

CALN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2019-01

AN ORDINANCE OF CALN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CALN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1978, AS AMENDED, WHICH IS CODIFIED IN CHAPTER 137 OF THE CALN CODE; SPECIFICALLY SECTION 137-10.C RELATING TO SUBMISSION OF SKETCH PLANS; SECTION 137-11 RELATING TO THE APPLICATION PROCEDURE FOR PRELIMINARY PLANS; SECTION 137-12 RELATING TO THE APPLICATION PROCEDURE FOR FINAL PLANS; AND SECTION 137-13 RELATING TO FEES THAT MUST BE PAID WITH A SUBDIVISION AND LAND DEVELOPMENT APPLICATION.

BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Caln Township Board of Commissioners that the Caln Township Subdivision and Land Development Ordinance of 1978, as amended, which is codified in Chapter 137 of the Caln Code, shall be further amended as follows:

SECTION 1. Section 137-10.C(3) shall be amended to read as follows:

- “(3) Be accompanied by a minimum of eight copies of the sketch plan as described in these regulations and complying in all respects with these regulations and submitted to the Township Secretary, who shall distribute copies as follows:
- (a) One copy to the Township Engineer.
 - (b) One copy to the Township files.
 - (c) One copy to the Building and Life Safety Department.
 - (d) One copy to the Wastewater Department.
 - (e) One copy to the Wastewater Engineer.
 - (d) One copy to the Planning Commission

SECTION 2. Section 137-10.C(4) shall be amended to read as follows:

- “(4) A digital copy of all submission plans and documents shall be provided to the Code Department to be distributed to the Board of Commissioners and Township Solicitor.”

SECTION 3. Section 137-11.A shall be amended to read as follows:

“A. Application procedure and requirements. The application shall:

- (1) Be made on forms available at the Township office, together with the appropriate filing fee.
- (2) Be accompanied by eight copies of the preliminary plan and profiles and copies of the required accompanying material as described in these regulations
- (3) The submission shall include the following which will be distributed by the Township Secretary as established by Township internal procedures:
 - (a) Three copies of any stormwater reports, calculations and/or studies;
 - (b) Three copies of erosion control reports or calculations;
 - (c) Two copies of any required traffic study;
 - (d) Three copies of any required Sewage Facilities Planning Module;
 - (e) One Chester County Planning Commission Application;
 - (f) One copy of Chester County Conservation District Transmittal;
 - (g) One digital copy of all submission documents.
- (4) Be presented to the Board of Commissioners at a regular meeting of the Board.
- (5) Include a digital copy of all submission materials, plans and documents.
 - (a) The digital submission may be on a compact disc (CD) or a Flash drive.

- (b) The digital submission shall be prepared to meet commonly accepted drafting and engineering industry standards for layers, but shall as a minimum include descriptive information layers containing the following:
 - [1] Lot lines (no text).
 - [2] Right-of-way lines (no text).
 - [3] Street center lines (no text).
 - [4] Edge of pavement lines/curblines.
 - [5] Easements; separate layers for water, sanitary sewer and stormwater, which must be further separated for dedicated vs. private deed restricted areas. All easement areas must be clearly labeled.
 - [6] Floodplains; separate layers for FEMA and calculated floodplains.
 - [7] Utilities; separate layers for water and sanitary sewer.
 - [8] Stormwater facilities; separate layer for dedicated facilities and privately owned easement facilities, i.e., swales, basins, etc.
 - [9] Monumentation per § 137-34E and F.
- (6) Eight copies of the preliminary plan and application with supporting data prepared in accordance with the requirements set forth in Article V of this chapter and this subsection shall be submitted, as well as the digital submission. These copies shall be distributed as follows:
 - (a) One copy to the Chester County Planning Commission.
 - (b) One copy of to the Township Engineer.
 - (c) One copy to the Caln Township Wastewater Department.
 - (d) One copy to the Caln Township Building and Life Safety.
 - (e) One copy to the Township Planning Commission.

- (f) Retain one copy for the Township Secretary.
- (g) One copy to the Township Wastewater Engineer.
- (h) Digital copies shall be forwarded to the Township Solicitor and Board of Commissioners.

SECTION 4. Section 137-11.B(3)(a) shall be amended to read as follows:

- “(3) Revised plans. During the course of the Planning Commission's review of the plan and prior to any decision by the Board of Commissioners, the plan may be revised by the applicant. Such revised plan shall be submitted and distributed in the same manner as the original submission unless a lesser amount is deemed acceptable by the Township. The revised plan shall note the dates of any revisions. If a substantial revision is made to the plan, as determined by the Board of Commissioners, the applicant shall sign a statement withdrawing any previously submitted plan from consideration. The Board shall have a period of 90 days from the date of the regular meeting of the Planning Commission next following the date the application is filed or after a final order or court remanding an application, provided that, should said next regular meeting occur more than 30 days following the filing of the application or the final order of the court, said 90 day period shall be measured from the 30th day following the day the application has been filed, to render a written decision and communicate it to the applicant.”

SECTION 5. Section 137-12 titled “Final plan” shall be amended to read as follows:

“§137-12. Final Plan.

A. The application shall:

- (1) Be made on forms available at the Township office, together with the appropriate filing fee.
- (2) Be accompanied by eight copies of the final plan and copies of the required accompanying material as described in these regulations.
- (3) The submission shall include the following which will be distributed by the Township Secretary as established by Township internal procedures:
 - (a) Three copies of any stormwater reports, calculations and/or studies;
 - (b) Three copies of erosion control reports or calculations;

- (c) Two copies of any required traffic study;
- (d) Three copies of any required Sewage Facilities Planning Module;
- (e) One Chester County Planning Commission Application;
- (f) One copy of Chester County Conservation District Transmittal;
- (g) One digital copy of all submission documents.

If the above reports, studies and calculations were submitted as part of preliminary plan approval, those documents shall be updated and revised as needed.

- (4) Comply in all respects with the sketch plan or preliminary plan, depending upon the classification of the subdivision or land development.
- (5) Be presented to the Board of Commissioners at a regular meeting of the Board.
- (6) The final plan and application shall be accompanied by:
 - (a) the water quality management permit issued by the Department of Environmental Protection, if any is necessary.
 - (b) Approval by the Chester County Conservation District and/or the Department of Environmental Protection for sedimentation and erosion control.
 - (c) The approved revision to the Township Act 537 Sewage Facilities Plan.
- (7) Include a Digital submission of all plans and materials.
 - (a) The digital submission may be on a compact disc (CD) or a Flash drive
 - (b) The digital submission shall be prepared to meet commonly accepted drafting and engineering industry standards for layers, but shall as a minimum include descriptive information layers containing the following:
 - [1] Lot lines (no text).

- [2] Right-of-way lines (no text).
 - [3] Street center lines (no text).
 - [4] Edge of pavement lines/curblines.
 - [5] Easements; separate layers for water, sanitary sewer and stormwater, which must be further separated for dedicated vs. private deed restricted areas. All easement areas must be clearly labeled.
 - [6] Floodplains; separate layers for FEMA and calculated floodplains.
 - [7] Utilities; separate layers for water and sanitary sewer.
 - [8] Stormwater facilities; separate layer for dedicated facilities and privately owned easement facilities, i.e., swales, basins, etc.
 - [9] Monumentation per § 137-34E and F.
- (8) The final plan with supporting data prepared in accordance with the requirements set forth in Article V of this chapter and this subsection shall be submitted in the same number and distributed in the same manner as Preliminary Plans as follows:
- (a) One copy to the Chester County Planning Commission.
 - (b) One copy of to the Township Engineer.
 - (c) One copy to the Caln Township Wastewater Department.
 - (d) One copy to the Caln Township Building and Life Safety.
 - (e) One copy to the Township Planning Commission.
 - (f) Retain one copy for the Township Secretary.
 - (g) One copy to the Township Wastewater Engineer.
 - (h) Digital copies shall be forwarded to the Township Solicitor and Board of Commissioners.

B. Final plan approval.

- (1) The review by the Township Engineer shall include an examination of the content of the plans to be certain that all information and changes required by this chapter and by the Board in its review of the preliminary plan are presented in the plans submitted, and an investigation of the plan, to be certain that all other Township ordinances are complied with, and an examination of the engineering feasibility of the final designs presented, for the location, alignment and grade of streets, stormwater drainage, sanitary sewers and water supply. The Township Engineer shall forward his comments on the plan to the Planning Commission as soon as practicable.
- (2) Revised plans. During the course of the Planning Commission's review of the plan and prior to any decision by the Board of Commissioners, the plan may be revised by the applicant. Such revised plan shall be submitted and distributed in the same manner as the original final plan submission unless a reduced number is permitted by the Township. Revised plans shall note the dates of any revisions. If a substantial revision is made to the plan, as determined by the Board of Commissioners, the applicant shall sign a statement withdrawing any previously submitted plan from consideration. The Board shall have a period of 90 days from the date of the regular meeting of the Planning Commission next following the date the revised plan is filed or after a final order of court remanding a revised final plan, provided that should said next regular meeting occur more than 30 days following the filing of the revised plan or the final order of the court, said ninety-day period shall be measured from the 30th day following the day the revised plan has been filed, to render a written decision and communicate it to the applicant.
- (3) Upon receipt of the comments of the Township Engineer and the Chester County Planning Commission, the Planning Commission shall, at its next scheduled public meeting, review the plan and submit in writing to the Board its recommendations for the approval or disapproval of the plan and the reasons therefor.
- (4) Upon receipt of the recommendation of the Planning Commission, the Board shall review the final plan at the next scheduled public meeting or at a special meeting for that purpose and shall approve or disapprove the plan.
 - (a) The decision shall be in writing and communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision.

- (b) When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the ordinance relied upon.
 - (c) Failure of the Board of Commissioners to render a decision and communicate it to the applicant within the time limits required by the Pa.MPC shall be deemed an approval of the application in terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect
 - (d) Approval of the final plan shall constitute approval of the development as to the character and intensity, the arrangement and approximate dimension of streets, lots and other planned features, but shall not authorize the sale of lots, the lease of land, buildings or portions of buildings or the development of land.
- (5) Every final approval of a plan shall be subject to the following conditions:
- (a) The owner shall agree, in writing, in a form to be approved or prepared by the Solicitor of the Township, that he will lay out the roads, streets, lanes or alleys and construct all of the improvements, including necessary grading, paving, curbs, gutters, sidewalks, streetlights on steel poles, fire hydrants, water mains, street signs, storm sewers and sanitary sewers where these improvements are shown on the final plan or the application submitted to the Township or where these improvements are required as a condition of the approval of the plan by the Board, within the time or times therein specified.
 - (b) The owner shall assure the Township by means of a proper guaranty, in the form of a bond, letter of credit or deposit of funds or securities in escrow sufficient to cover the cost of the aforesaid improvements as estimated by the Township Engineer, that said improvements shall subsequently be installed by the owner. The applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Commonwealth of Pennsylvania Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, § 420) known as the "State Highway Law." The bond shall be furnished

under such conditions and form and with surety as shall be approved by the Board to guarantee and secure the completion of said streets and improvements, in lieu of a bond, the owner may deposit cash or securities with the Township or a bank or trust company or a construction mortgagee (if such construction mortgagee will reserve or segregate a sufficient amount necessary from the construction funds for the payment of the cost of such improvements) to guarantee and secure completion of the improvements, upon an escrow agreement to be prepared and approved by the Township Solicitor and approved by the Board. The escrow agent for the deposit of such cash or securities shall be designated and selected or approved by the Board.

- (c) The owner shall agree, if requested, to tender a deed of dedication to the Township for such streets and any and all easements for sanitary sewers or storm sewers and improvements thereto, including street paving, curbs, sidewalks, sanitary and storm sewers, manholes, inlets, pumping stations and other appurtenances as shall be constructed as public improvements and as are required for the promotion of public welfare, after all streets, curbs, sidewalks and sewers are completed and such completion is certified as satisfactory by the Township Engineer. The Board may require that the owner supply a title insurance certificate from a reputable company before any property is accepted for the Township.
- (d) The subdivider shall provide in that escrow fund an amount estimated by the Township as necessary to guarantee the payment of the costs that may be incurred for the rental of hydrants and other utility charges that are imposed by any utility company or authority for the furnishing of water for fire protection or furnishing of other utility services to dwellings or other buildings served by any utility company or companies from the time the said roads are open until acceptance of dedication thereof by the Township as public roads. The estimated costs shall be computed for the period of time appearing on the face of the improvement bond or escrow agreement during which the said improvements are to be installed and dedicated, and any extension of the time within which the improvements are to be made shall be conditioned upon an addition to the escrow fund herein provided in an amount sufficient to guarantee the payment of such rentals and charges for the said fire protection and other utility services during the period of such extension.

- (6) Upon completion of necessary reviews of final plans, the developer shall present clear, reproducible copies of all final plans for formal approval by the Board.
- (7) Upon approval of a final plan, the applicant shall, within 90 days of such final approval or the date the approval of the Board of Commissioners is noted on the plan, whichever is later, record such plan in the Office of the Recorder of Deeds of Chester County. One copy of the recorded plan shall be returned to the Township's Secretary's file within 15 days after recording."

SECTION 6. Section 137-13 titled, "Fees" shall be amended to read as follows:

"§137-13. Fees.

- A. The Board of Commissioners shall establish by resolution a schedule of fees to be paid by the applicant at the time of filing a preliminary or final subdivision or land development plan.
- B. Administration of fees.
 - (1) Upon filing of a preliminary or final land development or subdivision plan, the applicant shall pay, together with the filing fee, an amount as set by resolution of the Board of Commissioners from time to time for professional consultants' fees related to plan review, which monies shall be placed into an escrow account (the "Plan Review Escrow"). The term "professional consultants" shall include any persons who provide expert or professional advice, including but not limited to architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.
 - (2) At the time of approval of a subdivision or land development plan, the applicant shall pay to the Township an amount as set by resolution of the Board of Commissioners from time to time for professional consultants' fees related to inspection of public improvements, which monies shall be placed into an escrow account (the "Inspection Fee Escrow"). Any money remaining in the applicant's Plan Review Escrow may be carried over into the Inspection Fee Escrow. Upon approval of the plan if there are no public improvements for which inspections will be required or upon completion and acceptance of dedication of public improvements by the Township, any monies remaining in escrow shall be returned to the applicant. No earth disturbance or improvements shall take place upon the subject property until an Inspection Fee Escrow is established.

- (3) Upon receipt of a bill for professional consultant's fees for which either the Plan Review Escrow or the Inspection Fee Escrow was established, payment of the bill shall be made from the corresponding escrow account. A detailed copy of the invoice shall be forwarded to the applicant.
 - (4) When an escrow account reaches 25% of its initial amount, the applicant shall be directed to refresh the escrow account to an amount equal to the initial amount required. If a Plan Review Escrow account is not refreshed in accordance with this paragraph, professional plan review shall cease until the Plan Review Escrow is replenished. If the Inspection Escrow Account is not refreshed in accordance with this paragraph, inspections shall cease until the Inspection Escrow Account is replenished.
 - (5) Any interest earned on an escrow account shall be retained by the Township as an administrative fee.
- C. The final plan shall not be recorded unless all fees and costs owed to the Township are paid in full.
- D. Any engineering, legal, and administrative costs in excess of the amount submitted prior to approval of the final plan shall be paid by the developer within 30 days of being notified of same by the Township in writing. Any excess paid over the amount actually required to cover such costs of the final plan shall be returned to the developer upon the completion of the required improvement."

SECTION 7. Severability. The provisions of this Ordinance are severable, and if any article, section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid or unconstitutional by any court of competent jurisdiction, the decision shall not affect or impair any of the remaining articles, sections, subsections, clauses, sentences or parts thereof of this Ordinance. It is hereby declared to be the intent of the Board of Commissioners that this Ordinance would have been adopted if such illegal, invalid or unconstitutional article, section, subsection, clause, sentence or part thereof had not been included herein.

SECTION 8. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 9. Effective Date. This Ordinance shall become effective upon enactment as by law provided.

Ordinance No. 2019-01
SALDO Amendment relating to submission of sketch plans,
application procedures and fees

ENACTED AND ORDAINED this ____ day of _____, 2019.

ATTEST:

**CALN TOWNSHIP
BOARD OF COMMISSIONERS**

Kristen Denne, Secretary

Jennifer M. Breton, President

George M. Chambers, Vice-President

Joshua B. Young, Member

John D. Contento, Member

Lorraine Tindaro, Member