site sanitary sewage disposal facilities are to be utilized, each lot so served shall be of a size and shape to accommodate the necessary subsurface sewage disposal system and a replacement system at a safe distance from building and water supply in accordance with Title 25, Chapter 73, Rules and Regulations of the Pennsylvania Department of Environmental Resources, as amended, and the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended.

SECTION 614 WATER SUPPLY.

614.01 When, in accordance with Section 402.05.7, a report on water supply is required, the application must demonstrate that the groundwater recharge on the subject property after development, during drought conditions (precipitation at forty percent [40%] below normal) will exceed the anticipated water usage and that the project will not lower the groundwater table in the area to the extent of decreasing the groundwater supply available to other property below safe levels.

614.02 Water supply systems shall be designed in accordance with the prevailing rules and regulations of the Pennsylvania Department of Environmental Resources and any applicable bona fide water authority, or cooperative association of lot owners. Notification from the appropriate authority or association of the existing ability to provide water service, approval of the design plans, and acceptance of Performance Guarantees shall be submitted as a condition of Final Plan approval.

614.03 Wherever the water supply system contains sufficient capability or will in the foreseeable future, with or without developer assistance, fire hydrants shall be provided. Fire hydrants shall meet the specifications of the Middle Department Association of Fire Underwriters, and the local fire company. Fire hydrants shall be located at street intersections no more than ten (10) feet from the curb. All fitting types shall be in accordance with the standards of the applicable fire department. The large fitting shall face the street and be a minimum of sixteen (16) inches above the ground level.

614.04 Where individual on-site water supply system is to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system, in accordance with all applicable standards.

614.05 If water is to be provided by means other than by an individual on-site water supply system (wells that are owned and maintained by the individual lot owners), the Final Plan application shall include:

- a) Evidence that the supplier is a certificated public utility; a bona fide cooperative association of lot owners; or 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.
- b) Notice of approval of the design, installation, and possible financial guarantee from the provider.
- c) Appropriate measures, as deemed necessary by the Board of Supervisors, to ensure adequate future maintenance of the system.

ARTICLE VII

MOBILE HOME PARKS

SECTION 701 GENERAL.

Mobile home park plans shall be processed in accordance with Article III. Mobile home park plans shall comply with the design standards set forth in the Monaghan Township Mobile Home Park Ordinance of 1992, as amended.

ARTICLE VIII

ADMINISTRATION

SECTION 801 GENERAL.

This section outlines the procedures for enforcement and amendment of this Ordinance, as well as procedures for challenges and appeals of decisions rendered under this Ordinance.

SECTION 802 AMENDMENT.

Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a Subdivision and Land Development Ordinance in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as re-enacted and amended by Act 170 of 1988, and as subsequently amended.

In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each amendment to the Planning Commission for recommendations at least thirty (30) days prior to the date of the public hearing on such proposed amendment.

SECTION 803 WAIVERS.

The provisions of this Ordinance are intended as minimum standards for the protection of the public health, safety and welfare. The Board of Supervisors may modify any mandatory provision of these regulations to the benefit of the applicant, provided the majority of the members of a quorum of the Board of Supervisors present at a scheduled public meeting determines that the waiver:

- a) Is consistent with the purpose of this Ordinance as described in Section 102,
- b) Will remove or reduce an unreasonable standard, or undue hardship, as it applies to the particular property, which is grossly disproportionate to any benefit derived from the standard, or when an alternative standard provides equal or better results,
- c) Provides reasonable utilization of the property while securing the public interest,

All waivers shall be processed in accordance with the Waiver provision described in Section 305 of this Ordinance. It shall be the burden of the applicant to demonstrate compliance with the above conditions.

In granting waivers, the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of the Ordinance.

SECTION 804 CHALLENGES AND APPEALS.

The decision of the Board of Supervisors may be appealed, as provided for in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as re-enacted and amended by Act 170 of 1988, and as subsequently amended.

SECTION 805 PENALTIES FOR VIOLATIONS.

In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

A Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. The authority to deny such a permit or approval shall apply to any of the following:

- a) The owner of record at the time of such violation.
- b) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- c) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- d) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

805.01 Jurisdiction. District justices shall have initial jurisdiction in proceedings brought under this Ordinance.

805.02 Enforcement Remedies. Any person, partnership or corporation who or which has violated the provisions of this ordinance, upon being found liable

therefor in a civil enforcement proceeding commenced by a Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating 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.

The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

805.03

No person shall proceed with any site grading or construction of improvements prior to recordation of a Final Plan as specified in Section 304.06, unless such grading or construction is for the sole purpose of installing the public improvements as prescribed in an unconditionally approved Preliminary Plan in accordance with Section 303.04.

No deeds shall be executed or recorded for lots, nor shall the construction of any structure be initiated, before the Board of Supervisors has approved the Final Plan and such Plan is recorded with the office of the York County Recorder of Deeds.

SECTION 806 RECORDS.

The Township shall keep an accurate, public record of its findings, decisions, and recommendations relevant to all applications filed with it for review or approval.

SECTION 807 VALIDITY.

Should any section, subsection or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decisions shall not affect the validity of the Ordinance as a whole, or of any other part thereof.

SECTION 808 CONFLICTS.

Whenever there is a difference between the standards specified herein and those included in other applicable regulations, the more stringent requirement shall apply.

The Monaghan Township Subdivision and Land Development Ordinance No. 27 is hereby amended; provided however, that the amendment shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue, or prosecute, as the case may be, any proceeding at law or in equity, including criminal proceedings, pertaining to any act done which would have constituted a violation of the previous Monaghan Township Subdivision and Land Development Ordinance, its applicable predecessor ordinances and regulations, and all provisions of said repealed ordinances shall remain in full effect and force, and not repealed hereby, as they pertain to said acts.

SECTION 809 ERRONEOUS APPROVALS.

An approval issued in violation of the provisions of the Ordinance, is void without the necessity of any proceedings for revocation. Any work undertaken pursuant to such an approval is unlawful. No action may be taken by a board, agency, or employee of the Township purporting to validate such a violation.

SECTION 810 ADOPTION AND EFFECTIVE DATE.

This Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Monaghan Township, County of York, Commonwealth of Pennsylvania.

This Ordinance, ordained, revised and enacted this Fourteenth day of May, 2007.

BOARD OF SUPERVISORS OF MONAGHAN TOWNSHIP

By: _____
Chairman

Vice-Chairman

Supervisor

ATTEST:

(SEAL)

APPENDICES

APPENDIX NO. 1

STATEMENT OF ACCURACY

SURVEY DATA

I hereby certify that, to the best of my knowledge, the survey and plan shown and described hereon is true and correct to the accuracy required by the Monaghan Township Subdivision and Land Development Ordinance (error of closure no greater than one foot in ten thousand feet).

_____, 20__ * _____

*Signature and seal of the registered land surveyor responsible for the preparation of the plan.

GENERAL PLAN/REPORT DATA

I hereby certify that, to the best of my knowledge, the * _____ shown and described hereon is true and correct to the accuracy required by the Monaghan Township Subdivision and Land Development Ordinance.

_____, 20__ ** _____

*Title of Plan/Report Data

**Signature and seal of the registered professional responsible for preparation of the data.

(See Sections 402.06 and 403.06)

APPENDIX NO. 2

**STATEMENT OF OWNERSHIP, ACKNOWLEDGMENT OF PLAN,
AND OFFER OF DEDICATION**

INDIVIDUAL

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF YORK

On this, the ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ who being duly sworn according to law, disposes and says that he is the * _____ of the property shown on this plan, that the plan thereof was made at his direction, that he acknowledges the same to be his act and plan, that he desires the same to be recorded, and that all streets and other property identified as proposed public property (excepting those areas labeled "NOT FOR DEDICATION") are hereby dedicated to the public use.

** _____

*** _____

My Commission Expires _____, 20_____.

*Identity Ownership or Equitable Ownership

**Signature of the Individual

***Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge Deeds

(See Section 403.06)

CO-PARTNERSHIP

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF YORK

On this, the ____ day of _____, 20 __, before me, the undersigned officer,
personally appeared _____, being one of the firm of
_____, who being duly sworn according to law, disposes and says
that the co-partnership is the * _____ of the property shown on this
plan, that the plan thereof was made at its direction, that it acknowledge the same to be its act
and plan and desires the same to be recorded, and that all street and other property identified as
proposed public property (excepting those areas labeled "NOT FOR DEDICATION") are
hereby dedicated to the public use.

** _____

*** _____

My Commission Expires _____, 20_____.

*Identify Ownership or Equitable Ownership

**Signature of the Individual

***Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge Deeds

(See Section 403.06)

CORPORATE

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF YORK

On this, the ____ day of _____, 20____, before me, the undersigned officer, personally appeared *_____, being **_____ of ***_____, the ****_____ of the property shown on this plan, that he is authorized to execute said plan on behalf of the corporation, that the plan is the act and deed of the corporation, that the corporation desires the same to be recorded and on behalf of the corporation further acknowledges, that all streets and other property identified as proposed public property are hereby dedicated to the public use - (excepting those areas labeled "NOT FOR DEDICATION").

***** _____

Corporate Seal

***** _____

My Commission Expires _____, 20_____.

*Individual's Name

**Individual's Title

***Name of Corporation

****Identify Ownership or Equitable Ownership

*****Signature of Individual

*****Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge
Deeds

(See Section 403.06)

APPENDIX NO. 3

PLANNING COMMISSION REVIEW STATEMENT

At a meeting on _____, 20____, the Monaghan Township Planning
Commission reviewed this plan.

* _____

*Signatures of two members of the Planning Commission

APPENDIX NO. 4

PRELIMINARY PLAN APPROVAL STATEMENT

At a meeting on _____, 20____, the Board of Supervisors of the Township of Monaghan granted PRELIMINARY PLAN APPROVAL of this project, including the complete set of plans marked sheet(s) _____ through ____ which form a part of the application dated _____, last revised _____. This plan may not be recorded in the office of the York County Recorder of Deeds, nor may any construction be initiated but when combined with the other necessary approvals and permits, grants the authority to install only the public improvements required as part of the plan.

* _____

*Signature of the members of the Board of Supervisors

APPENDIX NO. 5

FINAL PLAN APPROVAL STATEMENT

At a meeting on _____, 20____, the Board of Supervisors of the Township of Monaghan approved this project, and all conditions of approval have been met. This approval includes the complete set of plans and information which are filed with the Township, based upon its conformity with the standards of the Monaghan Township Subdivision and Land Development Ordinance.

* _____

*Signatures of the members of the Board of Supervisors

RECORDER OF DEEDS CERTIFICATE

Recorded in the Office for Recording of Deeds, in and for York County, Pennsylvania, in Plan Book _____, Page _____, this _____ day of _____, 20____.

(See Sections 303.05, 304.06, 402.06, and 403.06)

APPENDIX NO. 6

MONAGHAN TOWNSHIP

**APPLICATION FOR CONSIDERATION OF A SUBDIVISION
AND/OR LAND DEVELOPMENT PLAN**

File No. _____

Date of Receipt/Filing: _____
(For Township Use Only)

The undersigned hereby applies for approval under the Monaghan Township Subdivision and Land Development Ordinance for the Plan, submitted herewith and described below:

1. Plan Name: _____

Plan No: _____ Plan Date: _____

2. Project Location: _____

3. Name of Property Owner(s): _____

Address: _____ Phone No. _____

4. Land Use and Number of Lots and/or Units (indicate answer by number of lots or units):

____ Single Family (Detached) ____ Commercial
____ Multi-Family (Attached-Sale) ____ Industrial
____ Multi-Family (Attached-Rental) ____ Institutional
____ Mobile Home Park ____ Other (please specify)

5. Total Acreage: _____

6. Application Classification:

____ Pre-Application Review ____ Revised Plan
____ Concept Plan ____ Lot Add-On Plan
____ Preliminary Plan ____ Minor Plan
____ Final Plan

7. Name of Applicant (if other than owner): _____

Address: _____ Phone No. _____

8.Firm Which Prepared Plan: _____

Address: _____ Phone No. _____

Person Responsible for Plan: _____

9.Is a Zoning Variance, Special Exception and/or Conditional Use Approval Necessary?
_____ If yes, please specify:

10.Type of Water Supply Proposed:_____ Public

_____ Semi-Private

Please indicate if a capped system is proposed. _____ Individual

11.Type of Sanitary Sewage Disposal Proposed:_____ Public

_____ Semi-Private

_____ Individual

Please indicate if a capped system is proposed.

12.Lineal Feet of New Street _____

Identify All Street(s) Not Proposed for Dedication _____

13.Sewer Facilities Plan Revision or Supplement Number _____ and Date Submitted

The undersigned hereby represents that, to the best of his knowledge and belief, all information listed above is true, correct, and complete.

Date: _____

Signature of Landowner or Applicant

(See Sections 302, 303.01, 304, 306.01, 401, 402.06 and 403.06)

APPENDIX NO. 7

MONAGHAN TOWNSHIP

APPLICATION FOR CONSIDERATION OF A WAIVER

File No. _____

Date of Receipt/Filing: _____
(For Township Use Only)

The undersigned hereby applies for approval of a waiver, submitted herewith and described below:

1. Name of Project: _____

2. Project Location:

3. Name of Property Owner(s): _____
Address: _____ Phone No.: _____

4. Name of Applicant (if other than owner): _____
Address: _____ Phone No.: _____

5. Specify Section(s) of the Monaghan Township Subdivision and Land Development Ordinance for which a Waiver is requested: _____

6. The Proposed Alternative to the Requirement: _____

7. Justification for the Waiver: _____

8. Identification of Plans, Reports, or Supplementary Data, which are part of the Application.

The undersigned hereby represents that, to the best of his knowledge and belief, all information listed above is true, correct, and complete.

Date: _____ Signature: _____

(See Section 305.01)

MEMORANDUM OF UNDERSTANDING

Installation of Public Improvements
As a Condition Precedent to Final Plan Approval

This Memorandum of Understanding is entered into by and between the following parties:

Monaghan Township, hereinafter called "Township"
and

_____, hereinafter called "Owner"

RECITALS

WHEREAS, _____ is the owner of property
situated at _____.

WHEREAS, the Owner has submitted to the Township a final plan and application for a
project known as _____.

WHEREAS, the Township has required, and the Owner has agreed, that, as a condition
precedent to final plan approval, certain public improvements will be completed by the Owner,
as provided in Article V of the Monaghan Township Subdivision and Land Development
Ordinance of 2007, as amended.

WHEREAS, the Township and the Owner desire to set forth their understanding
concerning the Owner's agreement and responsibility to install the public improvements and
pay the Township costs involved in processing, inspecting, and reviewing public improvements.

NOW, THEREFORE, intending to be legally bound hereby, the Township and the Owner
agree as follows:

1. The Owner, at their expense, shall proceed to perform and complete only the following
public improvements which shall not exceed a total estimated value of two hundred
thousand dollars (\$200,000). Said improvement shall conform to the final plan.
(Include an itemized list of improvements.)

2. The Owner shall construct the above public improvements in accordance with the
following work schedule:

(Include beginning and ending dates for all improvements.)

3. The Owner shall provide the Township with a minimum of four (4) working days' notice of any intent to construct public improvements.
4. The Owner shall provide the Township with a maintenance guarantee in accordance with Section 505 of the Subdivision and Land Development Ordinance, in conjunction with this Memorandum.
5. The Owner agrees to reimburse the Township for engineering and legal services necessitated by the review of the Owner's documents and inspection of all required public improvements at the prevailing rate, plus associated itemized expenses, where applicable. It is further agreed that payment will be made within ten (10) days after date of invoice and prior to final approval of the Owner's plan.
6. The Owner assumes all responsibility for damage to other property. The Owner shall maintain public liability insurance with a value of two million dollars (\$2,000,000) until all improvements are approved by the Township. Evidence of said insurance shall be provided to the Township, in conjunction with this Memorandum.
7. The Owner agrees to hold harmless the Township from liability arising from activity on the property.
8. In the event that any improvements have not been installed as provided by the plan and this agreement, or any other failure of the Owner, the Board of Supervisors are granted the authority to take all actions necessary to obtain monies from the Owner, including, but not limited to, seizure of land and/or other appropriate legal or equitable action to recover the money necessary to complete the remainder of the improvements and/or stabilize the property.
9. The terms of this agreement are binding upon the heirs and assigns of the subject property, and shall remain in effect until said improvements are installed and approved, or a suitable improvement guarantee is accepted by the Township.

IN WITNESS WHEREOF, the parties hence caused this Memorandum of

Understanding to be executed, dated this _____ day of _____,

20__.

MONAGHAN TOWNSHIP
BOARD OF SUPERVISORS

OWNER

Supervisor

Supervisor

Supervisor

(NOTARY SEAL)

(Sections 303.04, 402.06.7 and 503)

MEMORANDUM OF UNDERSTANDING

Financial Security

This Memorandum of Understanding is entered into by and between the following parties:

Monaghan Township, hereinafter called "Township"
and

_____, hereinafter called "Developer"

RECITALS

WHEREAS, Developer has submitted to the Township a plan and application for a Subdivision or Land Development Plan located in _____, which is known and designated as _____; and,

WHEREAS, Township has required and Developer has agreed that as a condition precedent to final plan approval of the Subdivision or Land Development Plan, the construction of all public improvements shall be assured by financial security, as required in Article V of the Monaghan Township Subdivision and Land Development Ordinance of 1992, as amended.

WHEREAS, Township and Developer desire to set forth their understanding concerning the Developer's agreement and responsibility to install the public improvements, provide a financial security, and pay the costs involved in inspecting and approving Developer's Subdivision or Land Development Plan.

NOW, THEREFORE, intending to be legally bound hereby, Township and Developer agree as follows:

1. The Developer, at their own cost and expense, shall proceed to perform and complete all public improvements required by the Developer's Subdivision or Land Development Plan, subject to the approval of the plans and specifications by the Township.
2. To assure completion of the public improvements required as a condition for the final approval of the Developer's Subdivision and Land Development Plan, the Developer shall provide for deposit with the Township, financial security, consistent with Article V of the Monaghan Township Subdivision and Land Development Ordinance, in an amount sufficient to cover the costs of all public improvements, including, but not limited to, streets, street signs, sidewalks, curbs, landscaping, storm drainage for dedication or which affect adjacent properties or streets, sanitary sewer facilities for dedication, water supply facilities for dedication, fire hydrants, lot line markers, survey monuments, and other related facilities. Such security shall provide for, and secure the completion of the public improvements within one (1) year of the date fixed in the subdivision or development plan. The amount of financial security shall be equal to one hundred ten percent (110%) of the cost of the required public improvements for which financial security is posted.

The cost of the public improvements shall be established by submission to the Township of an estimate prepared by the Developer's engineer, subject to review, comment, and approval by the Township or its designees.

3.The Township, or its designee, and the Developer shall agree upon a notification procedure and a schedule of field inspections to be made during construction and upon completion of all public improvements.

4.Upon completion of the public improvements, the Developer shall give notice to the Township and its designee, in writing, to inspect the public improvements. The Township or its designee shall inspect the public improvements within ten (10) days and shall approve same if they are completed in accordance with the Subdivision or Land Development Plan and acceptable engineering practices. If the Township or its designee disapproves, they shall notify the Developer promptly.

5.Developer agrees to reimburse the Township or its designee for engineering services necessitated by the review and inspection of all required public improvements and all associated expenses at the prevailing rate of \$ _____ per hour, plus associated itemized expenses, where applicable. It is agreed that engineering services shall be payable by Developer within ten (10) days after date of invoice and prior to release of financial security.

6.Where applicable, Developer agrees to reimburse the Township for solicitor services necessitated by the review and approval of the Developer's plan, and necessitated by the review of all required financial security and other agreements. It is agreed the solicitor's services shall be payable within ten (10) days after date of invoice and prior to release of financial security.

IN WITNESS WHEREOF, the parties hence caused this Memorandum of Understanding to be executed, dated this _____ day of _____, 20__.

MONAGHAN TOWNSHIP
BOARD OF SUPERVISORS

DEVELOPER

Supervisor

Supervisor

Supervisor

(NOTARY SEAL)