

## ARTICLE IV

### APPROVAL PROCEDURE FOR MAJOR SUBDIVISIONS

#### SECTION 401 APPLICABILITY

This Article shall apply to all subdivisions which propose four (4) or more lots and to all subdivisions which propose the construction of a public street, regardless of the number of lots proposed.

#### SECTION 402 PRE-APPLICATION CONFERENCE

Prior to filing an application for Preliminary Approval, the applicant shall meet with the Township Zoning Officer to obtain application forms and to discuss application procedures and applicable ordinance requirements.

In addition, the developer may request a pre-application conference with the Planning Commission to discuss the conceptual design for the development of the property and the feasibility and timing of the application. The applicant shall contact the Township Zoning Officer at least five (5) working days prior to the regular meeting of the Planning Commission to request a pre-application conference with the Planning Commission.

The pre-application conference with the Planning Commission is voluntary and no formal application or fee is required. This opportunity is afforded to the developer to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.

A pre-application conference shall not constitute formal filing of any application for approval of a subdivision, shall not bind the Planning Commission to approve any concept presented in the pre-application conference and shall not protect the application from any subsequent changes in ordinance provisions which may affect the proposed date of filing of an application for Preliminary Approval of a Major Subdivision under the terms of this Ordinance.

#### SECTION 403 PRELIMINARY APPLICATION SUBMISSION

The applicant shall file eight (8) copies of an application for Preliminary Approval required by Section 404 of this Ordinance to the Township at least fourteen (14) calendar days prior to the regular meeting of the Planning Commission. If the fourteenth day falls on a Saturday, Sunday or holiday, the application shall be filed by the close of business on the immediately preceding working day.

The Preliminary Application shall not be considered to be complete and properly filed unless and until all items required by Section 404 of this Ordinance, including the Application Fee, have been received.

Immediately upon receipt, the application shall be stamped with the date of receipt by the Township and one (1) copy of the application shall be distributed to the Township Engineer and one (1) copy to the Township Zoning Officer for review.

The Township Zoning Officer shall transmit one (1) copy of the Preliminary Application to each member of the Planning Commission. Additional copies may be requested from the applicant for referral to any other appropriate review agency at the discretion of the Township Zoning Officer.

The applicant shall submit one (1) copy of the complete and properly filed Preliminary Application to the Washington County Planning Commission for review and comment and shall be responsible for payment of the prevailing County review fee by the developer. The applicant shall provide evidence of transmittal of the application to the County when the application is submitted to the Township.

In all cases, the official date of filing of the Preliminary Application shall be the date of the Planning Commission meeting at which the Commission accepts the application as complete in content and properly filed, based on the Township Engineer's written review as provided in Section 405.1.

## **SECTION 404      PRELIMINARY APPLICATION CONTENT**

### **404.1      All Applications**

All applications for Preliminary Approval of a Major Subdivision shall include the following:

- A.** Eight (8) copies of the completed application form supplied by the Township;
- B.** Application filing fee, as required by Section 1101.1 of this Ordinance;
- C.** Eight (8) copies of a Preliminary Plat, all drawings on sheets not exceeding thirty-four inches by forty-four inches (34"x44"), containing the following information:
  - 1.** A boundary survey by a registered professional land surveyor and topographical survey of the total proposed subdivision by

a registered professional engineer or registered professional land surveyor. If the developer intends to develop a tract of land in phases, the preliminary plat shall include the total tract.

2. The proposed name of the subdivision.
3. The name, address, certification and seal of the registered engineer or registered surveyor who prepared the plat and the registered surveyor who did the survey shown on the plat.
4. The name and address of the developer and, if the developer is not the landowner, the name and address of the landowner.
5. A location map showing the plan name and location; major existing thoroughfares related to the site, including the distance therefrom, title, scale and North point.
6. A graphic scale, North point and date.
7. A legend and notes.
8. The existing platting of land adjacent to the site, including the names of adjoining owners, and all existing sewers, water mains, culverts, petroleum or gas lines and fire hydrants on the site or within one hundred (100) feet of the site shall be shown.
9. Existing watercourses, wetlands, tree masses and other significant natural features.
10. Areas subject to periodic flooding, if any, as identified on the current Official Map for the Township issued by the Federal Insurance Administration.
11. Identification of any wetlands on the site and the design techniques proposed to accommodate them.

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12. Contours at intervals of elevation of not more than five (5) feet where the slope is greater than ten percent (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less.

13. Existing streets and rights-of-way on or adjoining the site, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks and other pertinent data.
  14. Existing and proposed easements, locations, widths and purposes.
  15. Location, width and approximate grade of all proposed streets, parking areas and loading areas.
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16. The layout of lots (showing scaled dimensions), lot numbers and the area of lots in square feet.
  17. Front building lines.
  18. Parcels of land proposed to be reserved for schools, parks, playgrounds or other public, semi-public or community purposes, if any. Parcels shall be lettered A, B, C, etc. and the area of each parcel in acres shall be shown.
  19. Tabulation of site data, either on the plan or on an 8 ½" x 11" sheet of paper attached to the plan, including total acreage of land to be subdivided, the number of residential lots, typical lot size, the acreage in the subdivision and the acreage in any proposed recreation or other public areas.
  20. Proposed public improvements. The size of each should be shown and the location of, or distance to, each existing utility indicated.
  21. Feasibility of proposals for disposition of stormwater and sanitary waste.
- D. In the case of a plan which proposes one hundred (100) or more dwelling units, a Traffic Study prepared in accordance with Section 504.1-D.
- E. Where evidence exists of deep mining, strip mining, landslide prone soils or other geologic hazards on the site, a geologic report by a qualified registered professional engineer acceptable to the Township regarding soil and sub-surface conditions and the probable measures needed to be considered in the design of the development, the location of structures and the design of foundations, if any.

**SECTION 405      PRELIMINARY APPLICATION APPROVAL FOR A MAJOR  
SUBDIVISION**

**405.1      Planning Commission Recommendation**

The Township Engineer shall present a written report to the Planning Commission which states whether an application complies with the requirements of this Ordinance and that report shall be included in the minutes at the Planning Commission meeting. The Planning Commission shall not make a recommendation on the application until the report of the Township Engineer has been received.

At the first regular meeting of the Planning Commission after submission of a Preliminary Application, the Planning Commission shall accept the application as complete in content and properly filed, based on the Township Engineer's review. The date of the Planning Commission meeting at which the Preliminary Application is accepted as complete and properly filed shall be the official date of filing of the application and shall represent the beginning of the sixty (60) day period for Planning Commission review and action on the application, unless the applicant agrees, in writing, to an extension of time.

If the application is not accepted as complete in content and properly filed, the Planning Commission shall return the application to the applicant for resubmission for the next monthly meeting in accordance with the time specified in Section 403 and shall provide the applicant with a copy of the Township Engineer's written review outlining the deficiencies to be corrected in order for the application to be considered complete in content and properly filed.

Within sixty (60) days of the official date of filing of the Preliminary Application, the Planning Commission shall make a written recommendation to the Board of Supervisors recommending approval, approval with conditions or disapproval of the Preliminary Application. The recommendation of the Planning Commission shall provide reasons for the recommendation and, in the case of a recommendation for disapproval, shall cite the specific requirements of this Ordinance which have not been met.

**405.2      Board of Supervisors Action**

Within ninety (90) days of the official date of filing of the Preliminary Application, the Board of Supervisors shall either approve, approve with conditions or disapprove the Preliminary Application at a public meeting.

The Board of Supervisors shall not act until the review has been received from the Washington County Planning Commission or until thirty (30) days has passed since the date that the application was submitted to the County for review. The recommendation of the Township Planning Commission and the Planning Commission minutes containing the report of the Township Engineer shall be made a part of the record at that meeting.

A letter indicating approval, approval with conditions or disapproval shall be mailed to the applicant within fifteen (15) days of the date of the decision. If the Preliminary Application is not approved, the Board of Supervisors shall specify the defects found in the Preliminary Application and cite the requirements of this Ordinance which have not been met.

**405.3 Conditional Approval**

If the Board of Supervisors determines that certain conditions are warranted to be attached to Preliminary Approval to protect the public interest and guarantee compliance with the requirements of this Ordinance, the conditions of approval shall be specified, in writing, in the notice of conditional approval required by Section 405.2 of this Ordinance. The applicant shall accept or reject the conditions attached to Preliminary Approval by giving written notice to the Township Secretary within thirty (30) days of the date of the meeting of the Board of Supervisors at which Preliminary Approval is granted. If the applicant fails to give written notice to the Township regarding acceptance or rejection of the conditions attached to Preliminary Approval within the required thirty (30) days, Preliminary Approval shall automatically be rescinded without written notice to the applicant.

**405.4 Deemed Approval**

Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner prescribed by this Ordinance shall be deemed an approval of the application in the terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

**405.5**      **Expiration of Preliminary Approval.**

Preliminary Approval shall expire five (5) years from the date of the grant of Preliminary Approval by the Board of Supervisors, unless a written extension is submitted by the applicant and approved by the Board of Supervisors. Any request for extension shall be submitted to the Board of Supervisors at least thirty (30) days prior to the prevailing expiration date. Extensions may be granted for one (1) or more six (6) month periods upon a finding by the Board of Supervisors that such extension is warranted.

In the case of a phased development, calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the applicant with the Preliminary Application delineating all proposed phases, as well as time deadlines by which applications for final plat approval of each phase are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of preliminary approval until final plat approval of the final phase has been granted. Any modification in the aforesaid schedule shall be subject to approval by the Board of Supervisors in its sole discretion. Phased development shall be subject to the time protection provisions of Section 508 (4) of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

**SECTION 406**      **FINAL APPLICATION SUBMISSION FOR A MAJOR SUBDIVISION**

**406.1**      **General Procedure**

After a Preliminary Application for a Major Subdivision has been approved by the Board of Supervisors, the developer may proceed by filing either of the following types of applications:

- A.      A final application, including final plat approval, together with the Performance Bond to guarantee proper installation of required improvements in the plan; or
- B.      A final application without final plat approval, whereupon required improvements are installed prior to a request for final plat approval.

In either case, the applicant shall submit eight (8) copies of the Final Application required by Section 407 to the Township at least fourteen (14) calendar days prior to the regular meeting of the Planning Commission. If the fourteenth day falls on a Saturday, Sunday or holiday, the application shall be filed by the close of business on the immediately preceding working day.

Immediately upon receipt, the application shall be stamped with the date of receipt by the Township and one (1) copy of the application shall be distributed to the Township Engineer and one (1) copy to the Township Zoning Officer for review. The Township Zoning Officer shall transmit one (1) copy of the application to each member of the Planning Commission.

In all cases, the official date of filing of the Final Application shall be the date of the Planning Commission meeting at which the Commission accepts the application as complete in content and properly filed, based on the Township Engineer's written review as provided in Section 408.1.

**406.2      Final Application Including Final Plat Approval.**

A Final Application shall not be considered to be complete in content and properly filed unless and until all items required by Section 407 of this Ordinance, including the Application Fee, have been received.

**406.3      Final Applications Without Final Plat Approval.**

In the case of a Final Application which does not include final plat approval, the Performance Bond required by Section 407-E shall not be required; however, all other materials required to complete a Final Application, including the Final Plat required by Section 407-I, shall be submitted. The application filing fee shall be submitted at the time of filing the final application without plat approval and additional application filing fees shall not be charged at the time of the request for final plat approval, if the request for final plat approval is submitted within twelve (12) months of the date of submission of the final application without plat approval. However, application review fees shall be charged both at the time of filing of the Final Application and at the time of submission of the Final Plat in accordance with the requirements of Section 1001 of this Ordinance.

**SECTION 407      FINAL APPLICATION CONTENT**

All applications for Final Approval of a Major Subdivision shall include the following:

- A.      Eight (8) copies of the completed application form supplied by the Township;
- B.      Application filing fee, as required by Section 1101.1 of this Ordinance;
- C.      One (1) copy of the approved Preliminary Plat;

- D.** Two (2) copies of Construction Plans for public improvements prepared by a registered professional engineer drawn on sheets measuring twenty-four by thirty-six inches (24" x 36") showing the following:
- 1.** Conformity with the Design Standards specified in Article VIII of this Ordinance and the Township Construction Standards;
  - 2.** Street plan and profile of each street in the plan, including the terminus of all streets in the plan and any area beyond the limits of the plan where grading is proposed to construct the street. Street plan and profile drawings shall include all drainage easements over property, location of catch basins, inlets, manholes, headwalls and endwalls of the stormwater system. Top and invert elevations shall be shown along with the pipe size. Profile of storm pipes shall show any crossing sanitary sewer lines and may be placed on a separate drawing. Lot lines and lot numbers shall be included in the street plan view.
  - 3.** At least three (3) cross sections at intervals not to exceed one hundred (100) feet and extending fifty (50) feet on each side of the street centerline or twenty-five (25) feet outside of the street right-of-way, whichever is greater;
  - 4.** Sanitary sewer plan and profile drawing which shall include lot lines and lot numbers on the plan view. The location of the sanitary sewers, manholes and location of each "Y" proposed for installation shall be shown. The grade line, distance and pipe size of each line shall be indicated on the plan and profile. The top and invert elevation of each manhole plus pipe invert grades at fifty (50') foot intervals shall be provided.
  - 5.** All construction drawings shall be prepared according to accepted engineering and construction standards and in accordance with the standard sanitary and storm sewer details available from the Township.
- E.** Performance Bond as required by Section 411 of this Ordinance, to guarantee proper installation of public improvements except in the case of Final Applications without Final Plat Approval, as provided for in Section 406.3 of this Ordinance.
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- F.** Amenities Bond, if required by Section 412, to guarantee proper installation of private improvements.
- G.** Final covenants and restrictions applicable to the plan, if any; and
- H.** Evidence of compliance with all other applicable Township, County, State or Federal regulations or permits.

- I. Eight (8) copies of the Final Plat in accurate and final form for recording which clearly delineates the following:
1. The name of the subdivision.
  2. The name and address of the developer, and, if the developer is not the landowner, the name and address of the landowner.
  3. The name, address, certification and seal of the registered land surveyor who prepared the plat.
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4. The North point, graphic scale and date.
  5. Accurate boundary lines, with dimensions and bearings.
  6. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract of land described in the final plat.
  7. Lot numbers and dimensions.
  8. Final building lines.
  9. Easements for public improvements and any limitations on such easements.
  10. Dimensions and bearings of any property to be reserved for public, semi-public or community use.
  11. Street names.
  12. Complete curve data for all curves included in the final plat, including radius, arc length, chord bearing and chord distance. Lines which join these curves that are non-radial or non-tangential should be so noted.
  13. Street lines with accurate dimensions in feet and hundredths of feet.
  14. If applicable, a notation on the plat that access to a State highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation under Section 420 of the State Highway Law (P.L. 1242, No. 428 of June 1, 1945).
  15. Location, type and size of all monuments and lot markers in accordance with the standards and requirements of Section 701 of this Ordinance and the County Planning Commission and an indication of whether they were found or set.

16. Where applicable, evidence of approvals from the Washington County Soil Conservation District, Pennsylvania Department of Environmental Protection or the U.S. Army Corps of Engineers.
17. Spaces for the signatures of the Chairman and Secretary of the Planning Commission, the Township Secretary and the Township Engineer.
18. Certification clauses required by the Washington County Subdivision and Land Development Regulations.

## **SECTION 408 FINAL APPLICATION APPROVAL FOR A MAJOR SUBDIVISION**

### **408.1 Final Applications Including Final Plat Approval**

The Township Engineer shall present a written report to the Planning Commission which states whether the application complies with the requirements of this Ordinance and that report shall be included in the minutes of the Planning Commission meeting. The Planning Commission shall not make a recommendation on the application until the report of the Township Engineer has been received.

At the first regular meeting of the Planning Commission after submission of a Final Application, the Planning Commission shall accept the application as complete and properly filed, based on the Township Engineer's review. The date of the Planning Commission meeting at which the Final Application is accepted as complete in content and properly filed shall be the official date of filing for the application and shall represent the beginning of the sixty (60) day period for Planning Commission review and action on the application, unless the applicant agrees, in writing, to an extension of time.

If the application is not accepted as complete in content and properly filed, the Planning Commission shall return the application to the applicant for resubmission for the next regular meeting in accordance with the time specified in Section 403 and shall provide the applicant with a copy of the Township Engineer's written review outlining the deficiencies to be corrected in order for the application to be considered complete and properly filed.

Within sixty (60) days of the official date of filing of the application, the Planning Commission shall make a recommendation, in writing, to the Board of Supervisors recommending approval, approval with conditions or disapproval of the Final Application. The recommendation of the Planning Commission shall provide reasons for the recommendation and, in the case of a recommendation for disapproval, shall cite the specific requirements of this Ordinance which have not been met.

Within ninety (90) days of the official date of filing of the application, the Board of Supervisors shall either approve, approve with conditions or disapprove the Final Application at a public meeting. The Township Planning Commission's written recommendation and the Township Planning Commission's minutes containing the report of the Township Engineer shall be made a part of the record at that meeting.

A letter indicating approval, approval with conditions or disapproval shall be mailed to the applicant within fifteen (15) days of the date of the decision. If the Final Application is not approved, the Board of Supervisors shall specify the defects found in the Final Application and cite the requirements of this Ordinance which have not been met.

**408.2      Conditional Approval.**

If the Board of Supervisors determines that certain conditions are warranted to be attached to Final Approval to protect the public interest and guarantee compliance with the requirements of this Ordinance, the conditions of approval shall be specified, in writing, in the notice of conditional approval required by Section 408.1 of this Ordinance. The applicant shall accept or reject the conditions attached to Final Approval either by giving written notice to the Township Secretary or by executing the Development Agreement required by Section 413 of this Ordinance within thirty (30) days of the date of the meeting of the Board of Supervisors at which Final Approval is granted. If the applicant fails to give written notice to the Township regarding acceptance or rejection of the conditions attached to Final Approval or execute the Development Agreement within the required thirty (30) days, Final Approval shall automatically be rescinded without written notice to the applicant.

**408.3      Final Subdivision Applications Without Final Plat Approval.**

Final Subdivision Applications Without Final Plat Approval shall be approved or disapproved in accordance with the procedures specified in Section 408.1 for Final Subdivision Applications Including Final Plat Approval. If the developer's Final Subdivision Application Without Final Plat Approval has been approved and the developer has obtained all necessary permits and approvals from the Township and County, State or Federal agencies, if any are required, the developer may proceed to construct improvements as indicated in the Final Application seventy-two (72) hours after the developer has notified the Township Engineer by certified mail. The Township Engineer shall then authorize the Progress Inspections required by Section 601 of this Ordinance. The installation of all improvements shall be subject to the Progress Inspections required by Section 601.

**408.4****Final Plat Approval of a Subdivision After Completion of Improvements.**

Upon completion of the improvements contained in the Final Application, the developer shall notify the Township, in writing, of the completion and shall submit eight (8) copies of the Final Plat, as required by Section 407-I of this Ordinance, with the notice of completion. Within ten (10) days of the receipt of the notice of completion and submission of the Final Plat, the Board of Supervisors shall authorize the Township Engineer to inspect the improvements and review the Final Plat to determine whether the Final Plat is in conformance with the previously approved Final Application and all applicable requirements of this Ordinance and whether the proper officers of the Township should affix their signatures to the Final Plat for recording purposes.

Within thirty (30) days of receiving such authorization, the Township Engineer shall report to the Board of Supervisors, in writing, with a copy to the developer, whether the completed improvements comply with the requirements of this Ordinance and the Township Construction Standards and whether the Final Plat complies with all applicable requirements of this Ordinance. The Township Engineer's report shall indicate approval or rejection of the improvements, either in whole or in part, and, in the case of rejection, shall contain a statement of reasons for such rejection.

Within forty-five (45) days of receipt of the notice of completion of improvements, the Board of Supervisors shall notify the developer, in writing, by certified or registered mail, of the approval or rejection of the improvements. Acceptance of the improvements shall be in accordance with the requirements of Section 605 of this Ordinance and shall be further subject to the posting of the Maintenance Bond required by Section 606 of this Ordinance.

Within forty-five (45) days of the submission of the Final Plat, the Board of Supervisors shall either approve or disapprove the Final Plat for recording purposes at a public meeting. The Township Engineer's written report shall be made a part of the record at that meeting.

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A letter indicating approval or disapproval shall be sent to the developer by regular mail within fifteen (15) days of the date of the decision. If the Final Plat is not approved, the Board of Supervisors shall specify the defects found in the Final Plat and shall cite the requirements of this Ordinance which have not been met.

**408.5      Deemed Approval**

Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner prescribed by this Ordinance shall be deemed an approval of the application in the terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

**408.6      Phased Approval**

In the case where development of a subdivision is projected over a period of years, the Township authorizes submission of Final Applications by sections or phases of development, subject to such requirements or guarantees for public improvements in future sections or phases of the development which are essential for the protection of the public welfare and any existing or proposed section or phase of the plan.

All sections or phases shall conform to the Preliminary Application as previously approved by the Township. Any phase that contains substantive changes in the number of lots or buildings proposed or in the layout of the lots, buildings or streets previously approved in the Preliminary Application shall require complete resubmission of the Preliminary Application in accordance with Sections 403 and 404 of this Ordinance.

**SECTION 409      THE MEDIATION OPTION**

The Board of Supervisors may offer the mediation option as an aid in completing the proceedings authorized by this Article. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting Township police powers or as modifying any principles of substantive law.

Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. In offering the mediation option, the Board of Supervisors shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

- A.      Funding mediation.

- B. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
- C. Completing mediation, including time limits for such completion.
- D. Suspending time limits otherwise authorized in this Ordinance or in the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended), provided there is written consent by the mediating parties, and by an applicant or the Board of Supervisors, if either is not a party to the mediation.
- E. Identifying all parties and affording them the opportunity to participate.
- F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
- G. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the Board of Supervisors pursuant to the procedures for approval set forth in this Article.

No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

**SECTION 410 RESOLUTION INDICATING APPROVAL**

When requested by the developer, in order to facilitate financing, the Board of Supervisors shall furnish the developer with a signed copy of a Resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The Final Plat shall not be signed nor recorded until the Performance Bond and Development Agreement are executed. The Resolution shall expire and be deemed to be revoked if the Performance Bond and Development Agreement are not executed within ninety (90) days, unless a written extension is granted by the Board of Supervisors. Such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

**SECTION 411 POSTING OF PERFORMANCE BOND**

In lieu of the completion of any improvement required prior to and as a condition for final approval of a plat, the applicant shall deposit a Performance Bond, as defined by this Ordinance, in favor of the Township, in an amount equal to one hundred and ten percent (110%) of the cost of completion of the improvements estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of the Performance Bond by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original

date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the Performance Bond equals said 110%. Any additional security shall be posted by the developer in accordance with this Section 411.

The amount of the Performance Bond required shall be based upon a written estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by an engineer and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another engineer chosen mutually by the Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.

If the party posting the Performance Bond requires more than one (1) year from the date of posting of the Performance Bond to complete the required improvements, the amount of the Performance Bond may be increased by an additional ten percent (10%) for each one-year period beyond the first anniversary date from posting of the Performance Bond or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as re-established on or about the expiration of the preceding one-year period by using the above procedure.

#### **SECTION 412 POSTING OF AMENITIES BOND**

In all subdivisions or land developments where private improvements are required by this Ordinance or voluntarily provided by the developer, an Amenities Bond shall be required. The procedure for posting the Amenities Bond shall be the same as that required by Section 411 of this Ordinance for posting a Performance Bond.

#### **SECTION 413 DEVELOPMENT AGREEMENT**

As a condition of granting Final Approval of a subdivision or land development that requires the posting of a Performance Bond or an Amenities Bond or to which conditions are attached to the grant of Final Approval, the Board of Supervisors shall require that the developer execute a Development Agreement with the Township, in a form acceptable to the Township Solicitor, containing any conditions attached to the approval of the plan and provisions that are reasonably required to guarantee the proper installation of public and private improvements related to the subdivision and/or land development and provisions necessary to indemnify the Township in connection therewith.

Said agreement shall be executed, the required Performance Bond shall be posted and all required fees shall be paid before the Township Secretary shall affix his or her signature and the Township Seal to the Final Plat for recording purposes.

In the event that the Development Agreement is not executed within the ninety (90) days required for recording of the final plat, approval of the final plat shall expire, unless approval is reinstated as provided for in Section 414.

#### **SECTION 414      RECORDING OF FINAL PLAT**

Upon approval of a Final Plat by the Township, the developer shall, within ninety (90) days of such Final Approval, record such plat in the Office of the Washington County Recorder of Deeds.

In the event that the plan has not been recorded within the required ninety (90) days, the Township Secretary is authorized to reinstate the signatures of the proper officers of the Township indicating approval, provided there are no changes in the subdivision or land development plan previously granted approval and all the requirements of this Ordinance regarding posting of a Performance Bond and execution of a Development Agreement have been met and, further, provided the plan is submitted for reinstatement of approval within ninety (90) days following the expiration of the original ninety (90) days following the expiration of the original ninety (90) days from the date of Final Approval by the Board of Supervisors. Any request for Final Approval which is submitted after one hundred eighty (180) days from the date of the original granting of Final Approval by the Board of Supervisors shall be required to resubmit an application for Final Approval in conformance with the requirements of Sections 405 through 415 of this Ordinance, including the application filing fee.

#### **SECTION 415      FILING OF COPIES**

Upon recording of the Final Plat in the Office of the Washington County Recorder of Deeds, the developer shall deliver one (1) reproducible mylar and two (2) paper prints of the final plat as recorded, containing all required signatures and dates of approval, to the Township Zoning Officer.