

TOWNSHIP OF UNION

ORDINANCE NO. 109

AN ORDINANCE OF THE TOWNSHIP OF UNION, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING AND REPLACING ORDINANCE NO. 31 TO: 1) PROVIDE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS; 2) ESTABLISH GENERAL REQUIREMENTS FOR SUBDIVISIONS; 3) ESTABLISH PRE-APPLICATION PROCEDURES; 4) ESTABLISH REGULATIONS FOR PRELIMINARY PLATS AND FINAL PLATS; 5) ESTABLISH PRINCIPLES AND STANDARDS OF CONSTRUCTION FOR IMPROVEMENTS; 6) ESTABLISH STREET DESIGN STANDARDS AND TOWNSHIP STANDARDS OF CONSTRUCTION; 7) PROVIDE FOR ACCEPTANCE OF PUBLIC IMPROVEMENTS; 8) PROVIDE FOR WAIVERS AND MODIFICATIONS; 9) PROVIDE FOR ADMINISTRATION AND ENFORCEMENT; 10) PROVIDE FOR AMENDMENTS; AND 11) PROVIDE PENALTIES FOR VIOLATIONS.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Union, Washington County, Pennsylvania and it is hereby ordained and enacted by and with the authority of the same as follows:

ARTICLE I

GENERAL PROVISIONS

SECTION 101 SHORT TITLE

This Ordinance shall be known and may be cited as the "Township of Union Subdivision and Land Development Ordinance" or just the "Subdivision Regulations."

SECTION 102 GRANT OF POWER

This Ordinance is adopted in accordance with the authority granted to municipalities to regulate subdivision and land development by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended (53 P.S. Sub-Section 10101, et seq.).

SECTION 103 PURPOSE

The purposes of these Subdivision Regulations are to regulate all land subdivision, consolidation and development activities in the Township by providing for a uniform method for the submission of preliminary and final plats to ensure the proper layout or arrangement of land; the proper design of streets to accommodate projected traffic and facilitate fire protection; the provision of adequate easements or rights of way, gutters, storm and sanitary drainage facilities, walkways, stormwater management and other required public facilities; and the proper design of land developments in accordance with the requirements of this Ordinance and the Township Zoning Ordinance.

SECTION 104 GENERAL INTENT AND COMMUNITY DEVELOPMENT OBJECTIVES

These Subdivision Regulations are made in accordance with the Community Development Objectives set forth in the Township Zoning Ordinance and are intended to achieve the following goals:

- A. To promote, protect and facilitate one (1) or more of the following: the public health, safety and general welfare; coordinated and practical community development; proper density of population; civil defense; disaster evacuation; the provision of recreation, open space and harmonious design; the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; and
- B. To prevent one (1) or more of the following: overcrowding of land; blight; danger and congestion in travel and transportation; and loss of health, life or property from fire, panic or other dangers.

SECTION 105 INTERPRETATION AND DEFINITIONS

105.1 Interpretation. The word "person" includes a corporation, association, partnership or individual. The words "shall" and "will" are mandatory; the word "may" is permissive. The word "building" includes structure or any part thereof. Words used in the present tense include the future tense. Words in the masculine gender shall include the feminine gender.

105.2 Definitions. As used in this Ordinance, the following terms shall have the meanings indicated:

ACCESSORY USE OR STRUCTURE: A use or structure, located on the same lot with the principal use or structure, that is subordinate and incidental to the principal structure or use of the property and which may occupy a separate structure and/or area on or in the ground, including, but not limited to storage sheds, garages, swimming pools, decks, fences, patios and similar structures.

AMENITIES BOND: Surety, in a form acceptable to the Township, in the form of cash, a certified check, a letter of credit or a corporate performance bond from a Pennsylvania licensed surety company which guarantees the satisfactory completion of those private improvements in a subdivision or land development plan which are required by this Ordinance or are voluntarily proposed by the developer.

APPLICANT: A landowner or developer who has filed an application for a subdivision or development, including his or her heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT: Any application, whether preliminary or final, required to be filed and approved prior to the start of construction or development, including, but not limited to, an application for the approval of a subdivision or land development.

ARTERIAL STREET: See STREET, ARTERIAL.

BOARD OF SUPERVISORS: The Board of Supervisors of the Township of Union, Washington County, Pennsylvania.

BUILDING: Any structure, having enclosing walls and roofs and having a permanent location on the land.

BUILDING LINE: See FRONT BUILDING LINE.

CARTWAY: That portion of the street right-of-way which is surfaced for vehicular use, excluding shoulders and curbs.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street intersections, defined by lines of sight between points at a given distance from the intersection of street lines as illustrated in Appendix I.

COLLECTOR STREET: See STREET, COLLECTOR.

CONDOMINIUM: A building where each unit in the structure is individually owned and the owner of each unit has an undivided interest in the common areas and facilities of the structures and surrounding grounds.

CONSOLIDATION: The combination of two (2) or more lots, tracts or parcels of land for the purpose of sale, lease or development of a building or lot.

CONSTRUCTION STANDARDS: A document entitled Township of Union Construction Standards prepared by the Township Engineer, adopted and amended from time to time by Resolution of the Board of Supervisors upon recommendation of the Township Engineer, copies of which are on file in the office of the Township Secretary.

COUNTY: Washington County, Pennsylvania

COUNTY PLANNING COMMISSION: Washington County Planning Commission.

CROSSWALK: A publicly or privately owned right-of-way for pedestrian use extending from one curb to the opposite curb across a public or private street cartway.

CUL-DE-SAC: A street having one (1) end open to traffic and being permanently terminated by a vehicle turnaround, including a court or dead-end street.

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

DOUBLE FRONTAGE LOT: A lot having two (2) or more of its non-adjointing property lines abutting a street or streets, usually having front and rear street frontage.

DRIVEWAY, PRIVATE: A vehicular access route serving only one parcel or lot which provides access to a public street, but which does not provide access to any other lot or parcel under separate ownership. (See also - STREET, PRIVATE)

DWELLING: A building designed exclusively as living quarters for one (1) or more families, including single family, two family and multi-family dwellings, but not including hotels, motels or boarding houses.

DWELLING, SINGLE FAMILY: A detached residential building which is the only principal structure on the lot, designed exclusively for occupancy by one (1) family, as defined herein, and containing one (1) dwelling unit, as defined herein.

DWELLING, TWO FAMILY: A residential building which is the only principal structure on the lot, designed exclusively for occupancy by two (2) families living independently of each other, and containing two (2) dwelling units, each with a separate entrance directly to the outside, including double houses and duplexes.

DWELLING, MULTI-FAMILY: A residential building designed exclusively for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units, including garden apartments and townhouses.

DWELLING UNIT: Two (2) or more rooms designed for or occupied by one (1) family only and containing sleeping facilities, cooking and food storage facilities, and, in a separate room, toilet, and tub or shower, with hot and cold water supply, all for the exclusive use of the family occupying the dwelling unit.

EASEMENT: A grant of one (1) or more property rights by the property owner to and for the use by the public, a corporation or another person or entity within which no permanent structure may be erected, the use of which shall not be inconsistent with the rights of the grantee.

ENGINEER: A professional engineer licensed as such in the Commonwealth with training and experience in civil engineering. The use of the word "engineer" shall not exclude the practice of topographic surveying as provided for by the laws of the Commonwealth.

FAMILY: An individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit or any number of persons protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et. Seq., as now or hereafter amended) living together in a group living arrangement with supervision, provided those persons do not have a criminal record.

FEE: The required charge established from time to time by Resolution of the Board of Supervisors collected to defray the costs of processing an application, reviewing an application or inspecting the installation of public improvements which shall be payable to the Township.

FINAL APPLICATION: The written and graphic materials specified by this Ordinance to be submitted to the Township in order to obtain final approval of a proposed subdivision or land development plan.

FINAL PLAT: ~~The map or plan of a proposed subdivision or land development~~ containing all the information required by this Ordinance and the Washington County Subdivision Regulations for final plat approval and in a form acceptable for recording in the Office of the Washington County Recorder of Deeds.

FLAG LOT: A lot which has less than the minimum required lot width along a public or private street right-of-way, but which provides the minimum required lot width at a distance from the lot frontage which is usually in excess of the minimum required front yard setback, and which lot includes a strip of land in fee simple ownership for access from the public or private street to the buildable area of the lot which lies behind another property which fronts on the public or private street.

FRONT BUILDING LINE: A line parallel to or concentric with the front lot line, the minimum measurement of which is the front yard depth required by the Township Zoning Ordinance.

FRONTAGE: That lot line which abuts the right-of-way of a public or private street.

INSPECTOR: The Township Engineer or his/her authorized representative assigned by the Board of Supervisors to make any or all necessary inspections of the work performed and materials furnished by the developer or the contractors selected to install the improvements required by this Ordinance.

LAND DEVELOPMENT: Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - A. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure, including any change of use, structural alteration or other improvement to the land which results in additional land coverage by structures and/or paving or the construction of stormwater management facilities; or
 - B. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
2. A subdivision of land; and
3. Developments authorized to be excluded from the regulation of land development by Section 203 of this Ordinance.

LAND DEVELOPMENT PLAN: A plan which encompasses a proposed land development, which, in addition to a plat of subdivision, if required, includes: all covenants relating to the use of the land; the proposed use, location and bulk of buildings and other structures; the intensity of use or density of development; streets, ways and parking facilities; common open space and public facilities, if any. The land development plan shall include all of the written and graphic information required by this Ordinance.

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

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

LOT AREA: The total area within the lot lines, excluding the area within any street right-of-way.

LOT, DOUBLE FRONTAGE: See DOUBLE FRONTAGE LOT

MAINTENANCE BOND: Surety, in a form acceptable to the Township, in the form of cash, a certified check, a letter of credit or corporate bond from an approved surety company which guarantees the repair or maintenance of the improvements required by this Ordinance for a specified period after their completion and acceptance by the Township.

MAJOR SUBDIVISION: A subdivision, containing four (4) or more lots or any subdivision, regardless of the number of lots, which involves the creation, extension or improvement of any public street.

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

MINOR SUBDIVISION: A subdivision containing not more than three (3) lots, proposed either for the construction of single family dwellings or two family dwellings or for the transfer of property between lots which contain existing single family dwellings or two family dwellings, all of which have frontage on an existing public or private street, or a new private street which is approved in accordance with the requirements of this Ordinance, and which may or may not involve the construction or extension of any public improvements and which does not adversely affect the future development of the remainder of the parcel or any adjoining property.

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

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

MOBILE HOME PARK: A parcel or contiguous parcels of land which have been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

MOBILE HOME PARK LOT: The plan layout for a mobile home park, whether preliminary or final.

MOBILE HOME STAND: That part of an individual mobile home lot which has been reserved for the placement of a mobile home, including, but not limited to any structure on or appurtenant to a mobile home lot which provides utility service connections for a mobile home.

OFFICIAL DATE OF FILING: The date of the regular meeting of the Planning Commission at which the application is accepted by the Commission as complete in content and properly filed in accordance with the requirements of this Ordinance.

ORDINANCE: All references to "Ordinance" or "this Ordinance" refer to the Township of Union Subdivision and Land Development Ordinance.

PARCEL: A tract of land which is recorded in a plan of subdivision or any other tract of land described in a deed or legal instrument pursuant to the laws of the Commonwealth which is intended to be used as a unit for development or transfer of ownership.

PERFORMANCE BOND: Surety, in a form acceptable to the Township, in the form of cash, a certified check, a letter of credit or a corporate performance bond from a Pennsylvania licensed surety company which guarantees the satisfactory completion of the public improvements required by this Ordinance.

PLANNING COMMISSION: Township of Union Planning Commission.

PLAT: A map or plan, either preliminary or final, indicating the subdivision, consolidation or redivision of land or a land development.

PRELIMINARY APPLICATION: The written and graphic materials specified by this Ordinance to be submitted to the Township in order to obtain preliminary approval of a proposed subdivision or land development.

PRELIMINARY PLAT: The map or plan of a proposed subdivision or land development which contains all of the information required by this Ordinance for approval of a preliminary plat.

PRINCIPAL BUILDING OR STRUCTURE: The building or structure in which the principal use is conducted.

PRINCIPAL USE: The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

PRIVATE DRIVEWAY: See DRIVEWAY, PRIVATE

PRIVATE IMPROVEMENTS: All roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers and other facilities to be owned, maintained or operated by a private entity such as an individual, partnership, corporation or Homeowners' Association and constructed in accordance with the Construction Standards of the Township.

PRIVATE STREET: See STREET, PRIVATE

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

PUBLIC IMPROVEMENTS: All roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers and other facilities to be dedicated to or maintained by the Township for which plans and specifications shall comply with the Construction Standards of the Township.

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

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

RECREATIONAL VEHICLE: A single axle or multiple axle structure mounted on wheels or otherwise capable of being made mobile, either with its own motive power or designed to be mounted on or drawn by an automotive vehicle, for the purpose of travel, camping, vacation and recreational use, including, but not limited to: travel trailers, mobile homes, motor homes, tent trailers, boats, boat trailers, pick-up campers, horse trailers, snow mobiles and all-terrain vehicles.

RESUBDIVISION OR REPLATTING: The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law, including consolidation, as defined herein, or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law.

RIGHT-OF-WAY: An area of land reserved or dedicated for public purposes to provide access across private property.

SERVICE OR RECREATIONAL BUILDING: A structure in a mobile home park which houses operational, office, recreational, park maintenance and other facilities built to conform to applicable local standards.

STREET: A way designed for circulation of vehicular traffic, including the entire right-of-way and cartway, whether designated as a street, highway, throughway, thoroughfare, parkway, boulevard, road, avenue, land, place or the like.

STREET, ARTERIAL: A public street which serves large volumes of local and through traffic and which collects and distributes traffic from collector streets through the region and which carries a daily volume of 8,000 AWDT (Average Weekday Traffic) or more.

STREET, COLLECTOR: A public street which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets and which carries a daily volume of at least 3,000 AWDT (Average Weekday Traffic), but no more than 7,999 AWDT (Average Weekday Traffic).

STREET, LOCAL: A public street designed to provide access to abutting lots and to discourage through traffic and which carries a daily volume of less than 3,000 AWDT (Average Weekday Traffic).

STREET, PRIVATE: A street, including the entire private right-of-way, which is privately owned and maintained through private agreement and which is intended for private use. A private street provides access to several lots or parcels which do not have access to a public street and which require access to a public street via the private street. (See also DRIVEWAY, PRIVATE.)

STREET, PUBLIC: A street including the entire public right-of-way, which has been dedicated to and accepted by the Township or which has been devoted to public use by legal mapping, use or other means.

STREET, SERVICE: A short street or alley, whether public or private, designed only to provide secondary access to a structure or group of structures or to parking and loading facilities accessory to the structures and which is not intended for general traffic circulation.

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

SUBDIVISION: The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other 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 street or easement of access or any residential dwelling, shall be exempted.

SUBDIVISION, MAJOR: See MAJOR SUBDIVISION

SUBDIVISION, MINOR: See MINOR SUBDIVISION

SURVEYOR: A registered professional land surveyor licensed as such by the Commonwealth of Pennsylvania.

TOWNSHIP ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, with training and experience in civil engineering, duly appointed by the Board of Supervisors to serve as the engineer for the Township.

TOWNSHIP SOLICITOR: The attorney appointed by the Board of Supervisors to serve as legal counsel for the Township.

WATERCOURSE: A stream, intermittent stream, river, creek, channel or ditch which carries water, whether natural or man-made.

ZONING OFFICER: The designated official appointed by the Board of Supervisors whose duty it shall be to administer this Ordinance and the Township Zoning Ordinance.

ZONING ORDINANCE: Ordinance No. 106, entitled "Union Township Zoning Ordinance," adopted September 11, 1996.