

ELDRED TOWNSHIP

MONROE COUNTY, PENNSYLVANIA

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE COMPILATION 2015

This compilation has not been adopted as a whole by the Board of Supervisors, but simply includes all the provisions of the May 1, 2014, Subdivision and Land Development Ordinance and the amendments adopted on April 23, 2015, as Ordinance No. 2015-3. The intent is to facilitate the public's use of the Subdivision and Land Development Ordinance and amendments. However, in all cases the provisions of the underlying individually adopted ordinances remain in full force and effect, and shall apply to the extent that the provisions of same have not been changed by any subsequent amendment.

Clean Water



*we all live
downstream*

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BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Eldred Township, Monroe County, Pennsylvania by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the *Pennsylvania Municipalities Planning Code*, as follows:

**ARTICLE I
GENERAL PROVISIONS**

100 Adoption

The Eldred Township Subdivision and Land Development Ordinance of April 20, 2005, as amended, is hereby amended and restated in its entirety as hereinafter set forth.

101 Title and Short Title

AN ORDINANCE GOVERNING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN THE LIMITS OF ELDRED TOWNSHIP AND PROVIDING APPLICATION PROCEDURES, DESIGN STANDARDS AND MAINTENANCE REQUIREMENTS FOR IMPROVEMENTS AND PRESCRIBING PENALTIES FOR VIOLATIONS. THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS THE *ELDRED TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE*.

102 Jurisdiction

102.1 Application

This Ordinance shall apply to all subdivisions and land developments in the Township proposed after the effective date of this Ordinance.

- A. No subdivision or land development of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.
- B. No lot in a subdivision may be sold, no permit to erect or alter any building upon land in a subdivision or a land development may be issued, and no building may be erected in a subdivision or a land development, unless and until a plan of such subdivision or land development shall have been approved and properly recorded, and until the improvements required herein in connection therewith have been constructed or guaranteed as hereinafter provided.
- C. No person, firm or corporation proposing to make, or have made, a subdivision or land development within the Township shall proceed with any clearing of vegetation, cutting of trees, or grading before obtaining from Board of Supervisors the approval of the preliminary plan of the proposed development; and, no deeds shall be recorded for lots in any development, before obtaining from Board of Supervisors the approval of the final plan of the proposed subdivision or land development, except as otherwise provided herein.
- D. The proposed subdivision or land development plat shall be in general accordance with the the Township Comprehensive Plan.

102.2 Agricultural Lease Exemption

The subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres each, not involving any new street or easement of access or any residential dwelling, shall be exempted from regulation by this Ordinance.

102.3 Powers

The Township shall have all powers necessary to administer the provisions of this Ordinance without limitation by reason of enumeration, including the following:

- A. To prohibit the development of any land found to be unsuitable as defined by this Ordinance.
- B. To require that improvements to the land be made as defined by this Ordinance
- C. To require the dedication of land as defined as a condition of subdivision or land development plan approval.
- D. To require adherence to this Ordinance and its standards.
- E. To require complete and accurate preliminary and final subdivision and land development submissions and additional information necessary to make reasonable evaluations of such plans.
- F. To make conditional approvals where requirements specified, in writing, by the Township will satisfactorily protect the public interest and health and will not violate State laws and will accomplish the purpose of this Ordinance.

102.4 Recording of Plans

In accord with §513 of the Pennsylvania Municipalities Planning Code, the Recorder of Deeds of the County shall not accept any subdivision or land development map or plan for recording unless such map or plan officially notes the approval of Board of Supervisors.

102.5 Township Records

- A. Planning Commission - The Planning Commission shall keep a record of the findings, decisions, and recommendations relative to all subdivision and land development plans recommended for action to the Township Board of Supervisors. Such records shall be open to the public for review.
- B. Board of Supervisors - The Secretary of the Board of Supervisors shall keep a record of the findings, decisions and recommendations relative to all subdivision and land development plans filed for action by the Board of Supervisors. Such records shall be open to the public for review.

103 Purpose; Community Development Objectives**103.1 Purpose**

This Ordinance has been adopted to protect and promote the health, safety, and general welfare of the Township and its by establishing regulations to allow for the proper and controlled development of the Township, to provide for environmental protection and to ensure the proper provision of community facilities. Regulations for specific types of development for which additional standards have been deemed necessary are intended to protect the rights of the residents of the Township to enjoy clean air, pure water, and the natural, scenic, historic, and aesthetic value of the environment and, in particular, to preserve and conserve the rural and natural features of the Township. The basic tenet of subdivision and land development in the Township is to base design on land capability by encouraging flexibility of design via the conservation subdivision design process. Each development is based on the Existing Resources and Site Analysis and the four-step design process required by this Ordinance. This will provide larger areas of open space within subdivisions and result in interconnected open space areas throughout the Township.

103.2 Community Development Objectives

In addition to the General Community Development Objectives set forth below, this Ordinance is intended to implement the goals and objectives contained in the Township Comprehensive Plan or open space plan which may be adopted by the Township. The Community Development Objectives include, but are not limited to, the following:

- A. To achieve the best use of the land within the Township, insuring that varying use of land and water bodies will complement one another and thus improve the economic, social, and aesthetic character of the community
- B. To establish realistic population densities in order to insure health standards, privacy and open space and in order to provide utilities, police protection, and community services and facilities in the most convenient and efficient manner.
- C. To maintain and improve the road system for better internal circulation and movement of through traffic, which will facilitate the efficient and safe movement of people and goods.
- D. To guide the location of future development and establish developmental standards in such a way that negative impacts on the natural environment and natural resources are minimized, and to minimize existing and future water, air, land and noise pollution.
- E. To provide the opportunity for a wide-range and variety of housing types to meet the needs of all Township residents, newly-formed households, growing families and senior citizens.
- F. To update and revise planning goals and objectives, and the operational tools necessary for implementation, in light of new data and changing conditions.
- G. To expand local business and strengthen the economy by encouraging well-planned commercial, industrial, residential, and recreational growth which will provide for local employment, shopping facilities, and recreational opportunities which in turn will strengthen the local tax base.
- H. To strive for coordination between policies, plans, and programs in the community through cooperation among governing officials, community interest groups, and the general populace.

104 Interpretation

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare of the Township and its citizens. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances of the Township except that where this Ordinance imposes a more stringent or greater requirement on the development of land or structure, or requires larger open spaces than are imposed by such other rules, regulations, or ordinances, the provisions of this Ordinance shall control.

105 Effect of Ordinance Changes

Changes in this Ordinance shall affect plats as follows:

105.1 Pending Action

From the time an application for approval of a plat, 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 to the Township subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the Applicant and the Applicant shall be entitled to a decision in accordance with the 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.

105.2 Project Completion and Effect of Litigation

When an application for approval of a plat, whether preliminary or final, has been approved under the terms of this Ordinance without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment to the subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, that no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.

105.3 Five Year Initiation

Where final approval is preceded by preliminary approval, the aforesaid five (5) 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.

105.4 Substantially Completed Improvements

Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five (5) year limit, or any extension thereof as may be granted by Board of Supervisors, no change to a Township ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to density, lot, building, street or utility location.

105.5 More Than Five Years

In the case of a preliminary plat calling for the installation of improvements beyond the five (5) year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the Applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of Board of Supervisors in its discretion.

105.6 Sections

Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by Board of Supervisors in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five (5) 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 (5) year period the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.

105.7 Landowner Failure

Failure of landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes to subdivision or other governing ordinance or plan enacted by the Township subsequent to the date of the initial preliminary plan submission.

106 Effect of Official Map**106.1 Reservations; Options**

All subdivisions and land developments shall be subject to the reservations shown and established by the Eldred Township Official Map enacted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Code, as amended. If any of the land is subject to the Official the Applicant is encouraged to contact the Township Zoning Officer prior to submitting the plan.

106.2 Final Plans

All public streets, public grounds and other the public elements identified by the Official Map of Eldred Township which are shown on final, recorded plats which have been approved in accord with this Ordinance shall be deemed amendments to the Official Map. No public hearing need be held or notice given if the amendment of the Official Map is the result of the addition of a plat which has been approved in accord with this Ordinance.

107 Subdivision or Land Development Re-design

In cases where a subdivision or land development has been approved under the provisions of Township ordinances which did not provide for conservation design and conservation open space, the Developer may, and is very strongly encouraged to, re-design and submit a new application for any undeveloped portions of the subdivision or land development. Any such re-design shall preserve the rights of any equitable owners of any lot or portion of the subdivision or land development.

108 Liability

Neither the approval nor the granting of any building permit, floodplain permit, site plan review, subdivision approval, land development approval, zoning permit, erosion review, storm water runoff review, wetland delineation or wetland review, steep slope review or any other review or permit of this Ordinance, involving any land governed by the provisions of this Ordinance, by an officer, employee, consultant or agency of the Township, shall constitute a representation, guarantee or warranty of any kind by the Township or its employees, consultants, officials or agencies of the practicality or safety of any structure, use or subdivision and shall create no liability upon, nor a cause of action against any Township body, consultant, official, or employee for any damage that may result pursuant thereto.

109 Pennsylvania Municipalities Planning Code Amendments

The provisions of this Ordinance that only repeat, summarize or reference provisions of the Pennsylvania Municipalities Planning Code shall be deemed to be automatically superceded and replaced by any applicable amendments to such provisions of the Pennsylvania Municipalities Planning Code at the date such amendments become effective as State law.

1010 Severability

In the event that any provision, section, sentence, or clause of this Ordinance shall be held to be unconstitutional, such invalidity shall not affect or impair any remaining part of this Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

1011 Effective Date

This Ordinance shall take effect immediately upon its adoption.

**ARTICLE II
DEFINITIONS**

201 Tense, Gender and Number

Words in the present tense include the future tense; words used in the masculine gender include the feminine and the neuter; words in the singular include the plural and those in the plural include the singular.

202 General Terms

- A. The words *applicant, developer, person, subdivider* and *owner* include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual.
- B. The word *street* includes thoroughfare, avenue, boulevard, court, expressway, highway, lane, arterial, and road.
- C. The word *building* includes structures and shall be construed as if followed by the phrase *or part thereof*.
- D. The term *occupied* or *used* as applied to any building shall be construed as though followed by the words *or intended, arranged, or designed to be occupied or used*.
- E. The word *lot* includes plot, parcel, tract, site, or any other similar term.
- F. The word *watercourse* includes *channel, creek, ditch, drain, dry run, river, spring, and stream*.
- G. The word *abut* includes *directly across from*.
- H. The words *should* and *may* are permissive.
- I. The words *must, shall, and will* are mandatory and directive.

203 Terms Or Words Not Defined

When terms, phrases, or words are not defined, they shall have the meaning as defined in The Latest Illustrated Book of Development Definitions (H. S. Moskowitz and C. G. Lindbloom, Rutgers, The State University of New Jersey, 2004) or if not defined therein, they shall have their ordinarily accepted meanings or such as the context may imply.

204 Specific Terms

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

ACCESS POINT - One combined entrance/exit point or one clearly defined entrance point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include access ways or driveways that are strictly and clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.

ACCESSORY STRUCTURE (INCLUDES ACCESSORY BUILDING) - A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include, but are not limited to, a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An accessory building is any accessory structure that meets the definition of a building. A portion of a principal building used for an accessory use shall not be considered an accessory building.

ARTICLE II - DEFINITIONS

ACCESSORY USE - A use or structure customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use.

ADD-ON SUBDIVISION - See *lot improvement subdivision*.

ADDITION - An extension or increase in floor area or height of a building or structure. See also *alteration* and *repair*.

AGRICULTURAL BUILDING - A building which houses an agricultural use, such as barns, pole barns and equipment sheds. This shall not include buildings used for the processing or transformation of agricultural products such as slaughter houses, canning plants, dairy bottling, and sawmills.

AGRICULTURAL USE - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production.

ALLEY - A right-of-way, privately or publically owned, primarily for service access to the rear or sides of properties.

ALTERATION - Any construction or renovation to an existing structure other than a repair or an addition. See also *addition* and *repair*.

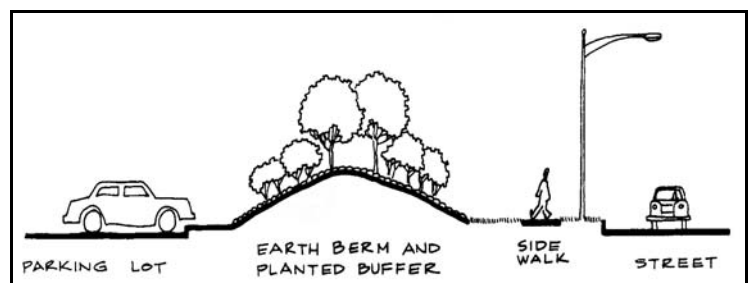
APPLICANT - An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other entity acting as a unit, and his/her/its heirs, successors and assigns, which is seeking an approval or permit pursuant to this Ordinance.

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

BLOCK - A tract of land, a lot or groups of lots, bounded by streets, public parks, water courses, boundary lines of the Township, unsubdivided land or by any combination of the above.

BOARD OF SUPERVISORS - The Board of Supervisors of Eldred Township, Monroe County, Pennsylvania.

BUFFER - A strip of land with fencing, dense vegetative planting, additional setback distances, berms or a combination thereof that separates one use from another use or feature and is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways or improvements which is used to provide separation between incompatible uses to effect a visual barrier, block physical passage between uses, and reduce noise, dust and litter.



Buffer

BUILDING - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, services, goods or materials of any kind or nature.

BUILDING, ACCESSORY - See *accessory structure*.

BUILDING COVERAGE - The percentage of the area of the lot covered or occupied by the total horizontal projected surface area of all buildings on the lot and including accessory buildings and structures (including covered porches, carports and breeze ways, but excluding open and uncovered patios and decks).

BUILDING ENVELOPE - An area on a lot which has been designated as the area in which development may occur. Building envelopes are identified by building setbacks, conservation areas, site conditions and other factors, and shall be specifically designated on the development plan and established by deed covenants and restrictions.

BUILDING HEIGHT - The average vertical distance from finished grade at the front and rear of the building to the top of the highest roof beams on a flat or shed roof, to the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs not including chimneys, spires, elevator shaft extensions, mechanical appurtenances, and similar projections.

BUILDING, PRINCIPAL - A building in which the primary or predominate use of a lot is conducted including any structure that is physically attached to the principal building.

CALIPER - The diameter of a tree's trunk measured twelve (12) inches above the ground.

CAMPGROUND OR RECREATIONAL VEHICLE PARK - A plot of ground upon which two or more campsites are located, established or maintained for temporary occupancy by persons using tents or recreational vehicles, and which shall not be used for long term residency of occupants. All campgrounds and recreational vehicle parks shall be considered a recreational subdivision or land development.

CAMPSITE - A lot within a recreational vehicle park or campground to be used for camping purposes, and acting as a site for travel trailers, truck campers, camper trailers, motor homes, or tents, marked by the developer on a plan as a numbered, lettered, or otherwise identified tract of land.

CARTWAY - The portion of a street right-of-way paved or unpaved intended for vehicular use, including the travelway and shoulders.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at a street intersection(s), defined by lines of sight between points on the street right-of-way lines at a given distance from the intersecting street right-of-way lines.

COMMERCIAL BUILDING - A building which houses a commercial use.

COMMERCIAL USE - An occupation, employment, or enterprise carried on for profit by the owner, lessee, or licensee.

COMMISSION OR PLANNING COMMISSION - The Eldred Township Planning Commission.

COMMON AREA - All of the real property and improvements dedicated for the common use and enjoyment of the residents of a particular development; including, but not limited to, open land, development improvements, common facilities, and recreation area.

COMMON FACILITIES - Improvements in a development that are not required by the Township but have been constructed as part of a development for the common use and enjoyment of the residents of that development; including, but not limited to, community centers, recreation buildings and structures, and administrative and maintenance buildings.

COMPREHENSIVE PLAN - The most recent Comprehensive Plan (which may be a regional plan) adopted by Chestnuthill Township, including all maps, charts and textual matter.

CONSERVATION AREA, PRIMARY - Those areas of a development tract which are comprised of environmentally sensitive lands on which development is minimized.

CONSERVATION AREA, SECONDARY - Lands containing secondary resources that are conserved as a part of conservation open space.

CONSERVATION DESIGN SUBDIVISION - A subdivision designed at the dwelling unit density specified in the Township Zoning Ordinance where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity.

CONSERVATION EASEMENT - A right or interest in land granted primarily for the preservation of the land in its undeveloped state but which may allow limited development (e.g., a residential structure) and other compatible uses such as agriculture and forestry.

CONSERVATION OPEN SPACE - See *open space, conservation*.

CONSTRAINED LAND - Selected resources and areas of restricted land multiplied by a protection factor, totaled and used for the calculation of adjusted tract area related to conservation design development.

CONVENTIONAL DESIGN DEVELOPMENT - A subdivision or land development designed at the dwelling unit density specified in the Township Zoning Ordinance where individual lot reduction is not permitted.

COUNTY - The County of Monroe, Commonwealth of Pennsylvania.

CROSSWALK OR INTERIOR WALK - A right-of-way or easement for pedestrian travel across or within a block.

DEAD END STREET - A street or portion of a street with only one vehicular outlet but which has a temporary turnaround and which is designed to be continued when adjacent open land is subdivided.

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

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

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

DEVELOPMENT IMPROVEMENTS - All the physical additions and changes to a tract and the constructed facilities necessary and/or required by the Township to produce a usable and functional development; including, but not limited to roads, parking areas, storm water controls and drainage easements, landscaped areas, utilities, and water supplies and sewage disposal systems.

DEVELOPMENT PLAN - A proposed development, prepared in accordance with this Ordinance and the Township Subdivision Ordinance, including a plat of the subject parcel and any subdivision, locations of various uses, and all covenants relating to uses, locations and sizes of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open spaces and public facilities.

DIAMETER AT BREAST HEIGHT (DBH) - The diameter of a tree trunk measured at four and one-half (4.5) feet above the ground.

DISTURBANCE - Any action which results in the cutting or removal of vegetation on any land, and/or which results in the turning, displacement, grading or removal of any soil.

DISTURBED AREA - Any area of land on which the vegetation has been cut or removed, or where the soil has been turned, displaced, graded or removed.

DOUBLE FRONTAGE LOT - A lot extending between and having frontage on two streets with vehicular access limited to one street. If the streets are of different classification, vehicular access is limited to the street of the lesser classification.

DRAINAGE FACILITY - Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended, or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public right-of-way, parks, recreational areas, or any part of any subdivision, land development, or contiguous land areas.

DRIVEWAY - A privately owned and constructed vehicular access from an approved private or public road into a lot or parcel having frontage on the said road. (See also *flag lot*.)

DWELLING - A structure or portion thereof which is used exclusively for human habitation.

DWELLING, APARTMENT UNIT - One or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a building containing three or more dwelling units.

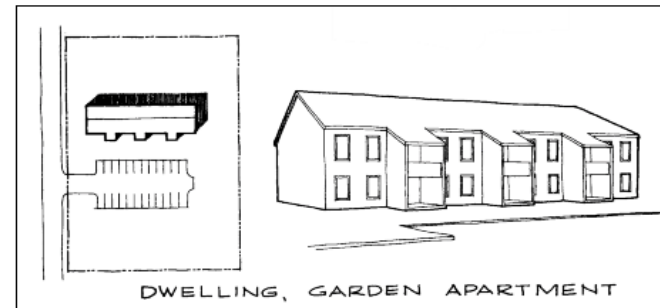
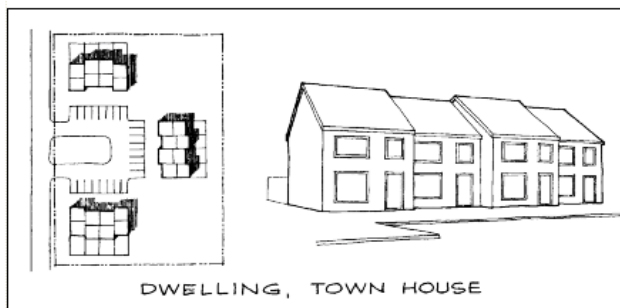
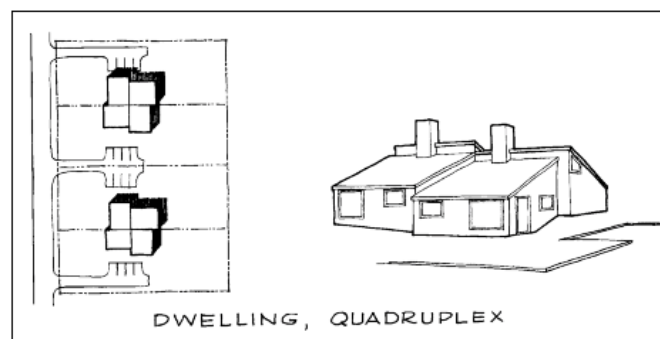
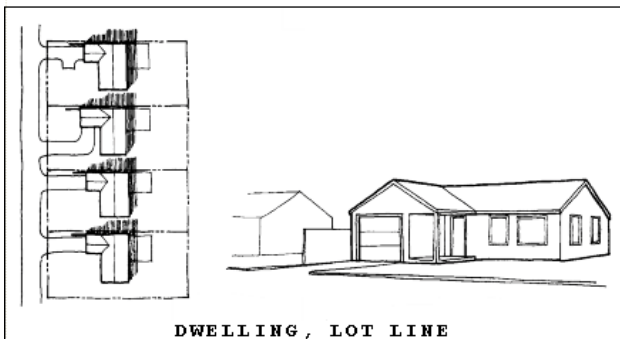
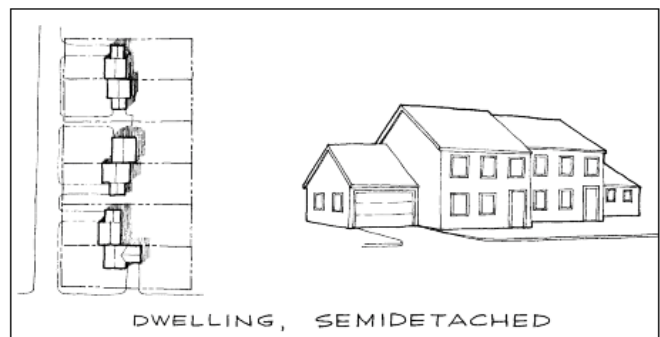
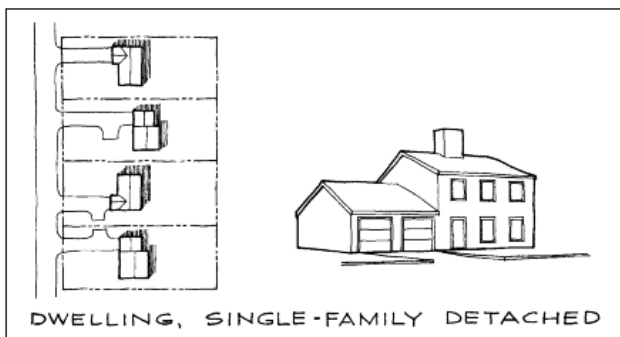
DWELLING, LOT LINE - A single-family, detached dwelling on an individual lot, with the building set on, or close to, one side property line, so that the lot essentially has only one side yard. This side yard and the rear yard constitute the primary outdoor living areas for the dwelling. Typically, no windows are placed in the building wall that is on the lot line. If the building is set on the lot line, a 5 foot easement is provided on the adjacent property along the lot line for necessary access and maintenance of the building wall.

DWELLING, MULTI-FAMILY - (See also *multi-family project*.) A building or buildings designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term *multi-family dwelling* shall include condominium as well as non-condominium housing units including the following construction types:

- A. SINGLE-FAMILY ATTACHED/TOWNHOUSE - A dwelling unit located in a multi-family dwelling structure in which each unit has its own front access to the outside and may have a rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one (1) or more vertical

common fire resistant walls.

- B. GARDEN APARTMENT BUILDING - A multi-family dwelling structure, originally designed as such, containing three to ten apartment units and not exceeding two and one-half (2.5) stories or thirty-five (35) feet in height, with access to each apartment unit usually from a common hall with the apartment units located back-to-back, adjacent, or one on top of another.
- C. APARTMENT BUILDING - A multi-family dwelling structure, originally designed as such, containing three or more apartment units which is more than two and one-half (2.5) stories but not exceeding the height limitations (in feet) of this Ordinance.
- D. RESIDENTIAL CONVERSION TO APARTMENT - The conversion of an existing single family detached dwelling into three to five dwelling units.



DWELLING, QUADRAPLEX - Four (4) attached single-family dwellings in one building in which each unit has two (2) open space exposures and shares one (1) or two (2) walls with an adjoining unit or units.

DWELLING, SINGLE-FAMILY - A dwelling unit accommodating one family, but excluding mobile homes as defined in

this Ordinance.

DWELLING, SINGLE-FAMILY DETACHED - A building containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards.

DWELLING, TWO-FAMILY - A building containing two dwelling units either attached side by side through the use of a vertical party wall and having one side yard adjacent to each dwelling unit; or upstairs/downstairs units. (See also *multi-family project* for two-family dwellings in a multi-family project.)

DWELLING UNIT - One (1) or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. Any part of a dwelling structure which is not connected with full unrestricted access to all other parts of the dwelling structure is considered a separate dwelling unit.

EARTH DISTURBANCE ACTIVITY - Any construction or other activity which disturbs the surface of the land, including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth.

EASEMENT - A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

ENGINEER - A professional engineer licensed as such in the Commonwealth of Pennsylvania.

ENGINEER, TOWNSHIP - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township and/or Planning Commission.

FAMILY - A person living alone or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- A. Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship resulting in one of the following relationships: husband, wife, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, nephew, niece, sister-in-law, brother-in-law, father-in-law, mother-in-law or first cousin;
- B. Three (3) unrelated people;
- C. Two (2) unrelated people and any children related to either of them;
- D. Not more than the number of residents of a group home meeting the requirements of §605.9 of the Township Zoning Ordinance; or
- E. Not more than eight (8) people who are granted a special exception as a single nonprofit housekeeping unit (a *functional family*) pursuant to §609 of the Township Zoning Ordinance.

The definition of a family does not include:

- A. Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;

ARTICLE II - DEFINITIONS

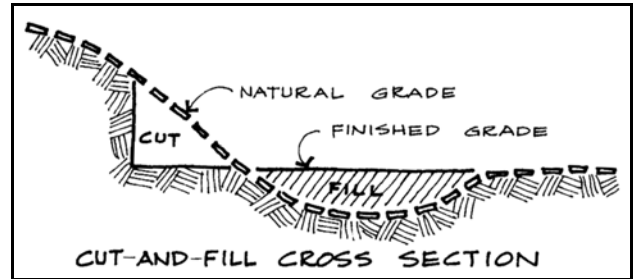
- B. Any group of individuals whose association is temporary or seasonal in nature; and
- C. Any group of individuals who are in a group living arrangement as a result of criminal offenses.

FLAG LOT - A lot with access to the bulk of the lot provided by a narrow corridor from the adjoining public road.

FLOODPLAIN - A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODWAY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

GRADE - The average finished ground elevation adjoining a building.



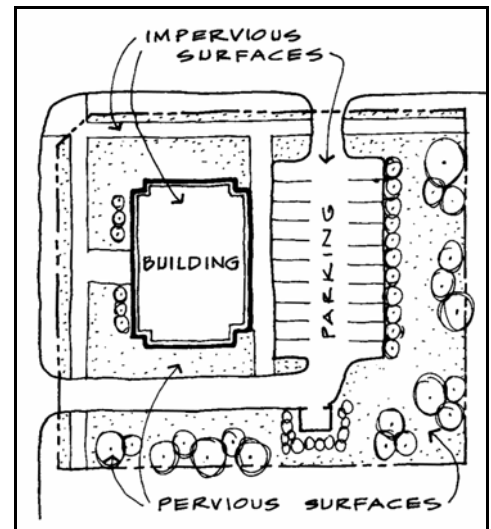
GRADE, FINISHED - The final elevation of the average ground level adjoining a building at all exterior walls after development.

GRADE, NATURAL - The elevation of the ground level in its natural state before construction, filling, or excavation.

GROSS TRACT AREA - See *tract area, gross*.

HOMEOWNERS ASSOCIATION - See *property owners association*.

IMPERVIOUS SURFACE - A surface that prevents the percolation of water into the ground such as rooftops, pavement, sidewalks, driveways, gravel drives, roads and parking, and compacted fill, earth or turf to be used as such.



IMPROVEMENTS - See *development improvements*.

INDUSTRIAL BUILDING - A building which houses an industry.

INDUSTRY - Establishments engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including, but not limited to, the manufacturing or transformation of products for use by other manufacturers, the blending of materials such as lubricating oils, plastics, resins or liquors, other basic industrial processes, mineral processing, and any facility involving processes resulting in the non-incident storage of hazardous materials or the generation of hazardous waste products, or other environmentally hazardous processes.

INSTITUTIONAL BUILDING - A building which houses an institutional use.

INSTITUTIONAL USE - Any use of land owned and operated by a government body or agency including for example public schools, parks, civic centers, municipal buildings, solid waste disposal facilities, nursing homes, and hospitals;

or uses operated by non-profit, community-based organizations for the general use of the public, including for example churches, fire houses, ambulance buildings, libraries, nursing homes, hospitals, sanitariums and clinics.

LAKE OR POND - A natural or artificial body of water one-fourth (0.25) acre or larger which retains water year-round. Artificial ponds may be created by dams, or result from excavation.

LAND DEVELOPMENT - (1) A subdivision of land; (2) 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 nonresidential 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.

The definition of land development shall also include the expansion or addition to a nonresidential building which involves any of the following as measured cumulatively from the effective date of this provision:

- A. The addition of twenty-five (25) percent or more of floor area to the original structure; or
- B. The increase by twenty-five (25) percent or more of impervious area (including building area) on the parcel; or,
- C. Any increase in impervious area which will result in the generation of storm water in such volume as will not be controlled by existing storm water facilities pursuant to the requirements of this Ordinance.

The definition of land development shall not include the following:

- A. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than two (2) residential units, unless such units are intended to be a condominium.
- B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
- C. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the Township.

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), or a lessee, if he is authorized under the lease to exercise the rights of the landowner or other persons having a proprietary interest in the land.

LONG-TERM RESIDENCY - See *residency, long term*.

ARTICLE II - DEFINITIONS

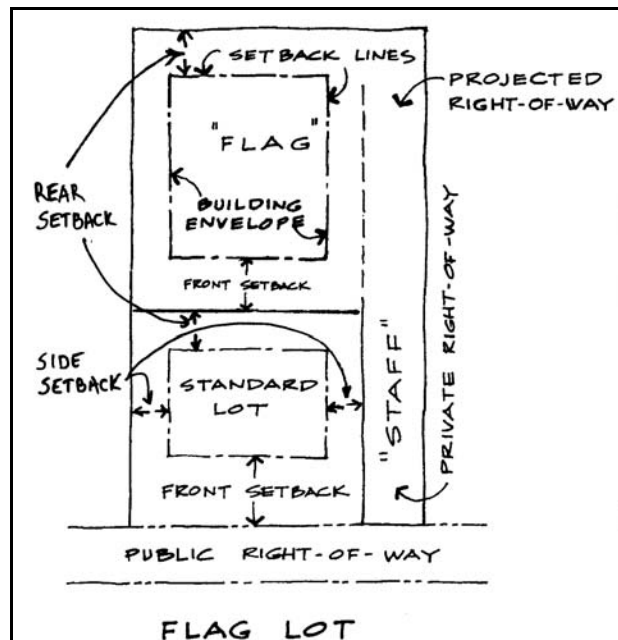
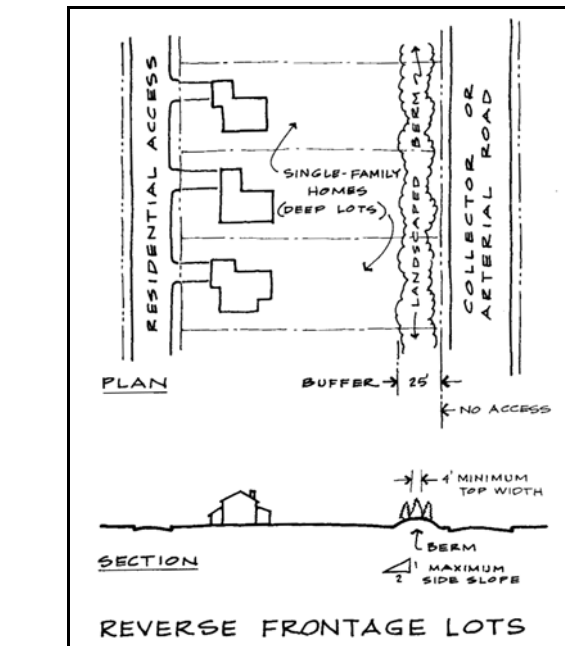
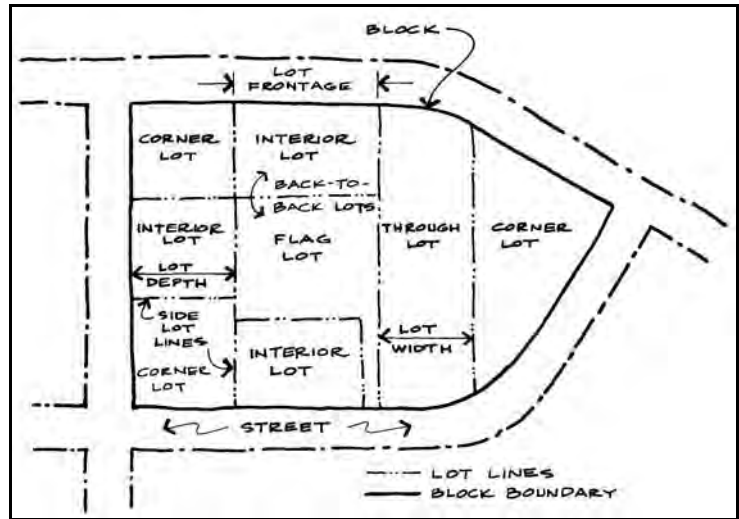
LOT - A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT, CORNER - A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

LOT, DOUBLE FRONTAGE - A lot extending between and having frontage on two streets with vehicular access limited to one street. If the streets are of different classification vehicular access is limited to the street of the lesser classification.

LOT, EXISTING OF RECORD - Any lot or parcel of property which was legally in existence and properly on file with the Monroe County Recorder of Deeds prior to June 17, 1992, the effective date of the original Township Subdivision and Land Development Ordinance.

LOT, FLAG - A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.



LOT, INTERIOR - A lot other than a corner lot, the sides of which do not abut a street.

LOT, REVERSE FRONTAGE - A through lot with frontage on two streets with vehicular access restricted to only one

of the streets.

LOT, THROUGH - A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot.

LOT AREA - The horizontal land area contained within the property lines of a lot, measured in acres or square feet, determined by deducting the following areas of constrained land from the total lot size:

- A. Rights-of-way: multiply the acreage of land within the rights-of-way of existing public streets or highways, or within the rights-of-way for existing or proposed overhead rights-of-way of utility lines or any other rights-of-way by 1.0.
- B. Private Streets: multiply the acreage of land under existing private streets by 1.0.
- C. Wetlands: multiply the acreage of designated wetlands by 0.95.
- D. Floodway: multiply the acreage within the floodway by 1.0.
- E. Floodplain: multiply the non-wetland portion of the 100-year floodplain by 0.5.
- F. Ponds, lakes and streams: multiply the acreage of ponds, lakes and streams by 1.0.

If a portion of the tract is underlain by more than one natural feature subject to a deduction from the total tract acreage, that acreage shall be subject to the most restrictive deduction only. Since acreage that is contained within the public or private rights-of-way, access easements or access strips is excluded from useable lot area, any portion of these items that also contains a natural feature subject to a deduction from the total tract acreage shall not be included when calculating the adjusted tract acreage.

LOT COVERAGE - That portion of the lot covered by all created improvements, including but not limited to primary buildings, decks, porches, accessory buildings, paving, patios, sidewalks, pools and other impervious areas provided that where a municipal boundary bisects a lot, the total area of the lot, regardless of the municipal boundary, shall be used for the purpose of determining compliance with the permitted lot coverage.

LOT DEPTH - The horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line.

LOT IMPROVEMENT SUBDIVISION - (Also known as *add-on subdivision*.) A minor subdivision involving the realignment of lot lines or the transfer of land to increase the size of an existing lot provided the grantor's remaining parcel complies with all provisions of this Ordinance and no new lots are created; or the combination or re-allotment of small lots into a larger lot or lots.

LOT LINES - The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line is considered to be the existing street right-of-way line or that will exist at the time of completion of a subdivision or development.

- A. **LOT LINE, FRONT** - The line(s) separating the lot from any street. In the case of a flag lot, the lot line where the narrow access corridor widens shall be considered the front lot line.
- B. **LOT LINE, REAR** - The lot line most distant from and most parallel to the front lot line.

C. LOT LINE, SIDE - Any lot line other than a front or rear lot line.

LOT WIDTH - The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required or approved front and rear building lines. In the case of a lot fronting on a cul-de-sac turnaround or curve, along a chord perpendicular to a radial line located equidistant between the side lot lines, the said chord shall intersect the radial line at a point located at the required or approved building setback line.

MASS - A grouping of three (3) or more trees, each at least one and one-half (1.5) inch in caliper, within an area of one hundred (100) square feet.

MATURE TREE - Any tree of six (6) inches or more in caliper, whether standing alone, in tree masses, or woodlands. A mature tree shall be a healthy specimen and shall be a desirable species, as specified in §615.

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.

MINIMIZE - To reduce to the smallest amount possible. *Minimize* does not mean to *eliminate* but rather that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect of the action (such as grading, clearing, construction, etc.).

MOBILE HOME - A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation, and which is subject to U.S. Department of Housing and Urban Development regulations.

MOBILE HOME LOT - A parcel of land in a mobile home park which is leased by the park owner to the occupants of the mobile home erected on the lot and which is 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 has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

MPC - The Pennsylvania Municipalities Planning Code.

MULTI-FAMILY PROJECT - Any development of a single parcel of property that includes one (1) or more buildings containing three (3) or more dwelling units. Any residential development which proposes the construction of two (2) or more two-family dwellings on one (1) parcel of property shall also be considered a multi-family project. Two-family dwellings in a multi-family project shall be considered townhouses.

MUNICIPALITY - The Eldred Township, Monroe County, Pennsylvania.

NONRESIDENTIAL BUILDING - A building which houses a nonresidential use.

NONRESIDENTIAL USE - Any commercial, industrial or institutional use of land, or any other use of land which is not for residential purposes, but excluding agricultural uses.

OFFICIAL MAP - A map adopted by Township ordinance in accord with Article IV of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as enacted and amended.

OPEN SPACE - An area that is intended to provide light and air, and is designed for environmental, scenic, recreational, resource protection, amenity and/or buffer purposes and which contains no development improvements which are not specifically permitted by this Ordinance or the Township Subdivision and Land Development Ordinance.

OPEN SPACE, COMMON - Open space that is part of a particular conservation design subdivision development tract set aside for the use and enjoyment of residents of such development.

OPEN SPACE, CONSERVATION - Open space that is part of a particular conservation design subdivision development tract set aside for the protection of sensitive natural features, farmland, forest land, scenic views and other primary and secondary conservation areas and which is permanently restricted from further development except as permitted by this Ordinance and cannot be used as a basis for density for any other development. Conservation open space may be accessible to the residents of the development and/or the Township, or it may contain areas of farmland or forest land which are not accessible to project residents or the public.

OPEN SPACE, REQUIRED PUBLIC - Open space that is dedicated or reserved for the use of the general public in accord with the requirements of the Township Subdivision and Land Development Ordinance.

OWNER - An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to submit an application for the development or use of land.

PA DEP - The Pennsylvania Department of Environmental Protection.

PA DOT OR PENNDOT - The Pennsylvania Department of Transportation.

PARENT TRACT - Any lot or parcel of property which was legally in existence and properly on file with the County Recorder of Deeds prior to the effective date of the original Township Zoning Ordinance and from which a lot or lots have been subdivided or are proposed for subdivision. (*See lot, existing of record.*)

PARKING SPACE, OFF-STREET - A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

PARKING SPACE, ON-STREET - A temporary storage area for a motor vehicle that is located on a public or private street right-of-way.

PERFORMANCE GUARANTEE - A written instrument which may be accepted by the Board of Supervisors in lieu of a requirement that certain improvements be made by a developer before the final plan is granted final approval and released for recording, which shall provide for the deposit with the Township of financial security in an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to, roads, sanitary sewage facilities, water supply and distribution facilities, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements and buffer or screen planting which may be required.

PERSON - An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of

rights and duties.

PLAN OR PLAT - A map or drawing indicating the subdivision or resubdivision of land or a land development which in its various stages of preparation includes the following:

- A. **SKETCH PLAN** - An informal plan, identified as such with the title Sketch Plan on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposal to be used as a basis for consideration by the Township. This plan is drawn on tracing paper or similar material enabling municipal officials to see the relationship between the proposed layout and the property's features as identified on the Existing Resources and Site Analysis.
- B. **PRELIMINARY PLAN** - A complete plan identified as such with the wording Preliminary Plan in the title accurately showing proposed streets and lot layout and such other information as required by this Ordinance, such plan having been prepared by a qualified professional (see definition of qualified professional).
- C. **FINAL PLAN** - A complete and exact plan identified as such with the wording Final Plan in the title, with a qualified professional's seal (see definition of qualified professional) affixed and prepared for official recording as required by this Ordinance to define property rights, proposed streets and other improvements.
- D. **RECORD PLAN** - The copy of the final plan which contains the original endorsements of the Board of Supervisors and which is intended to be recorded with the County Recorder of Deeds.

PLANNING COMMISSION - The Planning Commission of the Eldred Township, Monroe County, PA.

POND OR LAKE - A natural or artificial body of water one-fourth (0.25) acre or larger which retains water year-round. Artificial ponds may be created by dams, or result from excavation.

POSITIVE DRAINAGE - Sufficient slope to drain surface water away from buildings without ponding.

PRIMARY RESOURCES - See *resources, primary*.

PRIME AGRICULTURAL LAND - Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey.

PRIMITIVE TYPE CAMPING FACILITY - An overnight camping facility with no improvements beyond those required by law; no permanent structures other than tent platforms, privies and maintenance buildings; and designed and restricted to accommodate only persons using tents or similar apparatus to camp in, not including any vehicle on wheels.

PRINCIPAL BUILDING - A building in which the primary or predominate use of a lot is conducted including any structure that is physically attached to the principal building.

PRINCIPAL STRUCTURE - The structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

PRINCIPAL USE - The primary or predominate use of a lot.

PROPERTY OWNERS ASSOCIATION - A non-profit corporation organized by the developer or home owners for the purpose of establishing an association of all property owners in a private development which purposes shall include the ownership and maintenance of open space common areas and all development improvements.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this ordinance and the MPC.

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

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

QUALIFIED PROFESSIONAL - An individual authorized to prepare plans pursuant to §503(1) of the MPC which states that *plats and surveys shall be prepared in accordance with the act of May 23, 1945 (P.L. 913, No. 367), known as the "Engineer, Land Surveyor and Geologist Registration Law," except that this requirement shall not preclude the preparation of a plat in accordance with the act of January 24, 1966 (P.L. 1527, No. 535), known as the "Landscape Architects Registration Law," when it is appropriate to prepare the plat using professional services set forth in the definition of the "practice of landscape architecture" under section 2 of that act.*

RECREATIONAL SUBDIVISION OR LAND DEVELOPMENT - The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, or parcels of land involving changes in existing lot lines for the purpose, whether immediate or future, of lease, rent, sale, or transportation of ownership to provide a site for occupancy by travel trailers, truck campers, camper trailers, motor homes, or tents for transient use, whether or not a fee is charged. Campgrounds, RV parks, primitive camping grounds and other similar facilities shall fall under this definition.

RECREATIONAL VEHICLE - A vehicle primarily designed and utilized as temporary living quarters for recreational, camping or travel use, whether self-propelled or mounted on, or drawn by another vehicle, and including travel trailers, recreational trailers, camping trailer, truck camper, motor homes and similar types of vehicles.

RECREATIONAL VEHICLE PARK - See *campground or RV park*.

REPAIR - The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. See also addition and alteration.

RESERVE STRIP - A parcel of ground in separate ownership separating a street from other adjacent properties or from another street.

RESERVOIR SPACE - A parking place provided to accommodate a vehicle which is queued in a lane awaiting service in a drive-in facility such as a bank, fast-food restaurant or a car/truck wash.

RESIDENCY (OR OCCUPANCY), LONG-TERM - Occupancy of a dwelling, generally for periods of more than one hundred and eighty (180) days, as opposed to temporary visits to bed and breakfast establishments, motels, hotels, campgrounds and recreational vehicles, and which serves as the legal address for the occupant. It also includes any

dwelling or structure where children who attend school reside.

RESIDENTIAL BUILDING - A building or portion thereof which is used exclusively for human habitation, including, but not limited to, single-family, two-family and multi-family dwellings, and mobile homes.

RESOURCES, PRIMARY - Natural features consisting of 100-year floodplain (including the floodway), wetlands and prohibitive steep slopes (greater than 25 percent). In conservation subdivisions, all conserved lands containing primary resources are called primary conservation areas.

RESOURCES, SECONDARY - Natural or cultural features outside primary conservation areas that are worthy of conservation by inclusion in conservation open space. See the prioritized list of such features in the Subdivision and Land Development Ordinance. Lands containing secondary resources that are conserved are called secondary conservation areas.

RESUBDIVISION - Any revision, replatting or resubdivision of land which includes changes to a recorded plan.

REVERSE FRONTAGE LOTS - Lots which front on one street and back on another with vehicular access solely from only one street.

RIGHT-OF-WAY - Land reserved for use as an access, street, drainage facility or other private, public or community use.

RUNOFF - That portion of rainfall or snow-melt which does not enter the soil, but moves off the surface.

SCREENED - Visibly shielded or obscured from any adjoining or neighboring property, any public or private road right-of-way, or any other premises which is accomplished by topography, fencing, berms, natural and planted vegetation or other means approved by the Township.

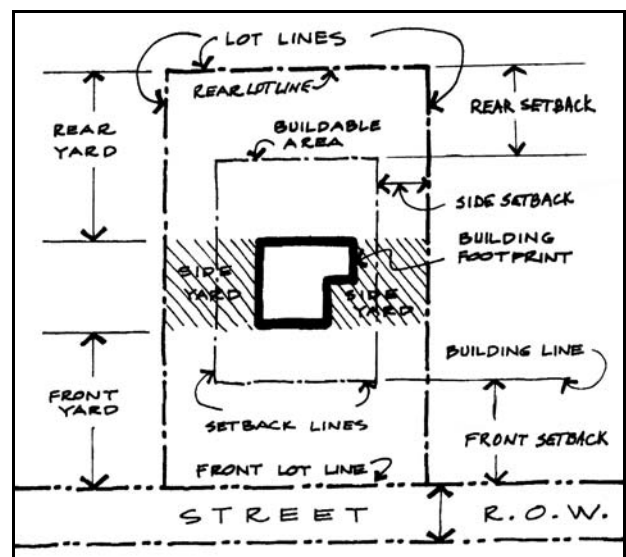
SCREENING - A method of visually shielding or obscuring a structure or use from another by topography, fencing, walls, berms, planted vegetation or a combination of these methods.

SECONDARY RESOURCES - See *resources, secondary*.

SETBACK, FRONT - A required open space extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the front lot line and measured perpendicular to the improvement at the closest point to the nearest lot line or street right-of-way line.

SETBACK, FRONT - The required minimum open space extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the front lot line. See also *yard* and *lot line*.

SETBACK, REQUIRED - The required minimum open space between the principal structure(s), accessory structures, or other improvements and the nearest lot line or right-of-way as provided by this Chapter. See also *yard* and *lot line*.

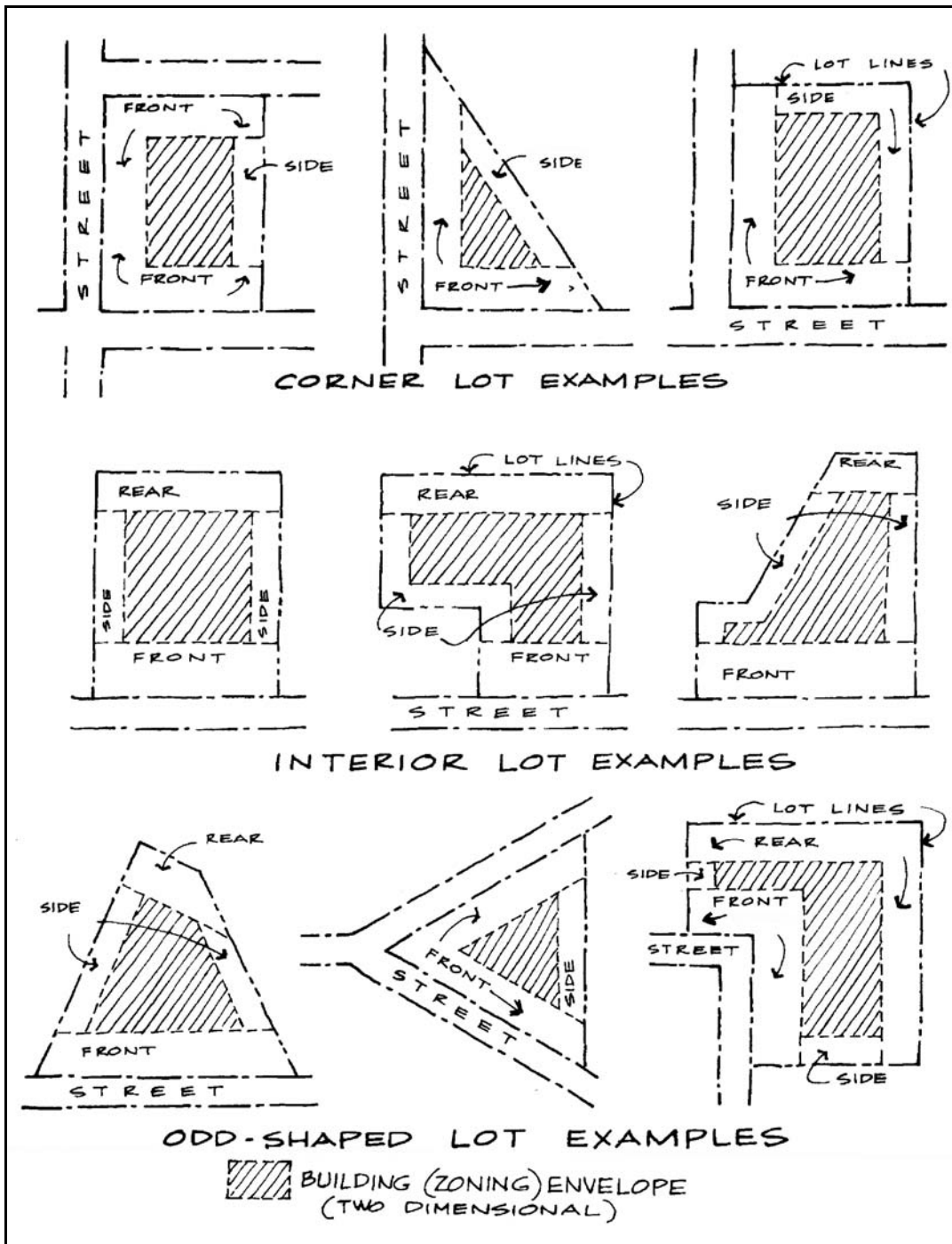


Setbacks and Associated Yards

ARTICLE II - DEFINITIONS

SETBACK, REAR - The required minimum open space extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the rear lot line. See also *yard* and *lot line*.

SETBACK, SIDE - A required open space extending from the front setback to the rear setback between the principal structure(s), accessory structures, or other improvements and the side lot line. See also *yard* and *lot line*.



Required Setbacks

SEWAGE DISPOSAL, ON-SITE - A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil on that lot or as may be permitted on common open space in a conservation subdivision design development. A system designed to serve a two-family dwelling or two (2) dwelling units located on the same property or adjacent properties shall be considered on-site sewage and all development standards will apply the same for each dwelling or unit as any single family unit.

SEWAGE ENFORCEMENT OFFICER (SEO) - The Township official certified by the Pennsylvania Department of Environmental Protection who reviews permit applications and sewage facilities planning modules, issues permits as authorized by the Pennsylvania Sewage Facilities Act, as amended, and conducts investigations and inspections that are necessary to implement the Act and its regulations.

SEWAGE TREATMENT PLANT - A sanitary sewage collection and treatment system meeting the requirements of the Pennsylvania Department of Environmental Protection in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated, and which uses mechanical, biological and chemical processes to treat and dispose of domestic sewage in accord with DEP Rules and Regulations involving an effluent discharge to surface waters or to a soil-based or other treatment system.

SEWER CONNECTION, MOBILE HOME - All pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe.

SEWER RISER PIPE, MOBILE HOME - That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.

SIGHT DISTANCE - The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

SHOULDER - The improved portion of a street immediately adjoining the travelway.

SPECIMEN TREE - Any tree with a caliper that is twelve (12) inches or more in diameter at breast height.

STREAM - A natural watercourse. See *watercourse*.

STREET - A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley. Public rights-of-way shall be those open to the general use of the public, not necessarily publicly dedicated.

STREET CLASSIFICATION (for proposed streets) -

- A. ARTERIAL STREET - Designed to PennDOT standards primarily to carry traffic and generally should not provide access to land which would interfere with their primary traffic functions; and, are designated as *limited, controlled, or partial* access streets, and average daily traffic is greater than four thousand (4,000).
- B. CONNECTOR STREET - Collects traffic from collector and minor streets and also provides a connection to arterial streets and between connector streets and average daily traffic is greater than four thousand (4,000).

- C. **COLLECTOR STREET** - Gathers traffic from minor, local and marginal access streets and feeds this traffic to connector and arterial streets. Collector streets carry heavier traffic volumes than minor and local streets although they also provide direct access to individual uses located along them. Average daily traffic on collector streets ranges from one thousand five hundred and one (1,501) to four thousand (4,000) vehicles.
- D. **MINOR STREET** - Gathers traffic from local and marginal access streets and feeds this traffic to collector and connector streets. Average daily traffic on minor streets ranges from five hundred and one (501) to one thousand five hundred (1,500) vehicles.
- E. **LOCAL STREET** - Provides direct access to individual uses and feeds this traffic to minor or collector streets. Average daily traffic on local streets does not exceed five hundred (500) vehicles.
- F. **PRIVATE ACCESS** - Provides access to residential lots from a public or approved street and the lots do not have direct access to a public or approved street.

STREET, CUL-DE-SAC - A type of street which is terminated at one end by a permitted turnaround and which intersects another street at the other end.

STREET, LOOP - A minor street which intersects other streets on each end and may intersect a cul-de-sac street at some point between each end and not furnishing access to more than seventy-five (75) dwelling units.

STREET, MARGINAL ACCESS - A type of street which is parallel and adjacent to collector, connector or arterial streets and provides access to abutting properties and control of intersections with streets of higher classification.

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

SUBDIVIDER - See *developer*.

SUBDIVISION -The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other 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.

- A. **MINOR SUBDIVISION** - A subdivision that creates five (5) lots or less, or the cumulative development on a lot by lot basis for a total of five (5) lots or less of any original tract of record (i.e., not subdivided or developed subsequent to June 17, 1992, the effective date of the original Township Subdivision and Land Development Ordinance); and which does not require the construction or extension of any streets or municipal facilities and creates no public or private community facilities such as, but not limited to, stormwater control facilities, a central water supply, a central sewage disposal system, or streets.
- B. **MAJOR SUBDIVISION** - Any subdivision that is not a minor subdivision or a lot improvement subdivision.
- C. **LOT IMPROVEMENT SUBDIVISION** - (Also known as *add-on subdivision*.) A minor subdivision involving the realignment of lot lines or the transfer of land to increase the size of an existing lot provided the grantor's

remaining parcel complies with all provisions of this Ordinance and no new lots are created; or the combination or re-allotment of small lots into a larger lot or lots.

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

SUPERVISORS - The Board of Supervisors of Eldred Township.

SURVEYOR - A professional land surveyor licensed as such in the Commonwealth of Pennsylvania.

TENT - A moveable shelter made of canvas or other similar new material and supported by a pole or poles.

TOWNSHIP - The Township of Eldred, Monroe County, Pennsylvania.

TOWNSHIP ENGINEER - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for Eldred Township.

TRACT - See *lot*.

TRACT AREA, ADJUSTED (ATA) - The tract area remaining when the specified constrained land has been deducted from the gross tract acreage. ATA is used to calculate both density and open space.

TRACT AREA, GROSS - The total amount of land contained within the limits of the legally described property lines bounding the tract.

TRAVELWAY - The portion of the cartway used for normal movement of vehicles.

UNDISTURBED AREA - Any area of land on which the vegetation has not been cut or removed, or where the soil has not been turned, displaced, graded or removed.

VERNAL POND - An isolated, contained basin depression that holds water for at least two (2) months in the spring and summer, critical to several amphibian, reptile and invertebrate species. It also provides important storage for stormwater runoff and spring snowmelt that would otherwise contribute to down stream flooding. A vernal pond is no bigger than three hundred (300) feet long and one hundred and twenty (120) feet wide and is often much smaller.

WATER CONNECTION, MOBILE HOME - All pipes, fittings and appurtenances from the water-riser pipe to the water inlet pipe of the central water system in the mobile home park.

WATER BODY - Any natural or manmade freshwater pond, lake or stream. This shall not include any pond or facility designed and constructed solely to contain storm water.

WATER RISER PIPE, MOBILE HOME - That portion of the water service pipe which extends vertically to the ground elevation and terminates at each mobile home lot.

ARTICLE II - DEFINITIONS

WATER SERVICE PIPE, MOBILE HOME - All pipes, fittings valves, and appurtenances from the water main of the mobile home park central water system to the water outlet of the distribution system within the mobile home.

WATER SUPPLY, CENTRAL, OFF-SITE OR COMMUNITY - A drinking water supply system in which drinking water is carried to individual lots or dwelling units by a system of pipes from a central source not located on any of the served lots and which may be publicly or privately owned and operated.

WATER SUPPLY, INDIVIDUAL SYSTEM ON CONSERVATION LAND - A system for supplying and transmitting drinking water to a single dwelling or other use from a source located on adjacent conservation land via a use and access easement.

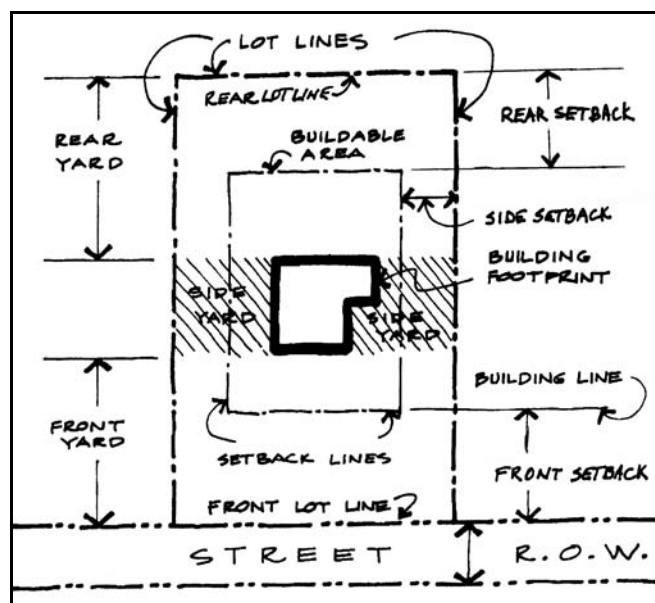
WATER SUPPLY, ON-SITE - A system for supplying and transmitting drinking water to a single dwelling or other use from a source located on the same lot.

WATERCOURSE - Any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial, intermittent or seasonal flow.

WETLAND -Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, and similar areas and which are defined as such by the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*.

WOODLAND - A stand of predominantly native vegetation covering at least one (1) acre, consisting of at least fifty (50) percent cover of mature trees of varying size.

YARD - The area between the principal structure(s) and the adjoining lot line or right-of-way. (See also *setback*.)



Setbacks and Associated Yards

**ARTICLE III
PLAN PROCESSING****301 General**

All plans for the subdivision and/or development of land within the corporate limits of the Township shall be submitted to and reviewed by the Township Planning Commission and other Township, State and/or County Officials as provided in this Ordinance, and shall be approved or disapproved by the Supervisors in accord with the procedures specified in this Article. The following types of plans are provided for in this Article:

- A. Sketch Plan - Sketch plans are not required but are very strongly encouraged for all types of subdivisions and land developments to facilitate the formal plan submission and review process. See §302.
- B. Preliminary Plans for Major Subdivisions - Major subdivisions require preliminary and final approval. Preliminary plans cannot be approved until all the requirements of this Ordinance are satisfied by detail on the plans or conditions of approval for such compliance are applied. Unconditioned preliminary plan approval authorizes the Applicant to proceed to completion of the subdivision as detailed on the plans. See §303.
- C. Final Plans for Major Subdivisions - Final plans for major subdivisions cannot be submitted until all conditions of approval have been satisfied, and lots in the subdivision cannot be sold until final plan approval is granted. The Applicant has the option of completing the improvements or providing a financial guarantee for the completion. See §304.
- D. Minor Subdivision Plans - Minor subdivisions require only final plan approval. See §305.
- E. Land Developments - Land developments are governed by §306, and the preliminary and final plans are combined into one stage. No use of land or structure within the land development may be initiated until a certificate of conformance has been issued.
- F. Lot Improvement Subdivisions - The combination of previously recorded lots are governed by a simplified deed recording process. Any lot improvement (*add-on*) subdivision involving the creation of new lot lines is considered a minor subdivision. See §308.
- G. Meeting Attendance - The Applicant or a duly authorized representative shall attend all meetings where any submitted plan is on the agenda. No action will be taken in the absence of the Applicant or representative, and failure of appearance shall constitute grounds for denial of the application if the time for Township action is due to expire.
- H. Electronic Documents - In addition to the required number of paper copies, all submission shall include two (2) compact disks with all documents in electronic Portable Document File (PDF) format and AutoCAD format or other electronic format approved by the Township.
- I. Official Map - The Applicant shall, prior to submitting any plan, determine if any of the land proposed for subdivision or land development is subject to the Eldred Township Official Map. If any of the land is subject to the Official Map, the Applicant is encouraged to contact the Township Zoning Officer prior to submitting the plan.

302 Sketch Plan

302.1 Optional - Sketch Plans

Applicants are **VERY STRONGLY ENCOURAGED**, but not required, to submit a Sketch Plan to the Planning Commission prior to the submission of a Preliminary Plan, Land Development Plan or Minor Plan. The purpose of the Sketch Plan is to:

- A. Avoid costly revisions to detailed Preliminary Plans prepared before a general consensus on the layout is reached with the Planning Commission.
- B. Identify the overall objectives of the Applicant using a diagrammatic approach showing broad areas of development and broad areas of conservation.
- C. Determine if the plan is a major or a minor subdivision and/or land development.
- D. Assist applicants and officials to develop a better understanding of the property.
- E. Establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the zoning ordinance.
- F. Ensure that the plan generally conforms with the provisions of this Ordinance.
- G. Demonstrate compliance with any design parameters deemed necessary by the Township for conformance to the Township comprehensive plan.

The critical part of the Sketch Plan review process is to lay the Sketch Plan on top of the Existing Resources and Site Analysis, prepared in accord with the requirements of §402.3, to determine the extent to which the proposed layout of conservation areas, streets, and building lots succeeds in designing around and conserving significant site features. The Sketch Plan shall be prepared on paper and translucent material (such as tracing paper or mylar) and at the same scale as the Existing Resources and Site Analysis.

302.2 Contiguous Holdings

When an application includes only a portion of a landowner's entire tract, or when such portion is contiguous to an adjoining tract of the landowner, a sketch layout shall be included showing future potential subdivision of all the contiguous lands belonging to the landowner to ensure that subdivision may be accomplished in accordance with current codes and with appropriate access. Submission and review of the sketch plan described in this §302 shall not constitute approval of the future subdivision shown thereon.

302.3 Non-formal Filing

A Sketch Plan shall be considered a submission for discussion between the Applicant and the Planning Commission and shall not constitute a formal filing of a plan with the Planning Commission. All Sketch Plans submitted shall be so noted on the Plan and in the minutes of the Planning Commission.

302.4 Major Subdivisions and Land Developments - Sketch Plans

The following procedures shall apply to sketch plans for major subdivisions and land developments:

- A. Pre-Application Meeting - A pre-application meeting is encouraged between the applicant, the site designer, and the Planning Commission (and/or its planning consultant), to introduce the applicant to the Township's

zoning and subdivision regulations and procedures, to discuss the applicant's objectives, and to schedule site inspections, meetings and plan submissions as described below. Applicants are also encouraged to present the Existing Resources and Site Analysis at this meeting.

- B. Existing Resources and Site Analysis - Applicants shall submit an Existing Resources and Site Analysis, in its context, prepared in accord with the requirements of §402.3. The purpose of this key submission is to familiarize officials with existing conditions on the applicant's tract and within its immediate vicinity, and to provide a complete and factual reference for conducting a site inspection. This Plan shall be provided prior to or at the site inspection, and shall form the basis for the development design as shown on the Sketch Plan (or on the Preliminary Plan, if the optional Sketch Plan is not submitted).
- C. Site Inspection - After preparing the Existing Resources and Site Analysis, applicants shall arrange for a site inspection of the property by the Planning Commission and other Township officials, and shall distribute copies of said Site Analysis at that on-site meeting. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission. The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated conservation open space (if applicable), and potential locations for proposed buildings and street alignments. Comments made by Township officials or their staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the site inspection.
- D. Pre-Sketch Conference - Following the site inspection and prior to the submission of a diagrammatic sketch plan, the applicant shall meet with the Planning Commission to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing and/or developing the tract in accordance with the four-step design process described in §602, where applicable. At the discretion of the Commission, this conference may be combined with the site inspection.
- E. Sketch Plan Submission and Review
 - 1. Twelve (2) copies of a Sketch Plan, meeting the requirements set forth in §401, shall be submitted to the Planning Commission Secretary during business hours for distribution to the Supervisors, the Planning Commission, the Township Planner, the Township Engineer and applicable Township advisory boards at least ten (10) days prior to the Planning Commission meeting at which the Sketch Plan is to be discussed. The Sketch Plan diagrammatically illustrates initial thoughts about a conceptual layout for conservation open space, house sites, and street alignments, and shall be based closely upon the information contained in the Existing Resources and Site Analysis. The Sketch Plan shall also be designed in accordance with the four-step design process described in §602, and with the conservation open space standards listed in §603.
 - 2. The Planning Commission shall review the Sketch Plan in accordance with the criteria contained in this Ordinance and with other applicable ordinances of the Township. Its review shall informally advise the applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this Ordinance, and may suggest possible plan modifications that would increase its degree of conformance. The Commission shall submit its written comments to the Applicant. The Sketch Plan may also be submitted by the Planning Commission to the Monroe County Planning Commission for its review and comment. The reviews shall include, but not be limited to:
 - a. The location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal

systems, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's Existing Resources and Site Analysis and on the Municipality's Map of Potential Conservation Lands;

- b. The potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels;
- c. The location of proposed access points along the existing road network;
- d. The proposed building density and impervious coverage;
- e. The compatibility of the proposal with respect to the objectives and policy recommendations of the Township Comprehensive Plan; and
- f. Consistency with the Township Zoning Ordinance.

302.5 Sketch Plan Review Fee - The Planning Commission Secretary shall collect a Sketch Plan filing fee as established by resolution of the Supervisors for all subdivisions.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of Sketch Plan.
- B. The Applicant shall pay the fee at the time of initial submission of the Sketch Plan to the Planning Commission Secretary.

303 Preliminary Plans for Major Subdivisions

All applications for preliminary plans for major subdivisions shall be submitted to the Township and processed in accord with this §303.

- A. Submissions Not Preceded by a Sketch Plan - If an applicant opts not to submit a Sketch Plan, the Preliminary Plan shall include all information required for Sketch Plans listed in §401 specifically including the Existing Resources and Site Analysis, plus further details as required by this Ordinance.
- B. Site Inspection - If requested by the Planning Commission, a site inspection shall be arranged and conducted in accord with §302.4,C.

303.1 Official Submission of Preliminary Plans

303.1.1 Plan to be Filed With the Township

- A. Initial Submission - Copies of the Preliminary Plan and all required supporting documentation shall be submitted to the Planning Commission Secretary by the Applicant or authorized representative by noon at least ten (10) days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Preliminary Plan Submission".
- B. Subsequent Submission - All materials submitted in support of an application after the initial submission, whether an amended plan, an expert or agency report or review letter, or any other data in support of an application shall be submitted to the Planning Commission Secretary or the Township Secretary (as the case

may be) at least fourteen (14) days prior to the meeting at which the Applicant wishes to have those materials considered.

- C. Electronic Documents - In addition to the required number of paper copies, all submission shall include two (2) compact disks with all documents in electronic Portable Document File (PDF) format and AutoCAD format or other electronic format approved by the Township.

303.1.2 Number of Copies to be Submitted - The submission of the Preliminary Plan shall include the following: (The Township may require the Applicant to submit additional copies of any required information.)

- A. Twelve (12) completed copies of the subdivision plan application.
- B. Twelve (12) legible paper prints of the Preliminary Plan.
- C. Six (6) copies of the required sewage planning module(s) and associated documentation.
- D. Four (4) copies of all other required supporting data and information as required in Article IV of this Ordinance.

303.1.3 Preliminary Plan Filing Fee - The Planning Commission Secretary shall collect a preliminary plan filing fee as established by resolution of the Supervisors for all subdivisions.

- A. Fees charged shall cover the costs of examining plans and other administrative expenses associated with the review of subdivision.
- B. The Applicant shall pay the fee at the time of initial submission of the application to the Planning Commission Secretary.

303.1.4 Preliminary Plan Submission Verification and Distribution - Upon receipt of the Preliminary Plan and supporting data, the Planning Commission Secretary shall verify the submission for the required number of copies of all documents.

- A. If the submission is verified, the Secretary shall accept the said plans and documentation, complete the submission verification, noting same, and provide a copy of the plan submission verification to the Applicant. The Secretary shall then provide copies of the applicable plans and documents to:
 - 1. The Township Engineer.
 - 2. The Township Solicitor.
 - 3. The Township Planning Commission Solicitor.
 - 4. The Township Zoning Officer.
 - 5. The Township Planner.
 - 6. Any other engineer or consultant designated by the Township.
- B. If the submission is not verified, the Secretary shall complete the plan submission verification, noting any and all deficiencies or omissions in the submission, provide a copy of the plan submission verification to the Applicant, and return all documents to the Applicant.
- C. The plan submission verification shall only verify that the correct number of copies of all plans and

documentation have been submitted and shall in no way be construed to be a plan submission receipt.

303.1.5 Official Date of the Preliminary Plan Submission - The official date of the Preliminary Plan submission shall be determined by the Planning Commission which shall examine the submission to determine that all documents are complete and in proper form.

- A. If the submission is not complete or not in the proper form, the Applicant shall be notified, in writing, of the deficiencies; and, the submission shall be rejected until the said deficiencies are corrected and then examined again at the next regularly scheduled or special meeting after the resubmission.
- B. If the submission is complete and acceptable, the Planning Commission Secretary shall complete an official submission receipt listing the date of the said meeting as the Official Date of the Preliminary Plan Submission and forward said receipt to the Applicant.
- C. If the first meeting of the Planning Commission following the date of submission verification occurs more than thirty (30) calendar days following the date of submission verification established in accord with §303.1.4, the ninety (90) calendar day review period shall be measured from the thirtieth (30th) calendar day following the day of said submission verification.
- D. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) calendar day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) calendar days following the final order of the court, the ninety (90) calendar day review period shall be measured from the thirtieth (30th) calendar day following the final order of the court.

303.1.6 Distribution of the Preliminary Plan - Following the Official Date of Submission, the Planning Commission Secretary shall submit the Plan and all required supporting documentation to the Monroe County Planning Commission for review. The Applicant shall be responsible for submission of the Plan and all required supporting documentation to the Monroe County Conservation District, PennDOT, and all other agencies.

303.2 Preliminary Plan Review and Action

303.2.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Preliminary Plan to determine compliance with this Ordinance and take action to reject, or recommend to Supervisors denial, approval, or approval with conditions and modifications of such plan as provided in this §303.2. The Planning Commission shall make its recommendation to Supervisors and communicate, in writing, such recommendation to the Applicant within fifteen (15) calendar days of when the decision was made.

- A. If approval is recommended, the plan and written notice of said recommendation, along with the other documentation, shall be forwarded to Supervisors.
- B. If approval with conditions is recommended, such approval recommendation shall be communicated to Supervisors and the Applicant, in writing, along with a statement of such conditions.
- C. If denial is recommended, the specific reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, and the date of the denial recommendation, shall be communicated to

Supervisors and the Applicant, in writing.

303.2.2 Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, Supervisors shall make its decision regarding the Preliminary Plan and communicate, in writing, such decision to the Applicant within fifteen (15) calendar days of when the decision is made. However, in no case shall the period for Township review and action, including the written communication to the Applicant, exceed ninety (90) calendar days from the *Official Date of the Preliminary Plan Submission* as established pursuant to §303.1.5.

303.2.3 Supervisors Approval with Conditions - When a Preliminary Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Supervisors meeting at which the Preliminary Plan is considered and communicated, in writing, to the Applicant as provided in §303.2.2. When a Preliminary Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept, the said conditions and/or modifications, in writing, within fifteen (15) calendar days of receipt of said written notice, the said conditional approval of the Preliminary Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §303, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions shall constitute a denial of the plan.

303.2.4 Supervisors Denials - When a Preliminary Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Supervisors meeting at which the Preliminary Plan is considered and communicated, in writing, to the Applicant as provided in §303.2.2.

303.3 Reviewing Agency and Officials Comments

The Planning Commission and Supervisors may consider the comments and the recommendations provided pursuant to §303.1.6 and may request such additional information as deemed necessary.

303.4 Monroe County Planning Commission Comments

No official action shall be taken by the Supervisors until it has received and considered the comments of the Monroe County Planning Commission or after thirty (30) calendar days following transmittal of the Preliminary Plan to the County Planning Commission.

303.5 Sewage Facilities Planning Modules

The Supervisors shall concurrently make its decision on the Sewage Facilities Planning Module; and, if approval is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Protection. Preliminary Plan approval shall be conditional upon Department of Environmental Protection sewage planning approval.

303.6 Highway Occupancy Permit

If a highway occupancy permit shall be required for access to a Township or State road, approval of the preliminary major subdivision plan shall be conditional upon the issuance of a highway occupancy permit by the Township or PA DOT, as the case may be.

303.7 Soil Erosion and Sedimentation Control

Approval of the Preliminary Plan shall be conditional upon the approval of the soil erosion and sedimentation control plan by the Monroe County Conservation District and the issuance of any associated permits.

303.8 Public Hearing

The Planning Commission or Supervisors may conduct a public hearing on the proposed Preliminary Plan pursuant to public notice.

303.9 Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Township; and, any such agreement shall be in writing.

304 Final Plans for Major Subdivisions

All Final Plans for major subdivisions shall be submitted and processed in accord with this §304.

304.1 Final Plan Application

An application for Final Plan approval can be submitted only when all of the following conditions have been met:

- A. The subdivision has previously been granted an unconditional Preliminary Plan approval in accord with §303 or all conditions established by the Board of Supervisors for the Preliminary Plan approval have been fulfilled by the Applicant.
- B. All improvements, such as roads and drainage facilities (see definition of *improvement* in Article II) which are shown on the Preliminary Plan, have been completed or guaranteed in accord with Article V of this Ordinance.

304.2 Final Plan Conformation; Five-Year Protection From Ordinance Changes

The Final Plan shall conform in all principal respects to the previously approved Preliminary Plan. The Planning Commission shall determine whether a modified Final Plan shall be accepted or whether a new Preliminary Plan shall be submitted pursuant to §303. In accord with §105 of this Ordinance and §508(4)(ii) of the MPC, when a Preliminary Plan has been approved without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and to complete any aspect of the approved development in accord with the terms of such approval within five (5) years from such approval.

304.3 Sections

Final Plans may be submitted in sections in accord with §508(4)(v),(vi) and (vii) of the MPC, each covering a portion of the entire proposed subdivision as shown on the Preliminary Plan.

- A. Each section in the subdivision, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of lots and/or dwelling units as depicted on the Preliminary Plan, except that the Supervisors may approve a lesser percentage.
- B. When a Final Plan is proposed to be submitted by sections, a proposed layout of the sections, their boundaries, the order of submission, and a schedule of submission shall be submitted to the Township for approval prior to submission of the first section.

304.4 Official Submission of Final Plans**304.4.1 Plan to be Filed With the Township**

- A. Initial Submission - Copies of the Final Plan and all required supporting documentation shall be submitted to the Planning Commission Secretary by the Applicant or authorized representative by noon at least ten

(10) days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Final Plan Submission".

- B. Subsequent Submission - All materials submitted in support of an application after the initial submission, whether an amended plan, an expert or agency report or review letter, or any other data in support of an application shall be submitted to the Planning Commission Secretary or the Township Secretary (as the case may be) at least fourteen (14) days prior to the meeting at which the Applicant wishes to have those materials considered.
- C. Electronic Documents - In addition to the required number of paper copies, all submission shall include two (2) compact disks with all documents in electronic Portable Document File (PDF) format and AutoCAD format or other electronic format approved by the Township.

304.4.2 Number of Copies to be Submitted - The official submission of the Final Plan shall include the following: (The Township may require the Applicant to submit additional copies of any required information.)

- A. Twelve (12) completed copies of the subdivision plan review application.
- B. Twelve (12) legible paper prints of the Final Plan. Following recommendation for approval by the Planning Commission and when all corrections have been made to the Final Plan, seven (7) paper prints shall be submitted for final signature.
- C. Six (6) copies of all required sewage disposal approvals and/or permits from the Pennsylvania Department of Environmental Protection.
- D. Six (6) copies of the applicable highway occupancy permit.
- E. Four (4) copies of all other required supporting data and information as required in Article IV of this Ordinance.

304.4.3 Final Plan Filing Fee - The Planning Commission Secretary shall collect a Final Plan filing fee as established by resolution of the Supervisors for all subdivisions.

- A. Fees charged shall cover the costs of examining plans and other administrative expenses associated with the review of subdivision.
- B. The Applicant shall pay the fee at the time of initial submission of the application to the Planning Commission Secretary.

304.4.4 Final Plan Submission Verification and Distribution - Upon receipt of the Final Plan and supporting data the Planning Commission Secretary shall verify the submission for the required number of copies of all documents.

- A. If the submission is verified, the Secretary shall accept the said plans and documentation, complete the submission verification, noting same, and provide a copy of the plan submission verification to the Applicant. The Secretary shall then provide copies of the applicable plans and documents to:
 - 1. The Township Engineer.

2. The Township Solicitor.
 3. The Township Planning Commission Solicitor.
 4. The Township Zoning Officer.
 5. The Township Planner.
 6. Any other engineer or consultant designated by the Township.
- B. If the submission is not verified, the Secretary shall complete the plan submission verification, noting any and all deficiencies or omissions in the submission, provide a copy of the plan submission verification to the Applicant, and return all documents to the Applicant.
- C. The plan submission verification shall only verify that the correct number of copies of all plans and documentation have been submitted and shall in no way be construed to be a plan submission receipt.

304.4.5 - Official Date of the Final Plan Submission - The official date of the Final Plan submission shall be determined by the Planning Commission which shall examine the submission to determine that all documents are complete and in proper form.

- A. If the submission is not complete or not in the proper form, the Applicant shall be notified, in writing, of the deficiencies; and, the submission shall be rejected until the said deficiencies are corrected and then examined again at the next regularly scheduled or special meeting after the resubmission.
- B. If the submission is complete and acceptable, the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the Official Date of the Final Plan Submission and forward said receipt to the Applicant.
- C. If the first meeting of the Planning Commission following the date of submission verification occurs more than thirty (30) calendar days following the date of submission verification established in accord with §304.4.4, the ninety (90) calendar day review period shall be measured from the thirtieth (30th) calendar day following the day of said submission verification.
- D. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) calendar day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) calendar days following the final order of the court, the ninety (90) calendar day review period shall be measured from the thirtieth (30th) calendar day following the final order of the court.

304.4.6 Distribution of the Final Plan - Following the Official Date of Submission, the Planning Commission Secretary shall submit the Plan and all required supporting documentation to the Monroe County Planning Commission for review. The Applicant shall be responsible for submission of the Plan and all required supporting documentation to the Monroe County Conservation District, PennDOT, and all other agencies.

304.5 Final Plan Review and Action

304.5.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Final Plan to determine compliance with this Ordinance and take action to reject, or recommend to Supervisors denial, approval, or approval with conditions and modifications of such plan as provided in this §304.5. The Planning Commission shall make its recommendation to Supervisors and communicate, in writing,

such recommendation to the Applicant within fifteen (15) calendar days of when the decision was made.

- B. If approval is recommended, the plan and written notice of said recommendation, along with the other documentation, shall be forwarded to Supervisors.
- C. If approval with conditions is recommended, such approval recommendation shall be communicated to Supervisors and the Applicant, in writing, along with a statement of such conditions.
- D. If denial is recommended, the specific reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, and the date of the denial recommendation, shall be communicated to Supervisors and the Applicant, in writing.

304.5.2 Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, Supervisors shall make its decision regarding the Final Plan and communicate, in writing, such decision to the Applicant within fifteen (15) calendar days of when the decision is made. However, in no case shall the period for Township review and action, including the written communication to the Applicant, exceed ninety (90) calendar days from the *Official Date of the Final Plan Submission* as established pursuant to §304.4.5.

304.5.3 Supervisors Approval with Conditions - When a Final Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Supervisors meeting at which the Final Plan is considered and communicated, in writing, to the Applicant as provided in §304.5.2. When a Final Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications, in writing, within fifteen (15) calendar days of receipt of said written notice, the said conditional approval of the Final Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §304, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions shall constitute a denial of the plan.

304.5.4 Supervisors Denials - When a Final Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Supervisors meeting at which the Final Plan is considered and communicated, in writing, to the Applicant as provided in §304.5.2.

304.6 Reviewing Agency and Officials Comments

The Planning Commission and Supervisors shall consider the comments and the recommendations provided pursuant to §304.4.6 and may request such additional information as deemed necessary.

304.7 Monroe County Planning Commission Comments

No official action shall be taken by the Supervisors until it has received and considered the comments of the Monroe County Planning Commission or after thirty (30) calendar days following transmittal of the Final Plan to the County Planning Commission.

304.8 Public Hearing

The Planning Commission or Supervisors may conduct a public hearing on the proposed Final Plan pursuant to public notice.

304.9 Planned Improvements

The Supervisors shall not approve or sign the Final Plan until such time as all the improvements shown on the Final

Plan have been installed by the Developer and verified as complete by the Township Engineer; or, a performance guarantee has been provided by the Applicant pursuant to Article V of this Ordinance.

304.10 Signature of Final Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Supervisors shall endorse the Final Plan for recording purposes and shall retain at least one (1) endorsed print.

304.11 Recording of the Final Plan

The Township shall file the final record plan with the Monroe County Recorder of Deeds within ninety (90) calendar days of the date of endorsement by the Supervisors and provide to the Applicant proof of such recording. The Township shall charge a separate fee to cover the cost of the recording, and such fee shall be established by resolution of the Board of Supervisors.

304.12 As-Built Plans

Upon the completion of all improvements, the Applicant shall provide to the Township plans certified by the Applicant's surveyor and engineer showing all such improvements as installed. Failure of the Applicant to provide the as-built plans shall constitute a violation of this Ordinance, and shall be subject to all the enforcement proceedings contained in this Ordinance.

304.13 Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Supervisors; and, any such agreement shall be in writing.

305 Minor Subdivisions

Preliminary Plans for minor subdivisions shall not be required. However, a Final Plan for all minor subdivisions shall be submitted to the Township and be processed in accord with this §305.

305.1 Official Submission of Minor Subdivision Plans**305.1.1 Plan to be Filed With the Township**

- A. **Initial Submission** - Copies of the Minor Subdivision Plan and all required supporting documentation shall be submitted to the Planning Commission Secretary by the Applicant or authorized representative by noon at least ten (10) days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Minor Subdivision Plan Submission".
- B. **Subsequent Submission** - All materials submitted in support of an application after the initial submission, whether an amended plan, an expert or agency report or review letter, or any other data in support of an application shall be submitted to the Planning Commission Secretary or the Township Secretary (as the case may be) at least fourteen (14) days prior to the meeting at which the Applicant wishes to have those materials considered.
- C. **Electronic Documents** - In addition to the required number of paper copies, all submission shall include two (2) compact disks with all documents in electronic Portable Document File (PDF) format and AutoCAD format or other electronic format approved by the Township.

305.1.2 Number of Copies to be Submitted - The official submission of the Minor Subdivision Plan shall include

the following: (The Township may require the Applicant to submit additional copies of any required information.)

- A. Twelve (12) completed copies of the subdivision plan application.
- B. Twelve (12) legible paper prints of the Minor Subdivision Plan.
- C. Six (6) copies of the required sewage planning module(s) and associated documentation.
- D. Four (4) copies of all other required supporting data and information as required in Article IV of this Ordinance.

305.1.3 Minor Subdivision Plan Filing Fee - The Planning Commission Secretary shall collect a Minor Subdivision Plan filing fee as established by resolution of the Supervisors for all subdivisions.

- A. Fees charged shall cover the costs of examining plans and other administrative expenses associated with the review of subdivision.
- B. The Applicant shall pay the fee at the time of initial submission of the application to the Planning Commission Secretary.

305.1.4 Minor Subdivision Plan Submission Verification and Distribution - Upon receipt of the Minor Subdivision Plan and supporting data, the Planning Commission Secretary shall verify the submission for the required number of copies of all documents.

- A. If the submission is verified, the Secretary shall accept the said plans and documentation, complete the submission verification, noting same, and provide a copy of the plan submission verification to the Applicant. The Secretary shall then provide copies of the applicable plans and documents to:
 - 1. The Township Engineer.
 - 2. The Township Solicitor.
 - 3. The Township Planning Commission Solicitor.
 - 4. The Township Zoning Officer.
 - 5. The Township Planner.
 - 6. Any other engineer or consultant designated by the Township.
- B. If the submission is not verified, the Secretary shall complete the plan submission verification, noting any and all deficiencies or omissions in the submission, provide a copy of the plan submission verification to the Applicant, and return all documents to the Applicant.
- C. The plan submission verification shall only verify that the correct number of copies of all plans and documentation have been submitted and shall in no way be construed to be a plan submission receipt.

305.1.5 Official Date of the Minor Subdivision Submission - The official date of the Minor Subdivision Plan submission shall be determined by the Planning Commission which shall examine the submission to determine that all documents are complete and in proper form.

- A. If the submission is not complete or not in the proper form, the Applicant shall be notified, in writing, of the

deficiencies; and, the submission shall be rejected until the said deficiencies are corrected and then examined again at the next regularly scheduled or special meeting after the resubmission.

- B. If the submission is complete and acceptable, the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the Official Date of the Minor Subdivision Plan Submission and forward said receipt to the Applicant.
- C. If the first meeting of the Planning Commission following the date of submission verification occurs more than thirty (30) calendar days following the date of submission verification established in accord with §305.1.4, the ninety (90) calendar day review period shall be measured from the thirtieth (30th) calendar day following the day of said submission verification.
- D. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) calendar day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) calendar days following the final order of the court, the ninety (90) calendar day review period shall be measured from the thirtieth (30th) calendar day following the final order of the court.

305.1.6 Distribution of the Minor Subdivision Plan - Following the Official Date of Submission, the Planning Commission Secretary shall submit the Plan and all required supporting documentation to the Monroe County Planning Commission for review. The Applicant shall be responsible for submission of the Plan and all required supporting documentation to the Monroe County Conservation District, PennDOT, and all other agencies.

305.2 Minor Subdivision Plan Review and Action

305.2.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Minor Subdivision Plan to determine compliance with this Ordinance and take action to reject, or recommend to Supervisors denial, approval, or approval with conditions and modifications of such plan as provided in this §305.2. The Planning Commission shall make its recommendation to Supervisors and communicate, in writing, such recommendation to the Applicant within fifteen (15) calendar days of when the decision was made.

- A. If approval is recommended, the plan and written notice of said recommendation, along with the other documentation, shall be forwarded to Supervisors.
- B. If approval with conditions is recommended, such approval recommendation shall be communicated to Supervisors and the Applicant, in writing, along with a statement of such conditions.
- C. If denial is recommended, the specific reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, and the date of the denial recommendation, shall be communicated to Supervisors and the Applicant, in writing.

305.2.2 Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, Supervisors shall make its decision regarding the Minor Subdivision Plan and communicate, in writing, such decision to the Applicant within fifteen (15) calendar days of when the decision is made. However, in no case shall the period for Township review and action, including the written communication to the Applicant, exceed ninety (90) calendar days from the *Official Date of the Minor Subdivision Plan Submission* as established pursuant

to §305.1.5.

305.2.3 Supervisors Approval with Conditions - When a Minor Subdivision Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Supervisors meeting at which the Minor Subdivision Plan is considered and communicated, in writing, to the Applicant as provided in §305.2.2. When a Minor Subdivision Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications, in writing, within fifteen (15) calendar days of receipt of said written notice, the said conditional approval of the Minor Subdivision Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §305, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions shall constitute a denial of the plan.

305.2.4 Supervisors Denials - When a Minor Subdivision Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Supervisors meeting at which the Minor Subdivision Plan is considered and communicated, in writing, to the Applicant as provided in §305.2.2.

305.3 Reviewing Agency and Officials Comments

The Planning Commission and Supervisors shall consider the comments and the recommendations pursuant to §305.1.6 and may request such additional information as deemed necessary

305.4 Monroe County Planning Commission Comments

No official action shall be taken by the Supervisors until it has received and considered the comments of the Monroe County Planning Commission or after thirty (30) calendar days following transmittal of the Minor Subdivision Plan to the County Planning Commission.

305.5 Sewage Facilities Planning Modules

The Supervisors shall concurrently make its decision on the Sewage Facilities Planning Module; and, if approval is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Protection. Minor Subdivision Plan approval shall be conditional upon Department of Environmental Protection sewage planning approval.

305.6 Highway Occupancy Permit

If a highway occupancy permit shall be required for access to a Township or State road, approval of the Minor Subdivision Plan shall be conditional upon the issuance of a highway occupancy permit by the Township or PA DOT, as the case may be.

305.7 Soil Erosion and Sedimentation Control

Approval of the Minor Subdivision Plan shall be conditional upon the approval of the soil erosion and sedimentation control plan by the Monroe County Conservation District and the issuance of any associated permits.

305.8 Public Hearing

The Planning Commission or Supervisors may conduct a public hearing on the proposed Minor Subdivision Plan pursuant to public notice.

305.9 Signature of Minor Subdivision Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Supervisors shall endorse the Minor Subdivision Plan for recording purposes

and shall retain at least one (1) endorsed print.

305.10 Recording of the Minor Subdivision Plan

The Township shall file the Minor Subdivision record plan with the Monroe County Recorder of Deeds within ninety (90) calendar days of the date of endorsement by the Supervisors and provide to the Applicant proof of such recording. The Township shall charge a separate fee to cover the cost of the recording, and such fee shall be established by resolution of the Board of Supervisors.

305.11 Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Supervisors; and, any such agreement shall be in writing.

306 Plans for Land Developments

- A. Applicability - All plans for land developments, except as noted in Subsection C below, shall be submitted and processed in accord with this §306.
- B. Intent - The intent of this §306 is to combine the preliminary and final plan approval stages into one step for land developments which do not involve the transfer of any interest in real estate, other than rental or short-term lease. Requiring preliminary and final approval for such land developments is not necessary because no transfer of real estate is proposed; and, the preliminary-final process is not necessary to assure the completion of improvements for the protection of individual purchasers. Occupancy of any structures which are part of the land development shall not be permitted until all required improvements have been completed by the developer and approved by the Township.
- C. Non-Qualifying Land Developments - Land developments (e.g., condominiums or townhouses transferred in fee) which involve the transfer of any interest in real estate, other than rental or short-term lease, shall comply with §303 and §304 of this Ordinance.

306.1 Land Development Plan Application

An application for Land Development Plan approval shall be submitted in accord with this §306.

306.2 Official Submission of Land Development Plans

306.2.1 Plan to be Filed With the Township

- A. Initial Submission - Copies of the Land Development Plan and all required supporting documentation shall be submitted to the Planning Commission Secretary by the Applicant or his authorized representative at least ten (10) days prior to the Planning Commission meeting at which the Applicant applies for the *Official Date of Land Development Plan Submission*.
- B. Subsequent Submission - All materials submitted in support of an application after the initial submission, whether an amended plan, an expert or agency report or review letter, or any other data in support of an application shall be submitted to the Planning Commission Secretary or the Township Secretary (as the case may be) at least fourteen (14) days prior to the meeting at which the Applicant wishes to have those materials considered.
- C. Electronic Documents - In addition to the required number of paper copies, all submission shall include two

(2) compact disks with all documents in electronic Portable Document File (PDF) format and AutoCAD format or other electronic format approved by the Township.

306.2.2 Number of Copies to be Submitted - The official submission of the Land Development Plan shall include the following: (The Township may require the Applicant to submit additional copies of any required information.)

- A. Twelve (12) completed copies of the land development plan review application.
- B. Twelve (12) legible paper prints of the Land Development Plan. Following recommendation for approval by the Planning Commission and when all corrections have been made to the Land Development Plan, seven (7) prints shall be submitted for final signature.
- C. Six (6) copies of all required sewage disposal approvals and/or permits from the Pennsylvania Department of Environmental Protection.
- D. Four (4) copies of all other required supporting data and information as required in Article IV of this Ordinance.

306.2.3 Land Development Plan Filing Fee - The Planning Commission Secretary shall collect a Land Development Plan filing fee as established by resolution of the Supervisors.

- A. Fees charged shall cover the costs of examining plans and other administrative expenses associated with the review of land developments.
- B. The Applicant shall pay the fee at the time of initial submission of the application to the Planning Commission Secretary.

306.2.4 Land Development Plan Submission Verification and Distribution - Upon receipt of the Land Development Plan and supporting data the Planning Commission Secretary shall verify the submission for the required number of copies of all documents.

- A. If the submission is verified, the Secretary shall accept the said plans and documentation, complete the submission verification, noting same, and provide a copy of the plan submission verification to the Applicant. The Secretary shall then provide copies of the applicable plans and documents to:
 - 1. The Township Engineer.
 - 2. The Township Solicitor.
 - 3. The Township Planning Commission Solicitor.
 - 4. The Township Zoning Officer.
 - 5. The Township Planner.
 - 6. Any other engineer or consultant designated by the Township.
- B. If the submission is not verified, the Secretary shall complete the plan submission verification, noting any and all deficiencies or omissions in the submission, provide a copy of the plan submission verification to the Applicant, and return all documents to the Applicant.
- C. The plan submission verification shall only verify that the correct number of copies of all plans and documentation have been submitted and shall in no way be construed to be a plan submission receipt.

306.2.5 Official Date of the Land Development Plan Submission - The official date of the Land Development Plan submission shall be determined by the Planning Commission which shall examine the submission to determine that all documents are complete and in proper form.

- A. If the submission is not complete or not in the proper form the Applicant shall be notified, in writing, of the deficiencies; and, the submission shall be rejected until the said deficiencies are corrected and then examined again at the next regularly scheduled or special meeting after the resubmission.
- B. If the submission is complete and acceptable, the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the Official Date of the Land Development Plan Submission and forward said receipt to the Applicant.
- C. If the first meeting of the Planning Commission following the date of submission verification occurs more than thirty (30) calendar days following the date of submission verification established in accord with §306.2.4, the ninety (90) calendar day review period shall be measured from the thirtieth (30th) calendar day following the day of said submission verification.
- D. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) calendar day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) calendar days following the final order of the court, the ninety (90) calendar day review period shall be measured from the thirtieth (30th) calendar day following the final order of the court.

306.2.6 Distribution of the Land Development Plan - Following the Official Date of Submission, the Planning Commission Secretary shall submit the Plan and all required supporting documentation to the Monroe County Planning Commission for review. The Applicant shall be responsible for submission of the Plan and all required supporting documentation to the Monroe County Conservation District, PennDOT, and all other agencies.

306.3 Land Development Plan Review and Action

306.3.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Land Development Plan to determine compliance with this Ordinance and take action to reject, or recommend to Supervisors denial, approval or approval with conditions and modifications of such plan as provided in this §306.3. The Planning Commission shall make its recommendation to Supervisors and communicate, in writing, such recommendations to the Applicant within fifteen (15) calendar days of when the decision was made.

- B. If approval is recommended, the signed and dated plan shall be forwarded to Supervisors.
- C. If approval with conditions is recommended, the plan shall not be signed; but, such approval recommendation shall be communicated to Supervisors and the Applicant, in writing, along with a statement of such conditions.
- D. If denial is recommended, the specific reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, and the date of denial shall be communicated to Supervisors and the Applicant, in writing.

306.3.2 Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, Supervisors shall make its decision regarding the Land Development Plan and communicate, in writing, such decision to the Applicant within fifteen (15) calendar days of when the decision is made. However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed ninety (90) calendar days from the "Official Date of the Land Development Submission" as established pursuant to §306.2.5.

306.3.3 Supervisors Approval with Conditions - When a Land Development Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Supervisors meeting at which the Land Development Plan is considered and communicated, in writing, to the Applicant as provided in §306.3.2. When a Land Development Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications, in writing, within fifteen (15) calendar days of receipt of said written notice, the said conditional approval of the Land Development Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §306, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions shall constitute a denial of the plan.

306.3.4 Supervisors Denials - When a Land Development Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Supervisors meeting at which the Land Development Plan is considered and communicated, in writing, to the Applicant as provided in §306.3.2.

306.4 Reviewing Agency and Officials Comments

The Planning Commission and Supervisors shall consider the comments and the recommendations provided pursuant to §306.2.6 and may request such additional information as deemed necessary.

306.5 Monroe County Planning Commission Comments

No official action shall be taken by the Supervisors until it has received and considered the comments of the Monroe County Planning Commission or after thirty (30) calendar days following transmittal of the Land Development Plan to the County Planning Commission.

306.6 Sewage Facilities Planning Modules

The Supervisors shall concurrently make its decision on the Sewage Facilities Planning Module; and, if approval is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Protection. Land Development Plan approval shall be conditional upon Department of Environmental Protection sewage planning approval.

306.7 Highway Occupancy Permit

If a highway occupancy permit shall be required for access to a Township or State road, approval of the Land Development Plan shall be conditional upon the issuance of a highway occupancy permit by the Township or PA DOT, as the case may be.

306.8 Soil Erosion and Sedimentation Control

Approval of the Land Development Plan shall be conditional upon the approval of the soil erosion and sedimentation control plan by the Monroe County Conservation District and the issuance of any associated permits.

306.9 Public Hearing

The Planning Commission or Supervisors may conduct a public hearing on the proposed Land Development Plan

pursuant to public notice.

306.10 Authorization to Proceed with Land Development or to Provide a Financial Guarantee

Following any approval granted pursuant to §306.3.2 and when all requirements and conditions have been fulfilled by the Applicant to satisfy any conditional approval, the Supervisors shall provide to the Applicant a letter authorizing the Applicant to proceed with site development and construction in accord with the approved plan. In lieu of constructing the improvements, the Applicant may provide a financial guarantee in accord with Article V of this Ordinance.

306.11 Final Approval; Signature of Land Development Plan

The Supervisors shall not sign the Land Development Plan until such time as all the improvements shown on the Land Development Plan have been installed by the Applicant and have been verified as complete by the Township Engineer; or, a performance guarantee has been provided by the Applicant pursuant to Article V of this Ordinance. When all these requirements and conditions have been fulfilled by the Applicant, the Supervisors shall endorse the Land Development Plan for recording purposes.

306.12 Recording of the Land Development Plan

The Township shall file the final record plan with the Monroe County Recorder of Deeds within ninety (90) calendar days of the date of endorsement by the Supervisors and provide to the Applicant proof of such recording. The Township shall charge a separate fee to cover the cost of the recording, and such fee shall be established by resolution of the Board of Supervisors.

306.13 As-Built Plans

Upon the completion of all improvements, the Applicant shall provide to the Township plans certified by the Applicant's engineer showing all such improvements as installed. Failure of the Applicant to provide the as-built plans shall constitute a violation of this Ordinance and shall be subject to all the enforcement proceedings contained in this Ordinance.

306.14 Certificate of Conformance

No use of land or structure within the land development shall be initiated until such time as a certificate of conformance has been issued by the Board of Supervisors for the land and structure(s) in accord with this Ordinance. In cases where a financial guarantee for final approval has been provided in lieu of the construction of improvements, no certificate of conformance shall be issued until such time as all the improvements shown on the Land Development Plan have been installed by the Applicant and have been certified as complete by the Applicant's Engineer and inspected by the Township Engineer pursuant to Article V of this Ordinance, and as built plans have been provided by the Applicant.

306.15 Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Supervisors; and, any such agreement shall be in writing.

307 Reserved**308 Lot Improvement Subdivisions (Also known as *add-on subdivisions*.)****308.1 Combination of Lots of Record**

Lot improvement subdivisions which involve the combination of lots of record which are shown on a map on file at the office of the Monroe County Recorder of Deeds (the applicant shall certify to the Supervisors that the subject

map is, in fact, on record) and which do not involve the creation of any new lot lines may be submitted directly to the Planning Commission. A new map for such lot improvements shall not be required; however, the combination shall be effected by the execution of an *Owners Affidavit* for same which shall be recorded with the Monroe County Recorder of Deeds upon the signature of the Applicant and the Supervisors. The *Owners Affidavit* shall be in such form as required by the Supervisors upon the recommendation of the Township Solicitor; and, it shall include a reference to the lot numbers of the subject lots and the Plat Book and page number where the map is recorded.

308.2 Creation of New Lot Lines

Lot improvement subdivisions which involve the creation of new lot lines shall require a new subdivision map and shall be processed in the manner set forth in §305; however, sewage planning modules may not be required unless additional, new sewage disposal areas are proposed. The applicable notes listed in §404.3,B shall be included on the map; and, the combination language shall also be included in the deed from the grantor to the grantee and made binding on the combined parcel(s) of the grantee via Articles of Restrictive Covenants.

308.3 Documents to Be Recorded

All documents to be recorded to effect any lot improvement subdivision shall be in such form as approved by the Supervisors with the recommendation of the Township Solicitor; and, said documents shall be turned over to the Township Solicitor who shall record same. The fee for lot improvement subdivisions shall be established by resolution of the Supervisors and shall include the costs of recording.

309 Subdivision From Large Parcel

In cases where a parcel is being subdivided in order to convey one (1) or more lots, such that the parent parcel when subdivided remains ten (10) acres or more in size, the requirement that the parent parcel be surveyed may be waived by the Supervisors, provided not more than four (4) lots shall be platted from the parent parcel in any one (1) year period; and, the Applicant can demonstrate to the satisfaction of the Supervisors that an adequate description of the parent parcel is on record which may be a recorded survey map or recorded deed description. All parcel(s) subdivided therefrom shall be surveyed and platted in accord with all the requirements of this Ordinance and said parcel(s) shall front on a public road; or, evidence satisfactory to the Supervisors otherwise demonstrating access shall be provided by the Applicant. The subdivision shall in all other respects be processed in accord with this Ordinance.

310 Contiguous Municipalities

In accord with §502.1(b) of the MPC, the governing body of any municipality contiguous to the Township may appear before the Planning Commission and/or Supervisors to comment on a proposed subdivision, change of land use, or land development.

**ARTICLE IV
PLAN REQUIREMENTS**

401 Sketch Plan Overlay Sheet

To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Planning Commission, the Sketch Plan should include the information listed below. Many of these items can be taken from the Existing Resources and Site Analysis (See §402.3), a document that must in any case be prepared and submitted no later than the date of the Site Inspection, which precedes the Preliminary Plan. The Sketch Plan shall be prepared as a simple overlay sheet placed on top of the Existing Resources and Site Analysis.

- A. Name and address of the legal owner, the equitable owner, and/or the applicant;
- B. Name and address of the professional engineer, surveyor, planner, architect, landscape architect, or site designer responsible for preparing the plan;
- C. Graphic scale (not greater than 1" = 200 ft.; however, dimensions on the plan need not be exact at this stage) and north arrow;
- D. Tract boundaries, sufficient to locate the tract on a map of the Township;
- E. Location map;
- F. Zoning district;
- G. Streets on and adjacent to the tract (both existing and proposed);
- H. 100-year floodplain limits;
- I. Location of wetlands;
- J. Topographic, physical, and cultural features including fields, pastures, meadows, wooded areas, trees with a diameter of fifteen inches or more, hedgerows and other significant vegetation, steep slopes (over 25%), rock outcrops, soil types, ponds, ditches, drains, dumps, storage tanks, streams within two hundred (200) feet of the tract, and existing rights-of-way and easements, and cultural features such as all structures, foundations, walls, wells, trails, and abandoned roads;
- K. Schematic layout indicating a general concept for land conservation and development;
- L. Proposed general street and lot layout;
- M. General description of proposed method of water supply, sewage disposal, and stormwater management;
- N. In the case of land development plans, proposed location of buildings and major structures, parking areas and other improvements;
- O. A map of the entire contiguous holdings of the owner or developer showing anticipated locations of roads.

- P. Location of all areas or features of the project parcel which are subject to the Township Official Map and the type of reservations as specified on the Official Map.

402 Preliminary Plan Requirements for Major Subdivisions (see §406 and Article IX for Land Developments)

Preliminary Plans shall be prepared by a Qualified Professional (see definition in Article II), as applicable, and required by State law. The submission requirements for a Preliminary Plan shall consist of the following elements and shall be prepared in accordance with the drafting standards and plan requirements described herein:

- A. Site Context Map.
- B. Existing Resources and Site Analysis.
- C. Preliminary Resource Impact and Conservation Analysis.
- D. Preliminary Improvements Plan.
- E. Preliminary Studies and Reports as set forth in other parts of this ordinance.

402.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, 80 feet, 100 feet or 200 feet to the inch.
- B. Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes and seconds for the boundary of the entire tract; and dimensions in feet for lot lines.
- C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than twelve by eighteen (12 x 18) inches and no larger than twenty-four by thirty-six (24 x 36) 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 the same size and numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- E. Plans shall be legible in every detail.

402.2 Site Context Map

A map showing the location of the proposed subdivision within its neighborhood context shall be submitted. For sites under one hundred (100) acres in area, such maps shall be at a scale not less than one inch equals two hundred feet (1"= 200'), and shall show the relationship of the subject property to natural and man-made features existing within one thousand (1,000) feet of the site. For sites of 100 acres or more, the scale shall be 1" = 400' and shall show the above relationships within 2,000 feet of the site. The features that shall be shown on Site Context Maps include topography (from U.S.G.S. maps), stream valleys, wetland complexes (from maps published by the U.S. Fish & Wildlife Service or the U.S.D.A. Natural Resources Conservation Service), woodlands over one-half (0.5) acre in area (from aerial photographs), ridge lines, public roads and trails, utility easements and rights of way, public land, and land protected under conservation easements.

402.3 Existing Resources and Site Analysis

For all subdivisions (except those in which all proposed lots are to be ten or more acres in area), an Existing Resources and Site Analysis shall be prepared to provide the Developer and the Township with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred (500) feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from

governmental agencies and from aerial photographs. The Planning Commission shall review such Plan to assess its accuracy, conformance with Township ordinances, and likely impact upon the natural and cultural resources on the property. The following information shall be included in this Plan:

- A. A vertical aerial photograph enlarged to a scale not less detailed than 1 inch = 400 feet, with the site boundaries clearly marked.
- B. Topography, the contour lines of which shall generally be at two (2) foot intervals. The determination of appropriate contour intervals shall be made by the Planning Commission, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between fifteen (15) and twenty-five (25) percent and exceeding twenty-five (25) percent shall be clearly indicated. Topography for major subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.
- C. The location and delineation of ponds, vernal ponds, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and wetlands, as defined in the Zoning Ordinance. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
- D. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a caliper in excess of fifteen (15) inches if not growing within any of the proposed conservation areas, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.
- E. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for on-site sewage disposal suitability).
- F. Identification of ridge lines and watershed boundaries.
- G. A viewshed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands; and, showing views from the property to exterior points.
- H. Geologic formations on the proposed development parcel, including rock out-croppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.
- I. All existing man-made features including, but not limited to, streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
- J. Locations of all historically significant sites or structures on the tract including, but not limited, to cellar holes, stone walls, earthworks, and graves.
- K. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
- L. All easements and other encumbrances of property which are or have been filed of record with the Recorder of Deeds of Monroe County.

- M. Total acreage of the tract, the Adjusted Tract Area, and the constrained land area with detailed supporting calculations.

402.4 Preliminary Resource Impact and Conservation Analysis

- A. A Preliminary Resource Impact and Conservation Analysis shall be prepared for all major subdivision and land development applications to categorize the impacts of the proposed activities and physical alterations on those resources shown on the Existing Resources and Site Analysis (as required under §402.3). All proposed improvements including, but not necessarily limited, to grading, fill, streets, buildings, utilities and stormwater detention facilities, as proposed in the other Preliminary Plan documents, shall be taken into account in preparing the Preliminary Resource Impact and Conservation Analysis, which shall clearly demonstrate that the applicant has minimized site disturbance to the greatest extent practicable.
- B. Using the Existing Resources and Site Analysis as a base map, impact areas shall be mapped according to the following categories: (1) primary impact areas (i.e., areas directly impacted by the proposed subdivision); (2) secondary impact areas (i.e., areas in proximity to primary areas which may be impacted); and (3) designated protected areas, either to be included in a proposed conservation open space or an equivalent designation such as dedication of a neighborhood park site.
- C. This requirement for a Preliminary Resource Impact and Conservation Analysis may be waived by the Supervisors if, in its judgment, the proposed development areas, as laid out in the Sketch Plan or in the Preliminary Plan, would be likely to cause no more than an insignificant impact upon the site's resources.

402.5 Preliminary Improvements Plan

This plan shall include the following items:

- A. Historic resources, trails and significant natural features, including topography, areas of steep slope, wetlands, 100-year floodplains, swales, rock out-croppings, vegetation, existing utilities, and other site features, as indicated on the Existing Resources and Site Analysis.
- B. Existing and proposed lot lines, lot areas, any existing easements and rights-of-way.
- C. Conservation open space.
- D. Location, alignment, width, profile and tentative names of all proposed streets and street rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate street connections and facilities to adjoining development or undeveloped areas; and preliminarily-engineered profiles for proposed streets.
- E. Location of proposed swales, drainage easements, stormwater and other management facilities.
- F. Where community sewage service is proposed, the conceptual layout of proposed sewage systems including, but not limited to, the tentative locations of sewer mains and sewage treatment plants, showing the type and degree of treatment intended and the size and capacity of treatment facilities
- G. Where central water service is proposed, the layout of proposed water distribution facilities including water mains, fire hydrants, storage tanks and, where appropriate, wells or other water sources.

- H. Location of all percolation tests as may be required under this Ordinance, including all failed test sites or pits, as well as those approved, and including an approved alternate site for each lot. All approved sites shall be clearly distinguished from unapproved sites.
- I. Limit-of-disturbance line.
- J. Location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
- K. If land to be subdivided lies partly in or abuts another municipality, the applicant shall submit information concerning the location and conceptual design of streets, layout and size of lots and provisions of public improvements on land subject to his control within the adjoining municipality. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of approval of this information by appropriate officials of the adjoining municipality also shall be submitted.
- L. Where the applicant proposes to install the improvements in phases, he shall submit with the Preliminary Plan a delineation of the proposed sections and a schedule of deadlines within which applications for final approval of each section are intended to be filed.
- M. Utilities and Easements
 - 1. Locations of existing and proposed utility easements.
 - 2. Layout of all proposed sanitary and storm sewers and location of all inlets and culverts, and any proposed connections with existing facilities. (This data may be on a separate plan.)
 - 3. The tentative location of proposed on-site sewage and water facilities.
- N. Location of proposed shade trees, plus locations of existing vegetation to be retained.
- O. Signature block for the Supervisors on the right-hand side.
- P. Zoning data, including all of the following, when applicable:
 - 1. Zoning district designations.
 - 2. Zoning district boundary lines transversing the proposed subdivision and/or development.
 - 3. Zoning district boundary lines within one thousand (1,000) feet of the proposed subdivision and/or development, shown on location map.
- Q. A title block in the lower right corner.
- R. Name of project.
- S. Name and address of the owner of record (if a corporation, give name of each officer); and, current deed book

volume and page where the deed of record is recorded.

- T. Name and address of developer if different from landowner (if a corporation, give name of each officer).
- U. Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the plan.
- V. Date, including the month, day and year that the Preliminary Plan was completed and the month, day and year for each Plan revision, along with a description of the revision.
- W. A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses and any area subject to flooding.
- X. North arrow (true or magnetic).
- Y. Graphic scale and written scale.
- Z. Names of present adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent roads, along with the current property identification number for each property shown.
- AA. Location of all areas or features of the project parcel which are subject to the Township Official Map and the type of reservations as specified on the Official Map.

402.6 Supporting Documents and Information

The following supporting documents, plans and information shall be submitted with Preliminary Plans for all major subdivisions:

- A. Typical street cross-section drawings for all proposed streets showing the following:
 - 1. Typical cut sections.
 - 2. Typical fill sections.
 - 3. Superelevated sections.
 - 4. Typical parallel drainage.
- B. Profiles along the top of the cartway center-line, or as otherwise required by this Ordinance, showing existing and proposed grade lines and printed elevations of the proposed grade lines at fifty (50) foot intervals.
- C. Any existing or proposed deed restrictions, and protective and restrictive covenants that apply to the subdivision and/or development plan.
- D. All proposed offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- E. Existing documents of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- F. Proof of legal interest in the property and the latest deed of record.

- G. Water Supply Information - In the case of individual on-lot wells, information documenting water table depth and potential for affecting the ground water supply. In the case of community systems:
1. A statement from a Professional Engineer of the type and adequacy of any community water supply system proposed to serve the project.
 2. Preliminary design of any central water supply system.
 3. Connection to central system - A letter from the water company or authority stating that the said company or authority will supply the development, including a verification of the adequacy of service.
 4. New central system - A statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
 5. A copy of any application for any permit, license or certificate required by PA DEP or the PA Public Utility Commission for the construction and operation of any proposed central water supply system. Preliminary plan approval shall be conditioned on the issuance of said permits by PA DEP and/or PA PUC.
- H. Sewage Disposal Information:
1. Completed sewage facilities planning module(s) for land development and other required sewage planning documents as required by the PA Sewage Facilities Act and PA DEP.
 2. Connection to Township Sewer Authority system - Documentation from the Authority that service will be provided and that the Applicant has complied with all Authority requirements.
 3. Private sewage treatment plants and community on-lot systems - A preliminary design of the system and a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
- I. A list of any public utility, environmental or other permits required; and, if none are required, a statement to that effect. The Township may require a Professional Engineer's certification of such list.
- J. Soil erosion and sedimentation control plan.
- K. Drainage/stormwater management plan meeting the requirements of this Ordinance and any Stormwater Management Ordinance adopted by the Township.
- L. Preliminary bridge designs and a statement by the Applicant's Engineer regarding any approvals required by the state or federal government.
- M. A statement indicating any existing or proposed zoning variances or subdivision waivers/modifications.
- N. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Preliminary Plan shall be accompanied by 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.
- O. Highway occupancy permit.
- P. A plan for the ownership and maintenance of all improvements and common areas as required by §507.
- Q. A Traffic Impact Study if required by the Township Zoning Ordinance.

- R. An Environmental Impact Statement prepared in accord with the Township Zoning Ordinance may be required if the Planning Commission or Supervisors deem it necessary based on the size, site features, or other characteristics of the project.
- S. Documentation of compliance with Pennsylvania Historical and Museum Commission requirements.
- T. Documentation of submission to the Pennsylvania Natural Diversity Index and compliance with any findings.

402.7 Additional Information

The Planning Commission or Supervisors shall require any other necessary information based on the specific characteristics of the proposed project.

402.8 Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by the Township for submission with the Preliminary Plan application.

402.9 Preliminary Plan Engineering Certification

Prior to approval of the Preliminary Plan, the applicant shall submit to the Supervisors a *Preliminary Plan Engineering Certification* stating that the layout of proposed streets, house lots, and conservation open space complies with the Township's Zoning and Subdivision and Land Development Ordinances, particularly those sections governing the design of subdivision streets and stormwater management facilities; and, that all improvements will be installed in accord with the specific requirements of this Ordinance or any waivers or modifications granted by the Supervisors. This certification requirement is meant to provide the Supervisors with assurance that the proposed plan is able to be accomplished within the Township's current regulations.

403 Final Plan Requirements for Major Subdivisions (See §406 and Article IX for Land Developments.)

Final Plans shall be prepared by a Qualified Professional (see definition in Article II), as applicable, and required by State law. Final Plans shall be submitted pursuant to the following:

403.1 Existing Resources and Site Analysis

A plan, as required by §402.3, consistent with the terms of the approved Preliminary Plan and modified, as necessary, to show the proposal for final approval.

403.2 Final Resource Impact and Conservation Analysis

- A. This plan shall comply with all of the requirements for the Preliminary Resource Impact and Conservation Analysis, as set forth in §402.4, to show all proposed improvements described in the other Detailed Final Plan documents as required by this §403.
- B. In addition to the requirements of §402.4, the applicant shall submit an accompanying Resource Assessment Report divided into the following sections:
 - 1. Description of existing resources (as documented in §402.3).
 - 2. Impacts of the proposed development on existing resources, correlated to the areas depicted in the Final Resource Impact and Conservation Analysis.
 - 3. Measures taken to minimize and control such impacts both during and following the period of site

disturbance and construction.

4. The qualifications and experience of the preparer of the report.

403.3 Final Plan Information

The Final Plan shall be drawn to the same drafting standards, contain all of the information required on the Preliminary Plan, and the following additional information:

- A. The full plan of the proposed development including, but not limited to, the following information and data:
 1. Sufficient bearings, lengths of lines, radii, arc lengths and chords of all lots, streets, rights-of-way, easements, community or public areas and areas to be dedicated to accurately and completely reproduce each and every course on the ground.
 2. All dimensions in feet and hundredths of a foot.
 3. All bearings to the nearest one second of the arc.
 4. Street names.
 5. Street widths and right-of-way and easement widths.
 6. A clear sight triangle shall be shown for all street intersections.
 7. Block and lot numbers.
 8. Total tract area and area of each lot to the nearest 1/100th of square feet or acres.
 9. Location and type of permanent monuments and markers which have been found or set in place.
 10. Building setback lines for each lot or the proposed placement of each building.
 11. Excepted parcels or sections shall be marked "not included in this plat" and their boundary completely indicated by bearings and distances.
 12. A statement of intended use of all lots, with reference to restrictions of any type which exist as covenants in the deed for the lots contained in the subdivision and, if the covenants are recorded, including the book and page.
 13. The deed book volume and page number referencing the latest source(s) of title to the land being developed.
 14. Monroe County property identification number.
 15. The location, ownership and maintenance responsibility of common facilities and conservation open space.
 16. Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the plan.
- B. The following items and notes shall be on all Final Plans, when applicable, in the form of protective and/or restrictive covenants:
 1. Building setbacks.
 2. Corner lot easements for clear sight triangles.
 3. Corner lot driveway locations.
 4. Utility and drainage easements, including ownership and maintenance responsibility.
 5. "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Protection and Eldred Township."
 6. "Individual owners of lots must apply to the Township for a sewage permit prior to the construction of any on-lot sewage disposal system."
 7. "In granting this approval the Township has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."
 8. "All lots shown on this plan are subject to the rules and regulations contained in the Eldred Township Zoning

Ordinance."

C. The following general notes shall be included on all Final Plans, if applicable:

1. In the event the subdivision incorporates a private access street as defined in this Ordinance, the following --- "The improvement and maintenance of any private access street shall be the sole responsibility of those persons benefiting from the use thereof."
2. In the event of a "lot improvement" proposal --- "Lot/parcel ___ shall be joined to and become an inseparable part of lot/parcel___ as recorded in Deed Book Volume___, Page___ and cannot be subdivided, conveyed or sold separately or apart therefrom without prior Township approval" and "Approval is granted for recording purposes only."
3. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420) and for access to roads under the jurisdiction of Eldred Township pursuant to The Eldred Township Road Encroachment Requirements."
4. In the case where wetlands are present or if otherwise required by the Township --- "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals relating to wetlands. Approval by the Board of Supervisors shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. Eldred Township shall have no liability or responsibility for the same to the Developer or purchaser(s)."
5. When on-site subsurface sewage disposal is proposed --- "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The PA DEP planning conducted as part of the subdivision plan approval process is for general suitability only; and, a sewage permit will be required prior to the issuance of any building permit."
6. In the case where the requirement for sewage planning is waived by the Township --- "The lot(s) shown on this plan have not been approved for any type of sewage disposal based upon the representation by the developer that the lot(s) will be used for purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit, zoning and other applicable approvals by Eldred Township."
7. In the case where common land and/or facilities are proposed --- "Common open land, common recreation land, common facilities and development improvements shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development."

D. In the case of land developments, the location and configuration of project buildings, parking compounds, streets, access drives, driveways, and all other planned facilities.

403.4 Supporting Documents and Information

The following supporting documents and information shall be submitted with the Final Plan for major subdivisions:

A. Typical final street cross-section drawings for all proposed streets and/or roads showing the following:

1. Typical cut sections.

2. Typical fill sections.
 3. Typical superelevated sections.
 4. Typical parallel drainage.
- B. Final profiles along the top of the cartway (pavement) center-line showing existing and final grade lines and printed elevations of the final grade line at fifty (50) foot intervals, unless otherwise required by this Ordinance.
 - C. Any existing and finally proposed deed restrictions, and protective and restrictive covenants that apply to the subdivision and/or development plan.
 - D. All existing and offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
 - E. Proof of legal interest in the property, and the latest deed of record.
 - F. Water Supply and Sewage Disposal Information:
 1. Final plan of any central water supply and/or sewage disposal system showing all pertinent details.
 2. All other documentation required to demonstrate compliance with this Ordinance.
 - G. All required state or federal environmental permits.
 - H. Highway occupancy permits.
 - I. Soil erosion and sedimentation control plan approved by the Monroe County Conservation District.
 - J. Final drainage/stormwater management plan.
 - K. Final bridge designs and required state or federal approvals.
 - L. A statement setting forth any zoning variances or subdivision waivers/modification obtained.
 - M. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Final Plan shall be accompanied by 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.

403.5 Additional Information

The Planning Commission or Supervisors shall require any other necessary information based on the specific characteristics of the proposed project.

403.6 Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by the Township for submission with the Final Plan application.

403.7 Maintenance of Development Improvements

The Developer shall provide a proposed plan for the succession of ownership and continued operation and maintenance of all development improvements, amenities, and common use or open space areas in accord with

Article V. The Supervisors shall determine the adequacy of the plan and shall require any additional assurance to provide for proper operation and maintenance.

404 Minor Subdivisions, Final Plan Requirements

Plans for Minor Subdivision shall be prepared by a Qualified Professional (see definition in Article II), as applicable, and required by State law and shall be submitted pursuant to the following:

404.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, 80 feet, 100 feet or 200 feet to the inch.
- B. Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes and seconds for the boundary of the entire tract; and dimensions in feet for lot lines.
- C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than twelve by eighteen (12 x 18) inches and no larger than twenty-four by thirty-six (24 x 36) 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 the same size and numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- E. Plans shall be legible in every detail.

404.2 Minor Subdivision Plan Information

- A. Name of subdivision
- B. Name and address of the owner of record (if a corporation, give name of each officer).
- C. Name and address of Developer, if different from landowner (if a corporation, give name of each officer).
- D. Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the subdivision plan.
- E. Date, including the month, day and year that the Final Plan for the minor subdivision was completed and the month, day and year of each Plan revision, along with a description of the revision.
- F. The deed book volume and page number reference of the latest source(s) of title to the land being subdivided.
- G. North arrow (true or magnetic).
- H. Graphic scale and written scale.
- I. Lots numbered in consecutive order, along with lots previously subdivided from the parcel.
- J. A plat of the area proposed to be subdivided, including the tract boundaries, if appropriate, street lines and

names, lot lines, rights-of-way or easements (existing and/or proposed, if any).

- K. Sufficient data, acceptable to the Township, to determine readily the location, bearing and length of every boundary, street or lot line. All dimensions shall be shown in feet and hundredths of a foot. All bearings shall be shown to the nearest one second of the arc.
- L. The area of each lot or parcel shall be shown within each lot or parcel; and, the area of each shown in the nearest 1/100th of an acre or square feet.
- M. Reference monuments and/or lot markers shall be shown on the plan and shall be placed as required by §608.
- N. Any existing buildings located on the tract being subdivided to demonstrate compliance with setback requirements.
- O. The proposed building reserve (setback) lines for each lot, or the proposed placement of each building.
- P. The name and/or number and pavement width and right-of-way lines of all existing public streets and the name, location and pavement width and right-of-way lines of all other roads within or abutting the property.
- Q. Names of adjoining property owners including those across adjacent roads; and, the names of all adjoining subdivisions including those across adjacent roads with the deed book volume and page number where each property and/or subdivision is recorded; along with the property identification number for each property shown.
- R. Water courses, lakes, streams, ponds with names, rock outcrops and stone fields, location of existing tree masses and other significant features, constructed or natural including utilities, wells and sewage systems.
- S. Wetlands.
- T. A clear sight triangle shall be clearly shown for all street intersections.
- U. Site data, including total acreage, number of lots, existing zoning district and property identification number.
- V. Contour lines at an interval of not greater than twenty (20) feet as superimposed from the latest U.S.G.S. quadrangle or from a field survey. A minimum of two contour lines are required to show direction and amount of slope.
- W. Location of all flood hazard areas as shown on the most recent FIA/FEMA mapping.
- X. The location and extent of various soil types by SCS classification for each type.
- Y. The location of any soil test pits and/or percolation tests. The logs of the test pit evaluations and the results of the percolation tests shall accompany the plan.
- Z. Any existing or proposed areas of wells and subsurface sewage disposal fields when on-site disposal is proposed.
- AA. A key map for the purpose of locating the property being subdivided.
- BB. Signature block for the Supervisors on the right-hand side.

CC. A title block on the lower right corner.

DD. The following items and notes shall be on all Final Plans, when applicable, in the form of protective and/or restrictive covenants:

1. Building setbacks.
2. Corner lot easements for clear sight triangles.
3. Corner lot driveway locations.
4. Utility and drainage easements, including ownership and maintenance responsibility.
5. "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Protection and Eldred Township."
6. "Individual owners of lots must apply to the Township for a sewage permit prior to the construction of any on-lot sewage disposal system."
7. "In granting this approval the Township has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."

404.3 General Notes

The following general notes shall be included on all Final Plans, if applicable:

- A. In the event the subdivision incorporates a private access street as defined in this Ordinance, the following --- "The improvement and maintenance of any private access street shall be the sole responsibility of those persons benefiting from the use thereof."
- B. In the event of a "lot improvement" proposal --- "Lot/parcel ___ shall be joined to and become an inseparable part of lot/parcel ___ as recorded in Deed Book Volume ___, Page ___ and cannot be subdivided, conveyed or sold separately or apart therefrom without prior Township approval" and "Approval is granted for recording purposes only."
- C. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420) and for access to roads under the jurisdiction of Eldred Township pursuant to The Eldred Township Road Encroachment Requirements."
- D. In the case where wetlands are present or if otherwise required by the Township --- "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals relating to wetlands. Approval by the Board of Supervisors shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. Eldred Township shall have no liability or responsibility for the same to the Developer or purchaser(s)."
- E. When on-site subsurface sewage disposal is proposed --- "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The PA DEP planning conducted as part of the subdivision plan approval process is for general suitability only; and, a sewage permit will be required prior to the issuance of any building permit."
- F. In the case where the requirement for sewage planning is waived by the Township --- "The lot(s) shown on this plan have not been approved for any type of sewage disposal based upon the representation by the developer that the lot(s) will be used for purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit, zoning

and other applicable approvals by Eldred Township.”

- G. In the case where common land and/or facilities are involved --- “Common open land, common recreation land, common facilities and development improvements shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development.”

404.4 Supporting Documents and Information

- A. The required Sewage Facilities Planning Modules, along with the site investigation reports.
- B. If connection to the Township Sewer Authority system is proposed, documentation from the Authority that service will be provided; and, that the Applicant has complied with all Authority requirements.
- C. If connection to a central system is proposed, a letter from the water company or authority stating that the said company or authority will supply the development, including a verification of the adequacy of service; and, documentation that the Applicant has complied with all water company requirements.
- D. Typical cross-sections for any private access street of a design adequate for anticipated traffic, along with center-line profiles and vertical curve data.

404.5 Additional Information

The Planning Commission or Supervisors shall request any other necessary information based on the specific characteristics of the proposed project.

404.6 Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by the Township for submission with the Minor Subdivision application.

405 Plan Requirements for Lot Improvement Subdivisions

The plan requirements set forth in §404 for Minor Subdivisions shall also apply to Lot Improvement Subdivisions which create new lot lines and are governed by §308.2. In addition, copies of the deeds prepared for recording shall be provided; and, said deeds shall effect the lot improvements on the approved plans and shall be recorded along with the approved plans.

406 Plan Requirements for Land Developments

Land development plans and applications shall contain all information required by the Township to determine compliance with this Ordinance and any other applicable requirements.

406.1 Plan Requirements

The plan requirements for preliminary plans and final plans for major subdivisions in §403 shall serve as the guide for the types of information which may be required. In addition to the information required by §403, the land development plan shall include all details of required improvements necessary to confirm compliance with this Ordinance and all other applicable Township ordinances. See also Article IX.

406.2 Survey

A survey of the parcel of property containing the proposed land development shall generally be required; however, the Supervisors shall have the right to waive the requirement for a survey in cases where circumstances do not dictate the need for a survey to assure compliance with applicable requirements.

406.3 Design Standards and Improvements

All design standards and required improvements specified by this Ordinance shall apply to land developments. The Supervisors shall also have the right to apply any reasonable additional standards and requirements necessary to effect the purposes of this Ordinance.

407 Requirements for As-Built Plans

If the Board of Supervisors, based on the recommendation of the Township Engineer, determines that the final plan does not accurately depict the location of the development improvements as installed, the Applicant shall provide to the Township plans certified by the Applicant's engineer showing all such improvements as installed. Failure of the Applicant to provide the as-built plans shall constitute a violation of this Ordinance, and shall be subject to all the enforcement proceedings contained in this Ordinance and may result in rescission of approval. The as-built plan shall accurately depict the final constructed development indicating which improvements have been installed in accord with the approved plans and detailing any changes as approved by the Township.

407.1 Submission

One (1) legible paper print of the As-Built Plans and one (1) compact disk with the Plans in PDF format shall simultaneously be submitted to the Township and one (1) of each to the Township Engineer.

407.2 Format

- A. The As-Built Plans shall be generated using the approved plans (as revised through construction) with the plan/design figures struck through with a single line and the as-constructed measurement annotated immediately adjacent.
- B. All deviations from approved plan data shall be documented by field measurement by a registered land surveyor, licensed in good standing to practice surveying in the Commonwealth of Pennsylvania.

407.3 Water and Sewer

Water and sewer As-Built Plans shall be coordinated with the respective authorities.

407.4 Plan Information

The following information shall be shown on the As-Built Plans. Deviations from the approved plans shall be subject to a request from the Township Engineer for calculations sealed by the applicable Qualified Professional which document that the as-constructed condition does not violate the original intent by decreasing flow capacity or a safety standard below the criteria set by this Ordinance.

- A. Storm sewer, including revised topography for basin/BMPs (if needed), basin/BMP berm height and width, outlet structure elevations, emergency spillway elevation and length, basin/BMP volume calculations, storm pipes and inlets (including pipe size, slope, inverts, grate elevations), and location of all BMPs including snouts, bottomless inlets, depressed landscape islands, infiltration trenches, porous pavement, etc.
- B. Deviations in grade on gravity dependent improvements (e.g. ditches and pipes) to verify that the installed flow capacity meets or exceeds the design capacity.
- C. Light pole locations.
- D. Sidewalk locations.
- E. Road and traffic signs

- F. Road elevations, layout, and striping; and if intersections have been revised significantly, sight distance. Finished roadway improvements shall be measured at cross section intervals matching the design stations, and shall include information across the entire improved section from tie slope to tie slope in order to document that the design ditch, shoulder and roadway sections have been met.
- G. Parking spaces including handicapped spaces and access points.
- H. Retaining wall locations and elevations.
- I. Where permanent monuments have been set for right of way or tract boundary, the 4-decimal state plane coordinates and 2-decimal elevation of the center of the monument.
- J. Building locations with tie distances to property lines.
- K. Any improvement where setbacks from property lines to critical points (building corners, etc) have been shown on the approved plans.
- L. Utility location in association with easements (i.e., is the utility centered on the easement, etc.).
- M. Field changes not otherwise required by this Section.
- N. Cross section plots for any or all stations of the project may be required at the discretion of the Engineer.
- O. Other information as deemed necessary by the Township Engineer depending on site conditions.

**ARTICLE V
IMPROVEMENT CONSTRUCTION AND GUARANTEES AND OPEN LAND**

500 General

No project shall be considered in compliance with this Ordinance until the streets, parking facilities, storm drainage facilities, water and sewer facilities, lot line markers and survey monuments and all other required or proposed improvements have been installed in accord with this Ordinance.

No final plan shall be signed by the Supervisors for recording in the office of the Monroe County Recorder of Deeds until:

- A. All improvements required by this Ordinance are installed to the specifications contained in Article VI of this Ordinance and other Township requirements and such improvements are inspected by the Township Engineer and are certified as complete and in compliance with this Ordinance by the Applicant's Engineer; or,
- B. An Improvements Construction Guarantee in accord with §503 and the Pennsylvania Municipalities Planning Code has been accepted by the Supervisors.

Any approval granted by the Supervisors for any improvement required by this Ordinance shall be for subdivision and/or land development approval purposes only and shall not constitute in any manner an approval for dedication of any improvements to the Township.

501 PA DOT Required Improvements

An 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 Pennsylvania Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to §420 of the Act of June 1, 1945 (P.L. 1242, No.428) known as the "State Highway Law."

502 Sections/Stages

In cases where Final Plan approval is proposed in sections or stages, the Supervisors shall require the construction or guarantee of any and all development improvements required for the service or protection of any section or stage of the development proposed for final approval.

503 Improvement Construction Guarantees

503.1 Acceptable Guarantees

The following are acceptable forms of improvement construction guarantees:

503.1.1 Surety Performance Bond - A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania and approved by the Supervisors. The bond shall be payable to Eldred Township.

503.1.2 Escrow Account - A deposit of cash either with the Township or in escrow with a financial institution. The use of a financial institution for establishing an escrow account shall be subject to approval by the Supervisors.

503.1.3 Irrevocable Letter of Credit - A letter of credit provided by a Developer from a financial institution or

other reputable institution subject to the approval of the Supervisors.

503.1.4 Other Forms - Other forms of collateral including, but not limited to, real estate mortgages as the Supervisors may require or accept as part of the security.

503.1.5 Additional Requirements - The following requirements shall apply to the financial guarantees set forth in §503.1:

- A. The funds of any guarantee shall be held in trust until released by the Supervisors and may not be used or pledged by the Developer as security in any other matter during that period.
- B. In the case of a failure on the part of the Developer to complete said improvements, the institution shall immediately make the funds available to the Supervisors for use in the completion of those improvements approved as part of the final plan and as may be required to service any lots or dwelling units as determined by the Supervisors.
- C. The creditor shall guarantee funds in the amount required by this Ordinance.
- D. The guarantee shall not be withdrawn, or reduced in amount, until released by the Supervisors.

503.2 Amount of Security

The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten (110) percent of the cost of completion estimated as of ninety (90) calendar days following the date scheduled for completion by the Developer. Annually, the Supervisors may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th calendar day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Supervisors may require the Developer to post additional security in order to assure that the financial security equals said one hundred ten (110) percent. Any additional security shall be posted by the Developer in accord with this §503.

- A. The amount of guarantee required shall be based upon an estimate of the cost of completion of the required improvements, prepared by the developer's engineer licensed as such in Pennsylvania and certified, in writing, by such engineer to be a fair and reasonable estimate of such cost. The Supervisors, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the Developer and the Supervisors are unable to agree upon an estimate, then the estimate shall be recalculated and certified by another professional engineer licensed as such in Pennsylvania and chosen mutually by the Supervisors and the 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.
- B. If the Developer requires more than one (1) year from the date of posting the guarantee to complete the required improvements, the amount of the guarantee shall be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date of posting the guarantee or to an amount not exceeding one hundred ten (110) percent of the cost of completing the improvements as reestablished on or about the expiration of the preceding one (1) year period as estimated using the procedure established by this §503.2.

503.3 Terms of Guarantee

Construction guarantees shall be submitted in a form and with such surety as approved by the Supervisors to assure that all improvements shall be completed within a fixed period of time but not to exceed five (5) years from the date of Preliminary Plan approval.

503.4 Release of Improvement Construction Guarantees

503.4.1 - Partial Release - The Developer may request the release of such portions of the construction guarantee for completed improvements.

- A. Request - All such requests shall be in writing to the Supervisors with a copy to the Township Engineer and shall include a certification from the Developer's engineer that the subject improvements have been completed in accord with the approved plans and Township standards.
- B. Inspection - Within forty-five (45) calendar days of receipt of such request the Supervisors shall direct the Township Engineer to inspect the subject improvements and certify, in writing, to the Supervisors the completion in accord with the approved plans and Township standards; and, the Supervisors shall authorize release of such portion of the construction guarantee established by the Township Engineer to represent the value of the completed improvements. If the Supervisors fails to act within said forty-five (45) calendar day period, the Supervisors shall be deemed to have approved the release of funds as requested. The Supervisors may, prior to final release at the time of completion and certification by the Township Engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements.

503.4.2 Final Release - When the Developer has completed the construction of all required improvements the Developer shall so notify the Supervisors.

- A. Notification - Such notification shall be in writing, by certified or registered mail, with a copy to the Township Engineer and shall include a certification from the Developer's Engineer that all required improvements have been completed in accord with the approved plans and Township standards.
- B. Inspection - Within ten (10) calendar days of receipt of said notice, the Supervisors shall direct and authorize the Township Engineer to make a final inspection of the subject improvements.
- C. Report - The Township Engineer shall, within thirty (30) calendar days of said authorization, file a detailed written report with the Supervisors with a copy mailed to the Developer, by certified or registered mail, recommending approval or rejection of said improvements either in whole or in part; and, if said improvements or any portion thereof, shall not be approved or shall be rejected, said report shall contain, by specific Ordinance reference, a statement of reasons for non-approval or rejection.
- D. Action - Within fifteen (15) calendar days of receipt of the Township Engineer's report, the Supervisors shall act upon said report and shall notify the Developer, in writing, by certified or registered mail of their action. If the Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the Developer shall be released from all liability pursuant to its performance guaranty.
- E. Rejected or Unapproved Improvements - If any portion of the subject improvements are not approved or are rejected by the Supervisors, the Developer shall proceed to rectify and/or complete the same and, upon completion, the same procedure of notification, as outlined in §503.4.2,A shall be followed.

- F. Remedies to Effect Completion of Improvements - In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved plan, the Supervisors may enforce any corporate bond, or other guarantee by appropriate legal and equitable remedies. If proceeds of the guarantee are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by the said security, the Supervisors may, at its option, install part of such improvements in all or part of the subdivision and/or development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the guarantee or from any legal or equitable action brought against the Developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other Township purposes except for reimbursement of Township court costs, reasonable attorney fees and other costs of enforcement.

504 Improvements Construction

This section shall apply to all construction of improvements whether the improvements are completed prior to final plan approval or guarantees are provided.

504.1 Construction Plans and Drawings

The construction of any improvements shown on an approved Preliminary Plan or in conjunction with the Final Plan application and guarantee proposal shall be accomplished only in accord with the approved final construction plans detailing the design and installation of all improvements and documenting compliance with this Ordinance.

504.2 Schedule

The Developer shall, at least fifteen (15) calendar days prior to the initiation of construction of any required improvements, submit to the Township a schedule of construction for all required improvements, including the timing of the development of any proposed sections. The schedule may be revised from time to time upon mutual agreement of the Applicant Engineer and the Township Engineer.

504.3 Inspections

Based upon the construction schedule and the nature of the required improvements and within fourteen (14) calendar days of receipt of the said construction schedule, the Township Engineer shall prepare Township inspection requirements to ensure the construction of the required improvements in accord with the approved plan and Township standards. In addition to all final inspections required for all improvements, inspections shall be required at all phases of construction when a failure to inspect would result in a physical impossibility to verify compliance at the time of the final inspection (e.g., backfilling of sewer or water line trenches). This may require a full-time inspector.

504.4 Notice

The Developer shall provide a minimum of five (5) working days notice prior to the time when construction will have proceeded to the time of a required inspection. Construction shall not proceed further until the Township Engineer conducts the inspection and approves the improvements.

504.5 Cost

The cost of all inspections conducted by the Township shall be borne by the Developer.

505 Improvement Maintenance Guarantee

505.1 Guarantee

Before final approval is granted, the Developer shall provide to the Township a maintenance guarantee in an amount

determined by the Supervisors but not less than fifteen (15) percent of the cost of all required improvements as estimated by the applicant's engineer and approved by the Township Engineer.

- A. Such maintenance guarantee shall be in such form as prescribed in §503.1 and shall guarantee that the Developer shall maintain all improvements in good condition during the eighteen (18) months after the completion of construction or installation and final approval of all improvements. If the Developer is negligent or fails to maintain all improvements in good condition during the eighteen (18) month period, the Supervisors may enforce the maintenance guarantee, bond or other surety by appropriate and equitable remedies. If proceeds of such bond or other surety are insufficient to pay the cost of maintaining the improvements during the said eighteen (18) month period, the Supervisors, at its option, may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition.
- B. After the expiration of the eighteen (18) months from the date of the final approval of the subject improvements and if all improvements are certified by the Township Engineer to be in good condition, the Supervisors shall release the said maintenance guarantee and surety to the Developer or party posting the said maintenance guarantee and surety.

505.2 Guarantee for Central Sewage, Central Water and Storm Water Management

This section shall only apply if guarantees are not required by any governing municipal authority.

- A. In lieu of the requirements of §505.1 above, the Supervisors may require a guarantee from the Developer for the maintenance, operation and repair of any central sewage system, central water system or storm water management structure. Said guarantee shall be posted immediately after the system receives final approval and before it is put into operation.
- B. The amount of said maintenance guarantee shall be determined by the Supervisors but shall generally not exceed twenty-five (25) percent of the estimated cost of the system as verified by the Township Engineer.
- C. In the event the system is not so maintained and operated, the Supervisors, at any time during the term of the guarantee and upon thirty (30) calendar days notice, shall have the right to declare a forfeiture of a portion or all of the said maintenance guarantee, depending on the extent of the lack of maintenance and proper operation, and shall use the proceeds for such maintenance and corrective measures as shall be required. If proceeds of the guarantee are insufficient to pay the cost of maintaining the improvements the Supervisors, at its option, may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition.

506 Continued Ownership and Maintenance of Improvements

The Developer shall provide to the satisfaction of the Supervisors, and prior to Final Plan approval, evidence of the provision for the succession of ownership and responsibility for maintenance of development improvements.

506.1 Private Operation and Maintenance

506.1.1 Land Developments - In the case of land developments such provision shall be in the form of deed covenants and restrictions clearly placing the responsibility of maintenance of all development improvements with the owner of the land development.

506.1.2 Residential Developments -In the case of subdivisions, multi-family housing projects and other residential developments involving the transfer of property, the Developer shall provide, by deed covenants and

restrictions, for the creation of a Property Owners Association (POA), or equivalent entity, to assume the ultimate ownership of all development improvements and responsibility for maintenance of such improvements. Membership in the POA shall be mandatory for all property owners in the development. The developer shall also be a member of the POA and shall remain responsible for payment of any per lot dues or fees assessed by the POA which are associated with improvements serving said lots. The deed covenants and restrictions creating the POA shall be approved by the Supervisors.

506.1.3 Any Improvements Which Will Remain Private - In the case where roads, drainage facilities, a central sewage treatment system or central water supply, or any other improvements are to remain private, the Developer shall provide for the establishment of an escrow fund in accord with §503.1 to guarantee the operation and maintenance of the improvements. Said fund shall be established on a permanent basis with administrative provisions approved by the Supervisors. The amount of said fund shall be established by the Supervisors, but in no case shall be less than fifteen (15) percent nor more than twenty-five (25) percent of the construction cost of the system as verified by the Township Engineer. The maintenance and operation of the improvements and the administration of any required maintenance fund account shall be clearly established as the joint responsibility of the owner(s) of each structure or dwelling unit served by such system. Such responsibility and the mechanism to accomplish same shall be established by deed covenants and restrictions which shall be approved by the Supervisors.

506.1.4 Failure To Operate and Maintain Improvements - If any private improvements are not operated or maintained adequately to assure the function of said improvements consistent with Township requirements and/or the needs of the users of said improvements, the Supervisors shall have the right to perform said operation and maintenance to meet the intent of this Ordinance and otherwise protect the public health, safety and welfare. The Supervisors shall use any and/or all legal authority and remedies in law available to accomplish same and shall assess the legal, construction, and other costs for same to the person(s) responsible for or benefiting from said proper operation and maintenance. Such actions may include, but are not limited to, those prescribed in Article X of this Ordinance, injunctive relief, or the formation of special districts to assess costs.

506.2 Dedication to Township

Where a plan includes a proposed dedication of roads, neither the plan approval nor the Developer's completion of the roads shall obligate the Supervisors to accept the roads. Acceptance of a proposed dedication shall be a matter of discretion for the Supervisors. If determined by the Supervisors to be in the interest of the public health, safety and general welfare, the Supervisors may accept roads and associated drainage facilities, but shall generally not accept any stormwater control facilities used to manage stormwater within any subdivision or land development, sewage disposal systems, water supply systems, sidewalks, or other improvements unless the Supervisors deems it necessary to fulfill the purposes of this Ordinance or the Township Official Wastewater Facilities Plan. In accepting any improvements the Supervisors may attach such reasonable conditions necessary to fulfill the purposes of this Ordinance.

507 Open Land and Recreation Land -- Ownership and Maintenance

This §507 shall apply to any development which involves the ownership and maintenance of open land or recreation land held in common or owned and maintained through other arrangements approved by the Supervisors (referred to as "common open space") as required by this Ordinance.

507.1 Purpose

The requirements of this §507 are intended to assure in perpetuity the ownership, use and maintenance of common open space. The general principle shall be to assign ownership and maintenance responsibility to that entity which is best suited for the same and which will allocate any associated costs to the individuals which directly benefit from

the use of the common open space.

507.2 Plan and Legal Documents

The Developer shall submit a plan and proposed legal documents for the purpose of dedicating, in perpetuity, the use, ownership and maintenance of the approved common open space. The Plan shall be approved by the Supervisors with the recommendation of the Township Solicitor. The provisions of the approved Plan shall be incorporated into a development agreement with the Township, deed covenants and restrictions, or other legal document which will effect the Plan and which can be enforced by the Supervisors.

- A. The Plan shall define ownership.
- B. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e., lawns, playing fields, meadow, pasture, crop land, woodlands, etc.).
- C. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the conservation open space and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
- D. The Supervisors may require the applicant to escrow sufficient funds for the maintenance and operation costs of common facilities for up to 18 months.
- E. Any changes to the maintenance plan shall be approved by the Supervisors.

507.3 Use Restriction

The use of any common open space shall be limited to those uses which are specifically permitted or required by the applicable sections of this Ordinance and the Township Zoning Ordinance.

507.4 Development Plan Designations

The subdivision/land development plan which will be recorded following final approval of the development shall clearly show all common open space and specifically note the use, ownership and maintenance responsibility of the same. Reference to the legal document(s) governing the use, ownership and maintenance of common open space shall be noted on the plan. The plan shall also contain the following statement: "Common open land, common recreation land, common facilities and development improvements shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development."

507.5 Methods for Use Dedication and Common Open Space Ownership and Maintenance

The use of common open space and common open space ownership and maintenance shall be addressed by one or a combination of the methods which follow. In any case, the developer shall document to the satisfaction of the Supervisors that the chosen method(s) will preserve the common open space use rights established in accord with this Article and provide for the perpetual ownership and maintenance of all open land, and recreation land.

All methods shall establish a mechanism for the Supervisors to effect the use dedication and require operation and maintenance of common open space, if the means established by the Developer fail to provide the same.

All methods for use dedication and common open space ownership and maintenance, and any combination of methods, and any change in method which may be proposed by the ownership and maintenance entity, shall be subject to the approval of the Supervisors. Operation and maintenance provisions shall include, but not be limited

to, capital budgeting for repair and/or replacement of development improvements and common facilities, working capital, operating expenses, casualty and liability insurance, and contingencies.

507.5.1 Property Owners Association or Condominium Agreements - All common open space may be owned and maintained by a property owners association (POA) or condominium agreements (CA) including all lot and/or condominium owners in the development provided:

- A. The POA/CA is established by the Developer as a nonprofit corporation for the express purpose of ownership and maintenance of the common open space, or as otherwise may be required by state statute.
- B. Participation in the POA/CA is mandatory for all owners.
- C. Provision is made for the maintenance of common open space during the sale period and the orderly transition of responsibility from the Developer to the POA/CA.
- D. The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the common open space responsibilities.

507.5.2 Transfer to a Private Conservation Organization - In the case of open land and recreation land, the landowner may transfer fee simple title to the said areas, or parts thereof, to a private, non-profit organization among whose purposes is the conservation of open land and/or natural resources; provided that:

- A. The deed contains the necessary covenants and restrictions in favor of the Township to effect the use dedication and common open space ownership and maintenance standards of this Article and this Ordinance.
- B. The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, as approved by the Supervisors.
- C. The conveyance of title contains the necessary provisions for proper retransfer or reversion should the organization be unable to continue to execute the provisions of title.
- D. A maintenance agreement among the Developer, organization and Township is executed to the satisfaction of the Supervisors.

507.5.3 Deed Restricted (Non-Common) Private Ownership - Deed restrictions on privately held lands may be used to preserve open land provided such restrictions include a conservation easement in favor of the Township, with provisions for reversion to the Township, POA or trustee holding the remainder of the common open space.

507.5.4 Deed or Deeds of Trust - The landowner may provide, as approved by the Supervisors, for the use, ownership and maintenance of common open space by establishing a trust for the same via a deed or deeds. The trustee shall be empowered to levy and collect assessments from the property owners for the operation and maintenance of the development.

507.5.5 Conservation Easements Held by the Township - In the case of open lands and recreation lands, the Supervisors may, but shall not be required to, accept title to conservation easements on any such lands. In such cases, the land remains in the ownership of an individual, POA/CA, while the development rights are held by the Township. The lands may be used in accord with the requirements of this Ordinance; and, title to such lands may

be transferred to other parties for use as restricted by the conservation easement.

507.5.6 Fee Simple and/or Easement Dedication to the Township - In the case of open lands or recreation lands, the Supervisors may, but shall not be required to, accept in fee, the title to any such lands, or any interests (such as development rights or conservation easements) therein, for public use and maintenance, provided:

- A. There is no consideration paid by the Township.
- B. Such land is freely accessible to the public.
- C. The Supervisors agrees to and has access to maintain such lands.

507.6 Failure to Preserve Dedication of Use and Operation and Maintenance of Common Open Space

If the method established for the dedication of use, operation, and maintenance of common open space fails to do so in reasonable order and condition in accord with the approved development plan, the Supervisors shall have the right and authority to take all necessary legal action to effect such use dedication, operation, and maintenance. The action of the Supervisors shall be in accord with the following:

507.6.1 Notice - The Supervisors shall serve written notice on assigned entity or the property owners in the development setting forth the details of the failure of the entity with regard to use dedication and operation and maintenance of common open space.

507.6.2 Correction of Deficiencies - The notice shall include a demand that the deficiencies be corrected in a reasonable period of time which shall be stated in the notice.

507.6.3 Public Hearing - A public hearing shall be conducted subsequent to the notice and shall be advertised in accord with the definition of "public notice" contained in this Ordinance. At such hearing, the Supervisors may modify the terms of the original notice as to the deficiencies and may extend the time for correction of the deficiencies.

507.6.4 Failure to Correct - In the event the deficiencies in the notice, as may have been modified at the public hearing, are not corrected in accord with the established time period, the Supervisors may enter upon the common open space and maintain the same and/or correct the deficiencies. The Supervisors shall continue such action for such time as may be necessary to correct the deficiencies. Said action shall not constitute a taking or dedication of any common open space, nor vest in the public the right to use any common open space.

507.6.5 Reinstatement of Responsibility - The responsibility of operation and maintenance shall not be reinstated to the assigned entity until such time as the entity has demonstrated to the Supervisors that the proper steps have been effected to modify the terms of use dedication, operation, and/or maintenance; and/or, to reorganize or replace the responsible entity so that use dedication, operation, and maintenance established by the approved development plan will be assured.

507.6.6 Appeal - Any party to the action of the Supervisors may appeal such action to court as provided for in the Pennsylvania Municipalities Planning Code, as amended.

507.6.7 Public Costs - The costs of the preservation of use dedication, maintenance and operation of any open land conducted by the Township in accord with this Article, including any administrative and legal costs, shall be assessed ratably against the properties in the subject development which have a right of enjoyment

and/or use of the common open space. The assessment shall be made a lien on the properties; and, the Supervisors shall, at the time of the notice in §507.6.1 above, file the required notice of lien against the properties.

508 Subdivision and/or Land Development Improvements Agreement

All applicants proposing any subdivision and/or land development requiring the installation of improvements as required by this Ordinance shall, prior to final plan approval by the Supervisors, and, if so directed by the Supervisors, enter into a legally binding development agreement with the Township whereby the developer guarantees the installation of the required improvements in accord with the approved plan and all Township requirements.

508.1 Contents

The development agreement shall be in a form suitable for execution by the Supervisors and shall provide for the following, where applicable:

- A. The construction of all facilities authorized by the approved plans (streets, drainage, etc.) in itemized format.
- B. Installation of survey monuments and lot markers.
- C. Installation of all water, sewer, and utility lines.
- D. Prevention of erosion, sedimentation and water damage to the subject, adjacent and downstream properties.
- E. Developer's responsibility for any damages to adjacent or neighboring properties.
- F. A work schedule setting forth the beginning and ending dates, and such other details as the Supervisors deems fit and appropriate, for improvements contained herein, including the timing of the development of any proposed sections.
- G. The estimated cost of the improvements not yet completed, including the amount of performance guarantee to be submitted.
- H. Security in the form of a construction guarantee approved by the Supervisors to ensure the installation of the required improvements.
- I. Security in the form of a maintenance guarantee approved by the Supervisors for the repair or reconstruction of improvements which are found by the Township Engineer to be defective within eighteen (18) months from the date of formal acceptance of the said improvements, together with provisions for disbursement thereof.
- J. A set of reproducible "AS BUILT" plans prepared by and certified to by a Registered Professional Engineer and/or a Registered Professional Surveyor of all roadways and streets, bridges, drainage systems, sewage collection and treatment systems, water distribution systems and all other required or provided improvements.
- K. Ownership of any improvements.
- L. Public liability insurance for the duration of improvements construction. A copy of the said policy or other evidence of coverage shall be submitted to the Supervisors.
- M. A hold harmless clause to protect the Township from any and all liability.

ARTICLE V - IMPROVEMENTS

- N. The Developer's responsibility for all reasonable engineering and consulting costs and expenses for inspection, consultations, and preparation of agreements, to the extent such costs and expenses exceed the monies paid by the Developer in accordance with the standard fee schedules.
- O. Provisions for changing the approved final plan, supporting plans, profiles, data, specifications and related documents.
- P. Provisions for violations of the development agreement.
- Q. Provisions for severability of any article.
- R. Provisions for any additional agreements deemed necessary.

508.2 Execution

The final plan shall not be approved by the Supervisors prior to the execution of this agreement, if so required by the Supervisors.

**ARTICLE VI
DESIGN STANDARDS AND SPECIFICATIONS**

601 General Design Standards; Zoning Requirements

In addition to the standards in this Article VI, all subdivisions and land developments shall be designed in accord with the applicable requirements of the Township's Zoning Ordinance.

601.1 Application

The standards and requirements contained in this Article VI shall apply to all subdivisions and land developments and are intended as the minimum for the preservation of the environment and promotion of the public health, safety, and general welfare; and, then shall be applied as such by the Planning Commission and Supervisors in reviewing and evaluating plans for all proposed subdivisions and/or land developments. Compliance with all standards shall be documented by the Applicant at the time of initial application.

- A. Planning - The development shall conform to the proposals and conditions shown in the Township Comprehensive Plan and any local or regional plans adopted by the Township. The streets, drainage, rights-of-way, school sites, public parks and playgrounds shown on the officially adopted plan or the Township's Official Map shall be considered in the approval of all plans. In the case of major subdivisions and land developments, the Applicant shall submit a narrative detailing how the development conforms to any applicable plan.
- B. Contiguous Lands - Where the owner of the site under consideration owns contiguous land suitable for development, the subdivision plan shall cover all such contiguous lands. This provision, however, may be waived in full, or in part, by the Supervisors if it is not considered essential to the evaluation of the plans for the current development tract.
- C. Improvements, Specifications - Additional improvements, or improvements of more stringent specifications, may be required in specific cases where, in the opinion of the Supervisors, such specifications are necessary to create conditions essential to the health, safety, and general welfare of the citizens of the Township and/or to protect the environment of the Township.
- D. Hazard Areas - Those areas which may present such hazards to life, health, or property as may arise from fire, flood or noise, or are considered to be uninhabitable for other reasons, shall not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards against the hazards. Sources for determining and evaluating potential hazards may include historical records, soil evaluations, engineering studies, expert opinions, standards used by licensed insurance companies, and adopted regional, county or local municipal policies.
- E. Development Design; Remnants; Neighboring Development - All portions of a tract being subdivided shall be taken up in lots, streets, open lands, or other proposed uses, so that remnants and landlocked areas shall not be created. The layout of a subdivision shall also be planned with consideration for existing nearby developments or neighborhoods so that they are coordinated in terms of interconnection of open space, traffic movement, drainage, and other reasonable considerations.
- F. Natural Features - Care shall be taken to preserve natural features such as agricultural land, woodland and specimen trees, wetlands, water courses, views, and historical features, such as buildings and stone walls, which will maintain the attractiveness and value of the land. Damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Township and, where appropriate, the PA DEP and the US Army Corps

of Engineers.

1. Groundwater Resources - This section is intended to ensure that the Township's limited groundwater resources are protected for purposes of providing water supplies for its residents and businesses, and to protect the base flow of surface waters. These regulations shall be applied in conjunction with those provided for in other sections of this Ordinance, dealing with groundwater conservation and replenishment. The proposed subdivision and land development of any tract shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table, through careful planning of vegetation and land disturbance activities, the use of bio-retention areas and infiltration trenches, and the placement of streets, buildings and other impervious surfaces in locations other than those identified on the Existing Resources and Site Analysis as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater.
2. Stream Valleys, Swales, Springs, and Other Lowland Areas - Stream valleys (which include stream channels and flood plains), swales, springs and other lowland areas are resources that warrant restrictive land use controls because of flooding hazards to human life and property, ground water recharge functions, importance to water quality, and the health of aquatic communities and wildlife habitats. Such areas are generally poorly suited for on-site subsurface sewage disposal systems. The following activities shall be minimized:
 - a. Disturbance to streams and drainage swales.
 - b. Disturbance to year-round wetlands, areas with seasonally high water tables, and areas of surface water concentration.
 - c. Stream valleys, swales and other lowland areas warrant designation as conservation open space because of extreme limitations. They may also require adjoining buffer lands to be included in the conservation open space, to be determined by an analysis of the protection requirements of such areas on a case-by-case basis. In certain instances, hydric soils may be excluded from the conservation open space where it can be demonstrated that they are suitable for low density residential uses and on-site sewage systems.
3. Woodlands - Woodlands occur extensively throughout the Township, often in association with stream valleys and wet areas, poor and erodible agricultural soils, and moderate to steep slopes.
 - a. Woodland conditions within the Township vary with respect to species composition, age, stocking, and health. They range from relatively recent post-agricultural young stands to mature mixed-age forests. Most woodlands in the Township represent one or more of the following resource values:
 - 1) As soil stabilizers, particularly on moderate to steep slopes, thereby controlling erosion into nearby streams, ponds, impoundments and roads. A closely related function is their enhancement of ground water recharge.
 - 2) As a means of ameliorating harsh micro-climatic conditions, in both summer and winter.
 - 3) As a source of wood products (i.e., poles, saw timber, veneer and firewood).
 - 4) As habitats for woodland birds, mammals and other wildlife.
 - 5) As recreation resources for walkers, equestrians, picnickers, and other related outdoor activities.
 - 6) As visual buffers between areas of development and adjacent roads and properties.
 - b. Because of their resource values, all woodlands on any tract proposed for subdivision or land development shall be evaluated by the Applicant to determine the extent to which such woodlands

should be designated partly or entirely as conservation open space or development lands. Evaluation criteria shall include:

- 1) Configuration and size.
 - 2) Present conditions (i.e., stocking, health and species composition).
 - 3) Site potential (i.e., the site's capabilities to support woodlands, based upon its topographic, soil and hydrologic characteristics).
 - 4) Ecological functions (i.e., in protecting steep slopes, erodible soils, maintaining stream quality, and providing for wildlife habitats).
 - 5) Relationship to woodlands on adjoining and nearby properties and the potential for maintaining continuous woodland areas.
- c. The evaluation of the tract's woodlands shall be undertaken by a forester, landscape architect, horticulturist or another qualified professional acceptable to the Township. This evaluation shall be submitted as a report and made a part of the application for a preliminary plan. At a minimum, that report shall include one or more maps indicating boundaries and conditions of woodland areas accompanied by a report addressing the criteria in §601.1,F,3.
- d. In designing a subdivision and land development plan for any tract, the applicant shall be guided by the following standards:
- 1) Healthy woodlands exceeding one acre shall be preserved and designated as conservation open space areas, to the maximum extent possible. Proposed site improvements shall be located, designed, and constructed to minimize the loss or degradation of woodland areas.
 - 2) Developments shall be designed to preserve woodlands along roadways, property lines and lines occurring within a site such as streams, swales, stone fences and hedgerows. Such lines and the native vegetation associated with them shall be preserved as buffers between adjacent properties and between areas being subdivided within a property. Preservation shall include ground, shrub, understory, and canopy vegetation.
 - 3) Disturbance or removal of woodlands occupying environmentally sensitive areas shall be undertaken only when approved by the Planning Commission and on a limited, selective basis to minimize the adverse impacts of such actions. This shall include, but not necessarily be limited to, vegetation performing important soil stabilizing functions on wet soils, stream banks, and sloping lands.
 - 4) No clearing or earth disturbance (except for soil analysis for proposed sewage disposal systems) shall be permitted on a site before the completion of subdivision and land development agreements. The determination of sight distance clearances along roadways shall be made graphically and not by clearing on-site prior to final plan approval.
4. Upland Areas - These areas comprise fields, pastures, meadows, and former agricultural areas in early stages of woodlands succession, with fences, stone walls, tree copses and hedgerows, typically bordered by stream valleys and upland woodlands. These comprise the Township's historic working landscape, dotted with historic houses, barns and other structures. They give the Township much of its rural character. They also contain the greatest concentration of prime agricultural soils. Because of their openness and high visibility, development in these areas is likely to be most readily seen and disruptive to the historic landscape. Such

areas sometimes provide habitat for wildlife, in conjunction with nearby woodlands and stream valleys. However, it is recognized that these areas also frequently offer the fewest constraints for development. Several elements of these working landscapes lend themselves to incorporation into the Township's conservation open space network. These include prime agricultural soils and natural features which visually punctuate the landscape, such as hedgerows, tree copses, stone walls, and visually prominent places such as knolls and hilltops. These areas can also accommodate development, with preferred locations being the non-prime agricultural soils and lower topographic settings where development will be visually less obtrusive. Compact clustered residential designs, with coordinated architectural and landscape architectural themes, are encouraged in highly visible locations where future development cannot be avoided (such as at the far edge of open fields).

5. Slopes - Moderately sloping lands (15 to 25 percent) and steeply sloping lands (over 25 percent) are prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds, and public roads are detrimental to water quality and aquatic life, and a potential hazard to public safety.
 - a. Areas of steep slope shall be preserved in accordance with the Township Zoning Ordinance and as required below.
 - b. All grading and earthmoving on slopes exceeding fifteen (15) percent shall be minimized.
 - c. No site disturbance shall be allowed on slopes exceeding twenty-five (25) percent, except grading for a single family dwelling and the required driveway.
 - d. On slopes of fifteen (15) percent or greater, the Developer shall submit detailed plans to document how all grading, filling, and building development will address steep slope concerns.
 - e. Grading or earthmoving on all sloping lands of fifteen (15) percent or greater shall not result in earth cuts or fills whose highest vertical dimension exceeds six (6) feet, except where, in the judgment of the Planning Commission no reasonable alternatives exist for construction of roads, drainage structures and other required improvements, in which case such vertical dimensions shall not exceed twelve (12) feet.
 - f. Roads and driveways shall, to the greatest extent possible, follow the line of existing topography to minimize the required cut and fill. Finished slopes of all cuts and fills shall be as required to minimize disturbance of natural grades.
6. Significant Natural Areas and Features - Natural areas containing rare or endangered plants and animals, as well as other features of natural significance exist throughout the Township. Some of these have been carefully documented (e.g., by the Statewide Natural Diversity Inventory), whereas for others, only the general locations are known. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features either identified by the Township's Map of Potential Conservation Lands or by the Applicant's Existing Resources and Site Analysis by incorporating them into proposed conservation open space areas or avoiding their disturbance in areas proposed for development.
- G. Historic Structures and Sites - The Township's documented historical resources begin with the Native Americans in the early 18th century and extend through its colonial agricultural, residential and industrial development in the late 18th and 19th centuries. Plans requiring subdivision and land development approval shall be designed to protect existing historic resources. The protection of an existing historic resource shall include the conservation of the landscape immediately associated with, and significant to, that resource, to preserve its historic context. Where, in the opinion of the Commission, a plan will have an impact upon an historic resource, the Developer shall mitigate that impact to the satisfaction of the Commission by modifying the design, relocating proposed lot lines, providing landscape buffers, or other approved means. Township participation, review and approval of the Applicant's interaction with the State Historical and Museum Commission with regard to the preservation of historic resources, as required for PA DEP approval of proposed sewage disposal systems,

shall be required prior to Preliminary Plan approval.

- H. Scenic Viewsheds - The Township has identified a number of scenic viewsheds in the Recreation and Open Space Plan. All applications for subdivision and land development shall attempt to preserve the viewsheds by incorporating them into conservation open space or otherwise providing for building setbacks and architectural designs to minimize their intrusion. In instances where such designs fail to satisfactorily protect viewsheds, applicants will be required to provide landscape buffers to minimize their adverse visual impacts. The buffers shall be provided in accord with the Township Zoning Ordinance and Township landscaping requirements.
- I. Trails - When a subdivision or land development proposal is traversed by or abuts an existing trail customarily used by pedestrians and/or equestrians, the Supervisors may require the Applicant to make provisions for continued recreational use of the trail.
 - 1. The Applicant may alter the course of the trail within the tract for which development is proposed under the following conditions:
 - a. The points at which the trail enters and exits the tract remain unchanged.
 - b. The proposed alteration exhibits quality trail design according to generally accepted principles of landscape architecture.
 - c. The proposed alteration does not coincide with a paved road intended for use by motorized vehicles.
 - 2. When trails are intended for public or private use, they shall be protected by a permanent conservation easement on the properties on which they are located. The width of the protected area in which the trail is located should be a minimum of ten feet. The language of the conservation easement shall be to the satisfaction of the Planning Commission upon recommendation of the Township Solicitor.
 - 3. The land area permanently designated for trails for public use may be credited toward the conservation open space requirement of the Zoning Ordinance.
 - 4. An Applicant may propose and develop a new trail. If said trail is available for use by the general public and connects with an existing trail, the land area protected for said trail may be credited toward the conservation open space requirement of the Zoning Ordinance.
 - 5. Trails shall have a vertical clearance of no less than ten (10) feet.
 - 6. Width of the trail surface may vary depending upon type of use to be accommodated, but in no case shall be less than three (3) feet or greater than six (6) feet.
 - 7. No trail shall be designed with the intent to accommodate motorized vehicles.
- J. Boundary Lines and Reserve Strips - Lot lines should follow municipal and county boundary lines, rather than cross them. Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.
- K. Water Frontage and Surface Drainage - The damming, filling, relocating, or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural watercourse shall not be permitted except with approval of the Township, and, where required by state statute, the PA DEP, or other applicable state agencies.

- L. Community Facilities and Adopted Plan Requirements - Where a proposed park, playground, school, or other public use is shown in an adopted plan of the Township and is located in whole or in part in a proposed development, the Supervisors may require the reservation of such area provided that such reservation is acceptable to the developer.
- M. Walkways - Pedestrian interior walks may be required, where necessary, to assist circulation or provide access to community facilities (e.g., a park or school).
- N. Storm Drainage - Lots and/or parcels shall be laid out and graded to provide positive drainage away from buildings and to prevent damage to neighboring lots, tracts, or parcels.

601.2 Planned Improvements

Physical improvements to the property being subdivided and/or developed shall be provided, constructed and installed as shown on the approved Preliminary Plan.

601.3 Improvements Specifications

All improvements installed by the Developer shall be constructed in accordance with the design specifications and construction standards of the Township and advice of the Township's Engineer.

- A. Where there are no applicable Township specifications, improvements shall, if approved by the Supervisors, be constructed in accordance with specifications furnished by the Township's Engineer, Monroe County Conservation District, PA Department of Transportation, Pennsylvania Department of Environmental Protection, Bureau of Forestry or such other County, State or Federal agency as may be applicable.
- B. If there are no applicable Township or State specifications, the Supervisors may authorize that such specifications be prepared by the Township's Engineer or an Engineering Consultant.

601.4 Other Ordinances

Whenever other Township ordinances and/or regulations impose more restrictive standards and requirements than those contained herein, such other ordinances and/or regulations shall be observed; otherwise, the standards and requirements of this Ordinance shall apply.

602 Four-Step Design Process

All Preliminary Plans (including standard subdivisions, conservation design subdivisions, and land developments) shall include documentation of a four-step design process in determining the layout of proposed conservation open space, house and development sites, streets and lot lines, as described below.

602.1 Resource Inventory and Analysis

The tract's resources shall be delineated on an Existing Resources and Site Analysis, as required in §402.3.

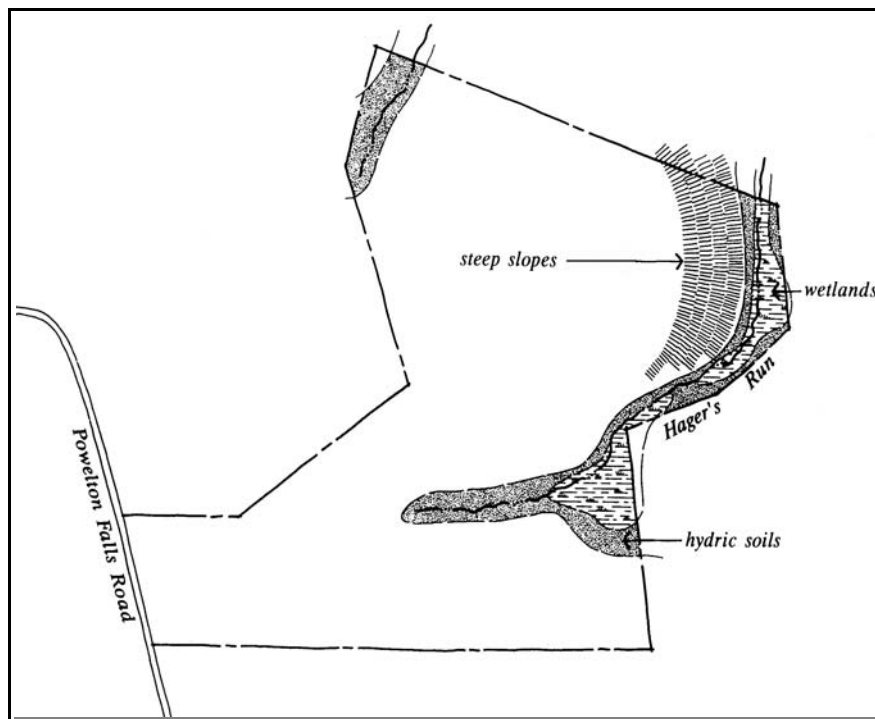
602.2 Four-Step Design Process

A. Step 1: Delineation of Conservation Open Space

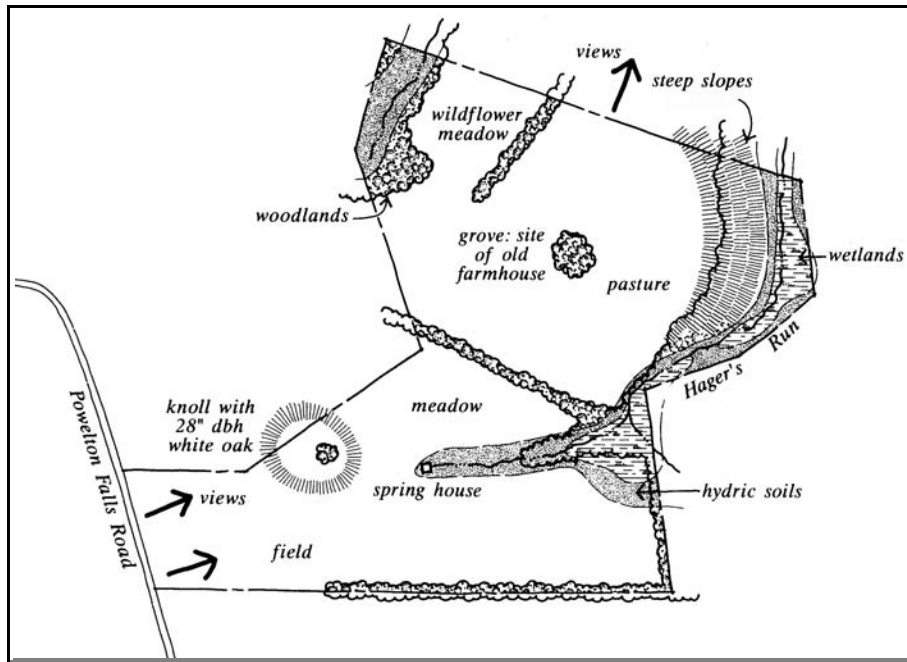
- 1. The minimum percentage and acreage of required conservation open space shall be calculated by the Applicant and submitted as part of the Sketch Plan or Preliminary Plan in accord with the provisions of this Ordinance and §601 of the Zoning Ordinance. Conservation open space shall include all primary conservation areas and those parts of the remaining buildable lands with the highest resource significance,

as described below and in §603.1 and §603.2.

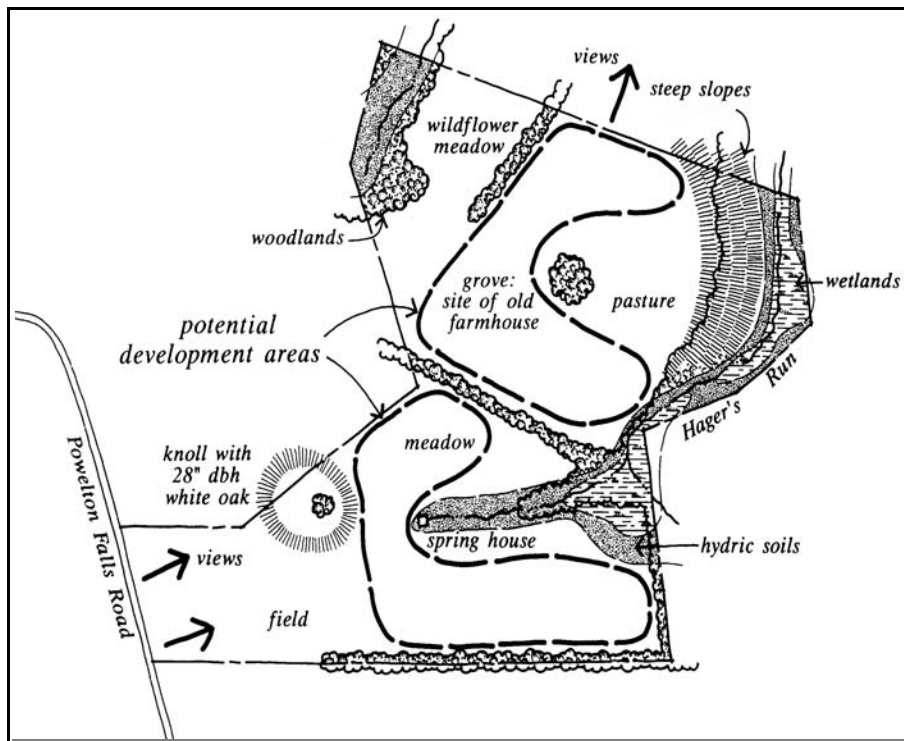
2. Proposed conservation open space shall be designated using the Existing Resources and Site Analysis as a base map and complying with §601 of the Zoning Ordinance and this §602 and §603, dealing with resource conservation and conservation open space delineation standards. The Township's Map of Potential Conservation Lands shall also be referenced and considered. Primary conservation areas shall be delineated comprising floodplains, wetlands and slopes over twenty-five (25) percent.
3. In delineating secondary conservation areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed conservation open space, in consultation with the Planning Commission and in accord with §603.1 and §603.2.
4. On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resources areas on adjoining and neighboring properties, and the applicant's subdivision objectives, secondary conservation areas shall be delineated to meet at least the minimum area percentage requirements for conservation open space and in a manner clearly indicating their boundaries as well as the types of resources included within them.
5. Development areas constitute the remaining lands of the tract outside of the designated conservation open space areas.



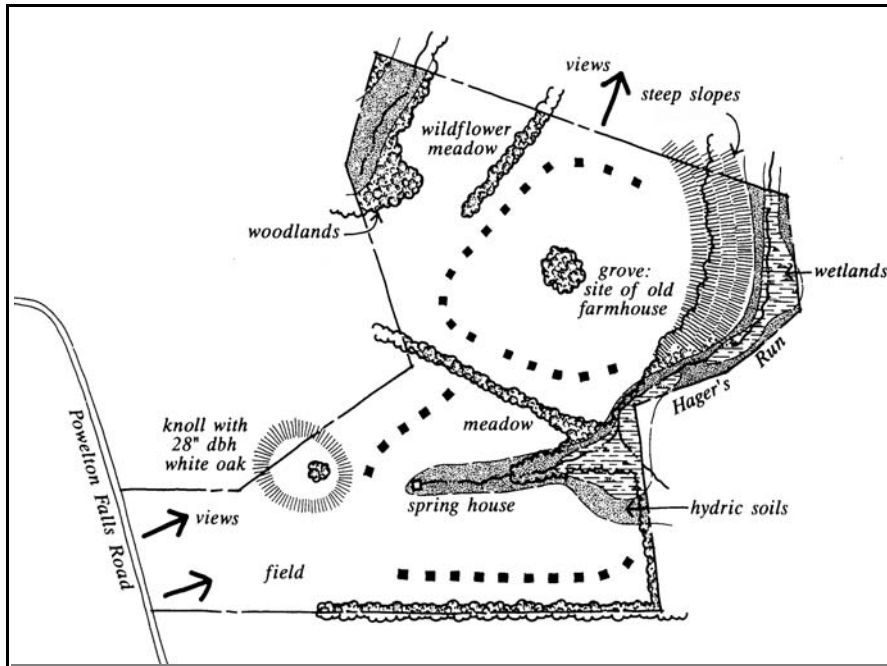
Step 1, Part 1 – Identifying Primary Conservation Areas



Step 1, Part 2 – Identifying Secondary Conservation Areas

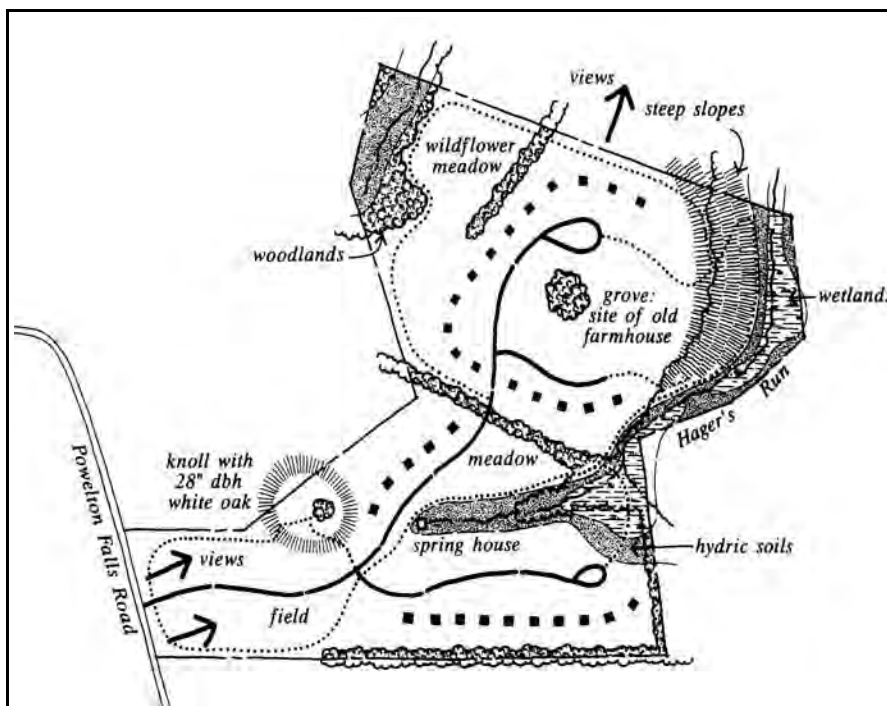


Step 1, Part 3 – Identifying Potential Development Areas



Step 2 – Location of House/Development Sites

- B. Step 2: Location of House/Development Sites - Potential house/development sites shall be located, using the proposed conservation open space as a base map as well as other relevant data on the Existing Resources and Site Analysis such as topography and soils. House/development sites should generally be located not closer than one hundred (100) feet to Primary Conservation Areas and fifty (50) feet to Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.

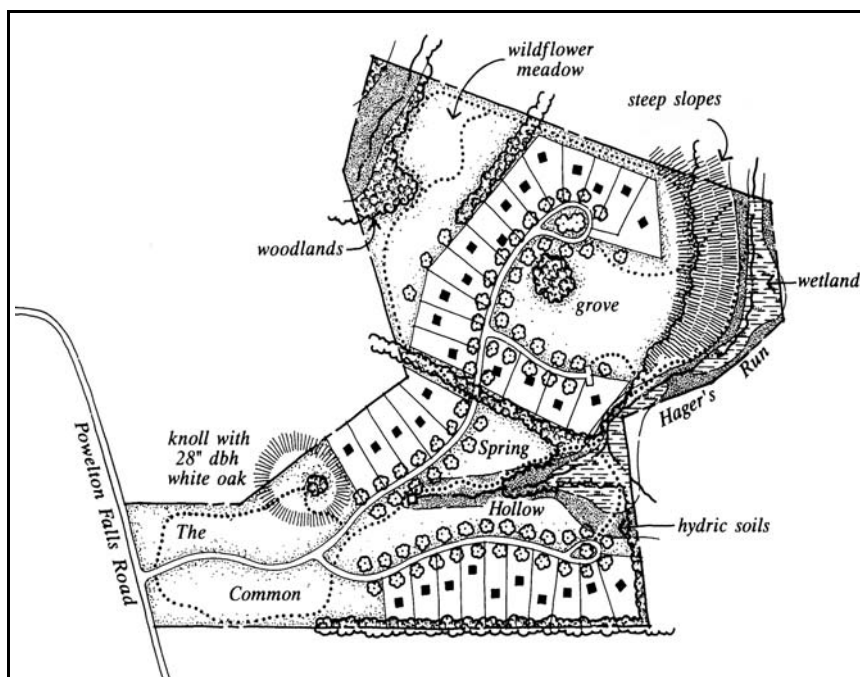


Step 3 – Layout of Infrastructure

C. Step 3: Layout of Infrastructure

1. With house/development site locations identified, applicants shall delineate a street system to provide vehicular access to each house in a manner conforming to the tract's natural topography and providing for a safe pattern of circulation and ingress and egress to and from the tract.
2. Streets shall avoid or at least minimize adverse impacts on the conservation open space areas. To the greatest extent practicable, wetland crossings and new streets or driveways traversing slopes over fifteen (15) percent shall be avoided.
3. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs and to facilitate easy access to and from homes in different parts of the tract and on adjoining parcels.
4. A tentative network of trails shall also be shown, connecting streets with various natural and cultural features in the conserved conservation open space. Potential trail connections to adjacent parcels shall also be shown, in areas where a municipal trail network is envisioned.
5. Preferred locations for the stormwater and wastewater management facilities shall be identified using the Existing Resources and Site Analysis and proposed conservation open space as the base maps. Opportunities to use these facilities as an additional buffer between the proposed conservation open space and development area are encouraged. These facilities should generally be designed to improve the quality of stormwater runoff and wastewater effluent. The design of the facilities should strive to use the natural capacity and features of the site to facilitate the management of stormwater and wastewater generated by the development.

- D. Step 4: Drawing in the Lot/Development Lines - Upon completion of the preceding three steps, boundaries are drawn as required to delineate the boundaries of individual lots or development areas, following the configuration of house/development sites and streets in a logical and flexible manner.



Step 4 – Drawing in the Lot/Development Lines

603 Conservation Open Space Standards

Conservation open space shall be preserved in accord with §507 of this Ordinance and the Township’s Zoning Ordinance; and, not less than thirty (30) percent of the conservation open space shall be accessible to the residents of the subdivision or land development.

603.1 Prioritized List of Resources to be Conserved

The design of conservation open space in any subdivision or land development plan shall reflect the standards set forth in §601, resources identified on the Township’s Map of Potential Conservation Lands and, to the fullest extent possible, incorporate any of the following resources if they occur on the tract (listed in order of significance):

- A. Stream channels, floodplains, wetlands, vernal ponds, wet soils, swales, springs, and other lowland areas, including adjacent buffer areas which may be required to ensure their protection.
- B. Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide Natural Diversity Inventory.
- C. Moderate to steep slopes, particularly those adjoining water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- D. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands, and wildlife habitats.
- E. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- F. Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetational features representing the site's rural past.
- G. Class I, II and III agricultural soils as defined by the USDA Natural Resource Conservation Service.
- H. Historic structures and sites.
- I. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
- J. Existing trails connecting the tract to other locations in the Township.

603.2 Other Design Considerations

The configuration of proposed conservation open space set aside for common use in residential subdivisions and conservation open space in non-common ownership shall comply with the following standards:

- A. Be free of all structures except historic buildings, stone walls, and structures related to conservation open space uses. The Supervisors may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the conservation open space provided that such facilities are not detrimental to the conservation open space (and that the acreage of lands required for such uses is not credited towards minimum conservation open space acreage requirements for the tract, unless the land they occupy is appropriate for passive recreational use).

- B. Generally not include parcels smaller than three (3) acres, have a length-to-width ratio of less than four-to-one (4:1), or be less than seventy-five (75) feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.
- C. Be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to conservation open space.
- D. Be suitable for active recreational uses to the extent deemed necessary by the Supervisors, without interfering with adjacent dwelling units, parking, driveways, and roads.
- E. Be interconnected wherever possible to provide a continuous network of conservation open space within and adjoining the subdivision.
- F. Provide buffers to adjoining parks, preserves or other protected lands.
- G. Except in those cases where part of the conservation open space is located within private house lots, provide for pedestrian pathways for use by the residents of the subdivision. Provisions should be made for access to the conservation open space, as required for land management and emergency purposes.
- H. Be undivided by public or private streets, except where necessary for proper traffic circulation.
- I. Be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect conservation open space resources.
- J. Be made subject to such agreement with the Township and such conservation easements duly recorded in the office of the Monroe County Recorder of Deeds as may be required by the Planning Commission for the purpose of preserving the common open space for such uses.
- K. Be consistent with the Township's Comprehensive Plan and any other duly adopted Township or regional plan.

604 Reserved

605 Resource Conservation Standards For Site Preparation and Cleanup

605.1 Protection of Vegetation from Mechanical Injury

Where earthwork, grading, or construction activities will take place in or adjacent to woodlands, old fields or other significant vegetation or site features, the Planning Commission may require that the limit of disturbance be delineated and vegetation protected through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of, and shall be maintained throughout, the period of construction activity.

605.2 Protection of Vegetation from Grading Change

Grade changes to occur at any location of the property shall not result in an alteration to soil or drainage conditions which would adversely affect existing vegetation to be retained following site disturbance, unless adequate provisions are made to protect such vegetation and its root systems.

605.3 Protection of Vegetation from Excavations

When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall

be minimized. If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as quickly as possible.

605.4 Protection of Topsoil

- A. Except as approved on the Preliminary Plan, no topsoil shall be removed from the and shall be retained on the site as necessary for proper site stabilization.
- B. Prior to grading operations or excavation, topsoil in the area to be disturbed shall be removed and stored on site, except as approved on the Preliminary Plan.
- C. Topsoil removed shall be redistributed and stabilized as quickly as possible following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be stabilized in accord with best management practices.
- D. Grading and earthmoving operations shall be scheduled to minimize site disturbance during the period from November 1 to April 1, when re-vegetation of exposed ground is difficult.

606 Blocks and Lots

606.1 Configuration

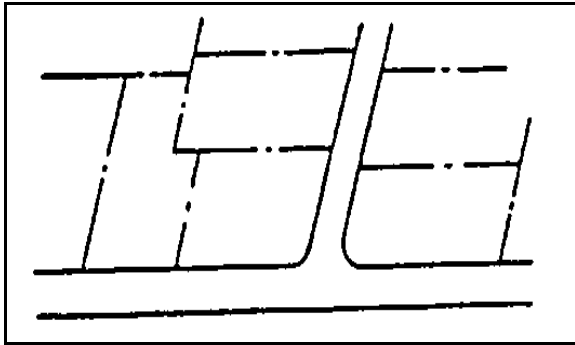
The configuration of blocks and lots shall be based upon the lot area requirements, the salient natural features, open land requirements, the existing man-made features, and the proposed type of structure. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.

606.2 Blocks

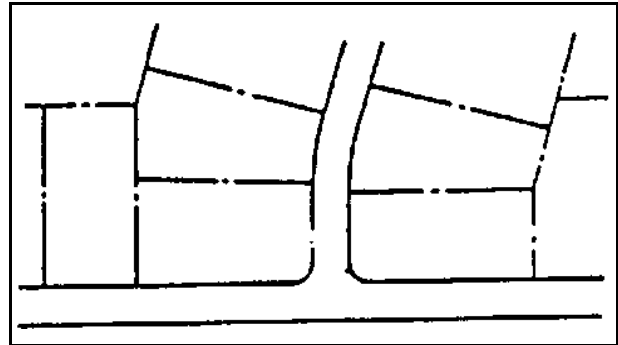
- A. Residential and commercial blocks shall have a maximum length of one thousand (1,000) feet.
- B. Blocks shall be of sufficient width to permit two (2) tiers of lots except where a public street, stream, other natural barrier or unsubdivided land prevents the platting of two (2) tiers of lots.

606.3 Lots

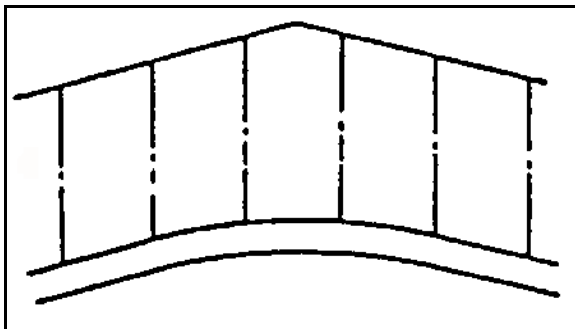
- A. Lot sizes and dimensions shall comply with the requirements of the Township's Zoning Ordinance.
- B. Lots divided by municipal boundaries shall be avoided. Where a subdivision is divided by a municipal boundary, the Applicant shall so notify the governing body of each municipality affected so that an administrative agreement for the platting and taxing of lots between the municipalities can be executed, if such agreement is necessary.
- C. All lots shall front on an approved street.
- D. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines.



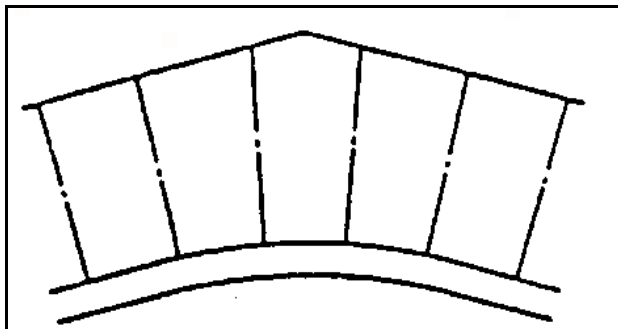
Unacceptable Lot Layout



Acceptable Lot Layout

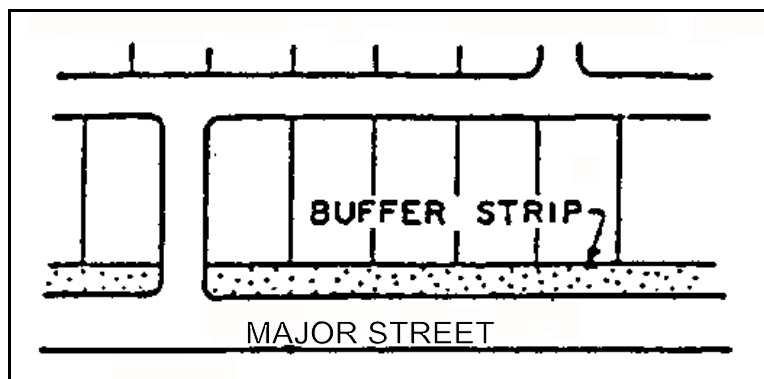


Unacceptable Lot Layout



Acceptable Lot Layout

- E. Double frontage lots shall not be platted except as reverse frontage lots where access to the lots is restricted to the interior development streets, and the lot is increased twenty (20) feet in depth to provide for a buffer strip along the exterior street.



Reverse Frontage Lots

- F. All lands in a subdivision shall be included in platted lots, roads, common areas and other improvements; and, no remnants of land or reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands shall be permitted.
- G. Lots shall be laid out to the edge of any road; and, lot lines along existing public or private roads shall be maintained as they exist.

- H. No corner lot shall have road frontage of less than one hundred (100) feet.
- I. All corner lots shall have a curve with a minimum radius of ten (10) feet adjoining the intersecting road edge or right-of-way lines.

606.4 Lot Width Modifications

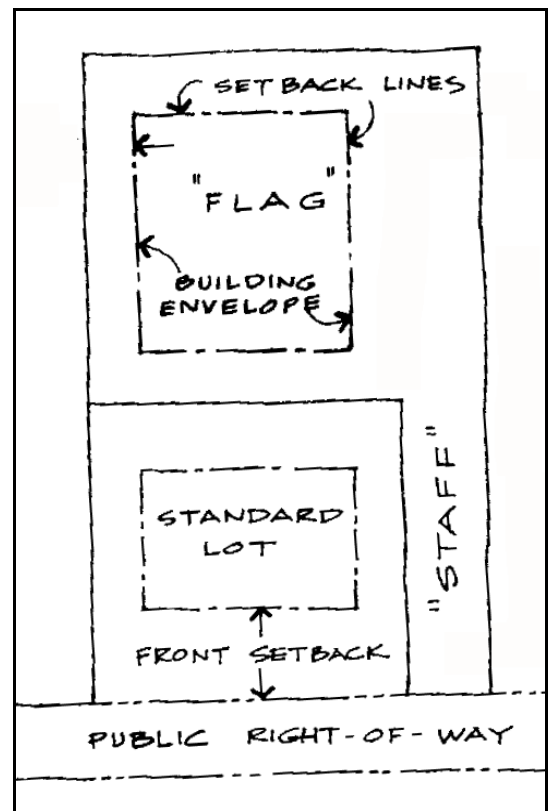
The required minimum lot width may be reduced in accord with the following:

- A. Along the curve of a cul-de-sac turnaround, the minimum lot width may be reduced to sixty (60) percent of the standard lot width requirement provided the required minimum width is achieved at the required front setback line.
- B. Along the outside of a curve in a street, the minimum lot width may be reduced to eighty (80) percent of the standard lot width requirement provided the required minimum width is achieved at the required front setback line.

606.5 Flag Lots (See also §607.7, Private Access Drives.)

Flag lots shall be permitted by modification/waiver only in accord with the following:

- A. The Applicant shall prove to the satisfaction of the Supervisors that the flag lot is necessary to minimize the environmental impacts (e.g., disturbance of conservation areas); and, that it would not result in a greater number of lots on the tract than would otherwise be feasible and permitted.
- B. Not more than twenty (20) percent of the lots within a subdivision may be approved as flag lots.
- C. The access corridor portion of the lot is the area of the lot that extends between the street and main portion of the lot, and shall not exceed three hundred (300)feet in length, as measured from the street right-of-way.
- D. The access corridor shall, at a minimum, meet the right-of-way width requirement for private access drives. (See §607.7.)
- E. The Applicant shall prove to the satisfaction of the Supervisors that the proposed driveway would provide adequate access for emergency vehicles.
- F. The lot width measurement shall be made on the main portion of the lot and shall not include the access corridor.
- G. The lot line where the narrow access corridor widens shall be considered the front lot line for applying setback requirements.
- H. A flag lot shall only be approved for a lot that is protected by a deed restriction or conservation easement from



Flag Lot

further subdivision.

607 Streets/Roads

- A. Every subdivision and land development shall have access to a public road.
- B. In general, all streets shall be continuous and in alignment with existing streets and shall compose a convenient system to ensure circulation of vehicular and pedestrian traffic, with the exception that minor streets shall be laid out, including the use of loop streets and cul-de-sacs, so that their use by thorough traffic will be discouraged.
- C. Roads shall be graded, improved and surfaced to the grades and specifications shown on the plans, profiles, and cross sections as required by this Ordinance.
- D. Proposed streets shall further conform to such Township, County and State highway plans as have been prepared, adopted and/or filed as prescribed by law.

607.1 Topography

Roads shall be logically related to topography to produce reasonable grades, minimize site disturbance, and provide suitable building sites.

607.2 Existing Access

Existing private roads or private rights-of-way proposed to provide access to a subdivision and/or land development shall meet all the requirements of this §607 or shall otherwise be improved to such standards.

607.3 Street Continuation

Residential streets shall be planned to discourage through traffic; however, the arrangement of streets, wherever possible, shall provide for continuation of existing or platted streets and for adequate access to adjoining undeveloped tracts suitable for future subdivision by reserving rights-of-way to the adjoining undeveloped tracts.

607.4 Subdivision Names and Street Names

Streets that are extensions of, or obviously in alignment with, existing streets shall bear the names of the existing streets. Subdivision and street names shall not be repeated or be similar to those existing within the Township or adjacent areas; and, all street names shall be subject to the approval of the Township for conformance with the enhanced 911 emergency call system. Street name signs of a design approved by the Township shall be installed by the developer at his expense at each street intersection.

607.5 Further Subdivision

If lots resulting from the original subdivision are large enough to permit re-subdivision or, if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary.

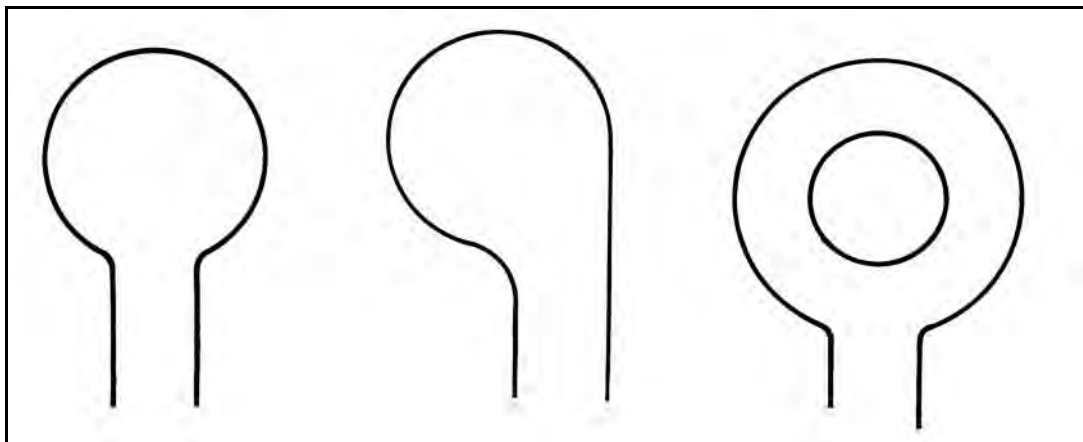
607.6 Cul-de-Sac Streets

Cul-de-sac streets shall be permitted only in cases where the property configuration does not permit the logical use of continuous streets; and, the Township shall have the right to deny the use of cul-de-sac streets in cases where the Township determines that the use of continuous streets is practical. Cul-de-sac streets, where permitted, shall meet the following design regulations:

- A. Any temporary dead end street, if designed to provide future access to adjoining properties, shall be provided

with a temporary all-weather turn-around within the subdivision with a surfaced area with a radius equal to that required for a permanent turnaround; and, the use of such turnaround shall be guaranteed to the public but shall be removed when the street is extended.

- B. Cul-de-sac streets, permanently designed as such, shall not serve more than twenty-five (25) lots and shall not exceed a length of one thousand (1,000) feet.
- C. All cul-de-sac streets, whether permanently or temporarily designed as such, shall terminate in a turnaround. (See illustrations.) One (1) of the following turnarounds shall be provided:
 - 1. A circular turnaround or off-center circular turnaround having a right-of-way with a minimum outside radius of fifty (50) feet, an outer pavement edge or curb line having a minimum radius of thirty (30) feet and be improved to the required construction specifications.
 - 2. A circular turnaround with a center island having a right-of-way with a minimum outside radius of fifty-five (55) feet, an outer pavement edge or curb line having a minimum radius of forty-five (45) feet, and a pavement width of twenty (20) feet improved to the required construction specifications. The center island shall be landscaped with low maintenance vegetation.
- D. The turnaround right-of-way of the cul-de-sac shall be connected to the approach right-of-way by an arc having a radius of not less than twenty-five (25) feet and the pavement by an arc of not less than thirty (30) feet.
- E. When the Planning Commission determines that a cul-de-sac street may be required to be converted to a through street to provide access to adjoining property, a right-of-way equal to the width of the cul-de-sac street shall be provided to the perimeter boundary of the development parcel.



Cul-de-sac Turnarounds

607.7 Private Access Drives

Private access drives may be used to provide access to residential lots which do not front on a public or approved private street in accord with the following:

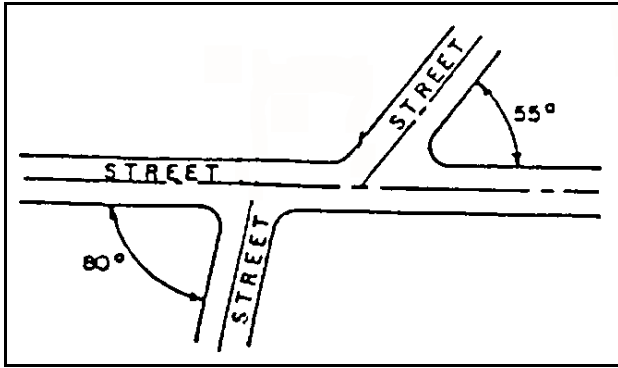
- B. Number of Dwelling Units - A private access drive shall be used only to provide access to one (1) lot which cannot legally be further subdivided or improved with more than one (1) dwelling unit. If any of the lots are of such size to allow further subdivision or the development of one (1) or more additional dwelling units, a note such as

follows shall be included on the plan and in the deed of conveyance for the lot: *Lot ___ shall be restricted from further subdivision and shall be limited to the development of one (1) dwelling unit unless otherwise approved by the Board of Supervisors pursuant to the terms of the Township's Subdivision and Land Development Ordinance in effect at the time application is made for any such approval.*

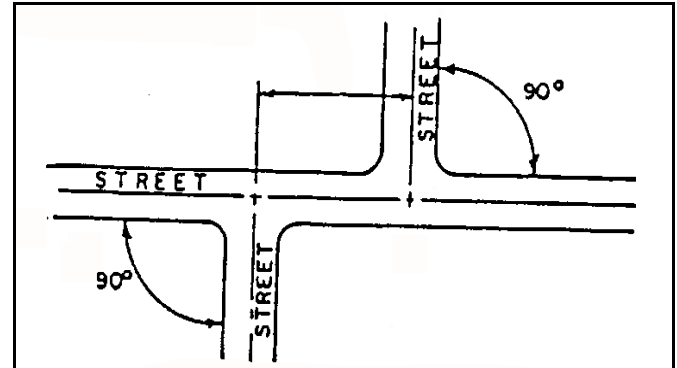
- C. Length and Width - The private access drive shall not exceed eight hundred (800) feet in length as measured from the edge of the right-of-way of the abutting public street to the point of connection to the lot. Any subdivision proposing a street exceeding these limits shall be considered a major subdivision and all normal standards shall apply to the lot and drive construction. The width of the drive shall conform to Table VI-1 and Table VI-2:
- D. Turnaround - The private access drive shall be provided with a *T- or Y-shaped* turnaround, with a length of sixty (60) feet and a width of twenty (20) feet improved to the required construction specifications.
- E. Further Development - If there is a potential for subdivision or development of any of the lots created such that eventually more than one (1) lot and/or dwelling unit might result, the subdivider shall provide additional right-of-way width as necessary to serve the maximum potential number of lots/dwelling units. Cartway and travelway widths may remain the same until such time as additional lots are platted or units proposed, at which time all development and street standards applicable to a major subdivision shall apply.
- F. Drive Construction - Private access drive entrances and aprons within the adjoining street right-of-way shall be installed by the Developer as required in this Ordinance. Construction of the remaining length of the private access drive and the turnaround shall be the responsibility of the buyer or buyers of the served lot or lots; and, no building permit shall be issued until the private access drive is constructed or guaranteed in accord with Article V of this Ordinance. The private access drive shall not under any circumstances be offered to the Township as a municipal street. The Applicant shall agree to the terms of this §607.7, in writing, and a covenant such as follows shall be placed on the final plan and the deed of conveyance clearly assigning responsibility for construction and maintenance of the private access drive and turnaround, establishing its future private ownership status, and noting the condition of a building permit issuance: *The construction and maintenance of the private access drive and turnaround shall be the responsibility of the owner(s) of the lots served by the drive. No building permit shall be issued for any improvements on lots served by the drive until such time as the drive and turnaround is constructed. The private access drive shall remain private and shall not be offered for dedication to the Township as a public street.*
- G. Leveling Area - A leveling area not exceeding four (4) percent in grade and not less than forty (40) feet in length shall be provided where the private access drive intersects with the right-of-way of the adjoining street.
- H. Storm Water; Soil Erosion - Storm water management and soil erosion and sedimentation control shall be addressed in accord with §605 of this Ordinance.
- I. Through Street Grade - A private access drive shall not be permitted to intersect the through street where the tangent grade of the through street at the point of intersection of the center-lines of the two streets exceeds eight (8) percent for the private access drive intersection.

607.8 Intersections

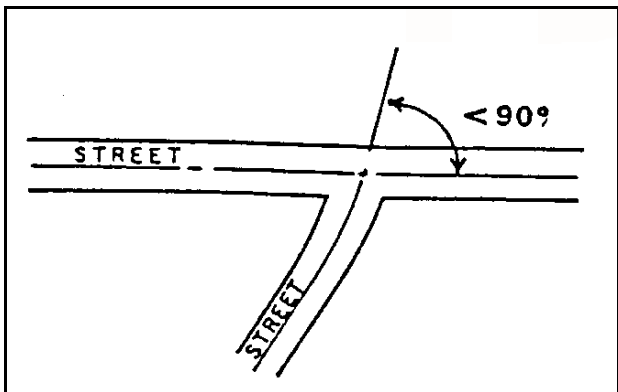
- A. Center-Lines - Center-lines of streets shall intersect as nearly at right angles as possible. Center-line intersection angles of less than sixty (60) degrees shall not be approved under any condition.



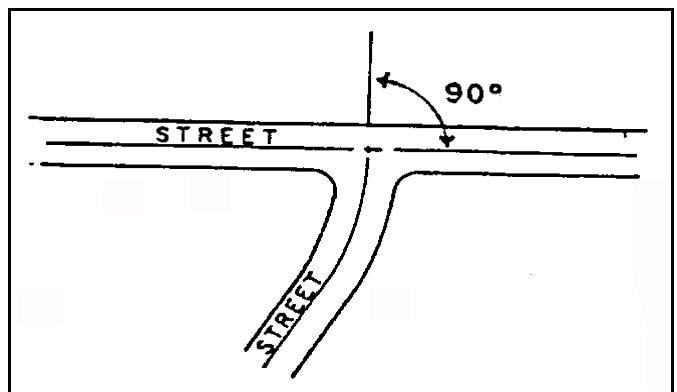
Unacceptable Street Intersection Design



Acceptable Street Intersection Design

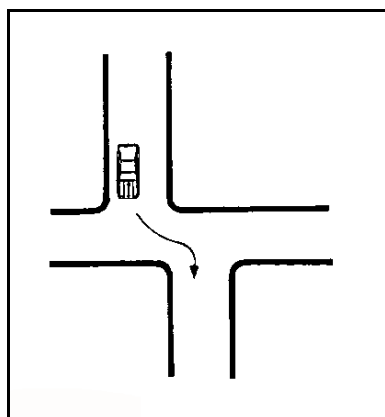


Unacceptable Street Intersection Design

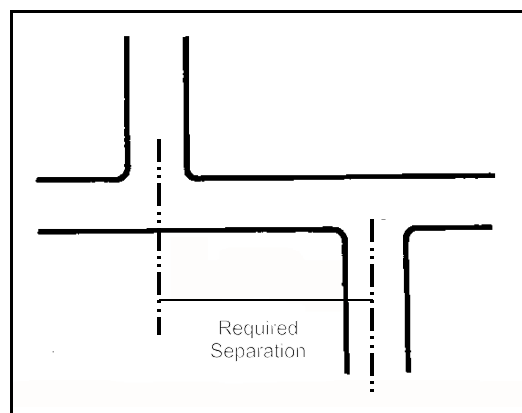


Acceptable Street Intersection Design

- B. More Than Two Streets - Intersections of more than two (2) streets at one (1) point are not permitted.
- C. Minimum Offset - Where streets intersect other streets, the minimum offset or distance between center-lines of parallel or approximately parallel streets intersecting a cross street from opposite directions shall be as follows:
 1. One hundred fifty (150) feet for minor, local access and marginal access streets.
 2. Four hundred (400) feet for collector and connector streets.



Corner Cutting

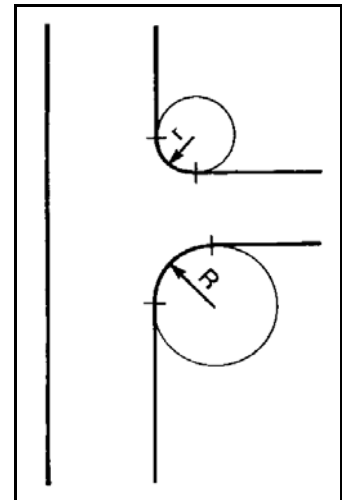


Required Centerline Separation

- D. Cartway Edge Arc - The cartway edge at intersections shall be rounded by a tangential arc with a minimum radius of forty (40) feet for minor streets and streets of lesser classification and fifty (50) feet for collector streets and streets of higher classification. The right-of-way arc shall be congruent with the cartway arc.
- E. Traffic Signs and Signals - Traffic signs and traffic signals shall be required in accord with §617.

607.9 Major Street Frontage

Where a subdivision and/or land development abuts or contains an existing or proposed or higher classification street, or Township, or State road, the Township may require reverse frontage lots with access from interior subdivision streets, marginal access streets, or such other treatment as will provide protection for abutting properties, reduction in number of intersections with the street of higher classification, and separation of local and through traffic.



Cartway Edge Arc

607.10 Construction Standards

- A. Street Right-of-Way, Travelway, and Shoulder Widths, and, Cross Sections Street right-of-way, travelway and shoulder widths and design shall be provided to the minimum standards provided in Table VI-1 and Table VI-2.
- B. Basic Improvements Required - The developer shall construct streets or roadways as outlined below and pursuant to Table VI-2.
 - 1. The developer shall install all underground utilities within the right-of-way prior to the placement of the stone sub-base.
 - 2. Once the PennDOT 2A stone mixture has been placed, the developer shall not allow any vehicular access/use until the road is paved with the asphalt base course.

607.11 Easements

Easements for utilities shall be provided and shall conform in width and alignment to the recommendations of the appropriate utility company. Easements in the name of the Township or POA, as applicable, shall also be provided for all storm water drainage ditches, sewers, and watercourses. All easements shall be shown on the Preliminary and Final Plans; and, the Township or its agents shall have the right to enforce the restrictive easements relative to the water supply and sewage disposal in the event that the developer and/or lot owners fail, or are unable to do so. The Township shall further have free access to all developments and lots at all times for the purpose of inspection and enforcement.

TABLE VI-1 DESIGN STANDARDS FOR STREETS						
DESIGN SPECIFICATION	Connector	Collector	Minor	Local & Marginal Access	Alley	Private Access
Design speed (mph)	45	45	40	30	20	20
Posted speed (mph)	40	40	35	25	NA	NA
Average daily traffic	> 4,000	1,501 - 4,000	501 - 1,500	≤ 500	NA	NA
CROSS SECTION STANDARDS						
Street right-of-way width (feet)	60	60	50	50	30	25
Travelway width (feet)	24	22 ¹ / 24 ²	20	20 ³	16	12
Shoulder width, each side (feet)	8	6	4	4	NA	NA
Cartway width (feet)						
-with shoulders	40	34 ¹ / 36 ²	28	28	20	NA
-with curbs, no parking	26	24 ¹ / 26 ²	22	22	18	NA
-with curbs, parking one side	NA	NA	30	30	NA	NA
-with curbs, parking each side	NA	NA	40	40	NA	NA
Crown (%)	2	2	2	2	2	2
Superelevation per AASHTO, maximum (%)	8	8	8	8	NA	NA
Shoulder slope (%)	4	4	4	4	4	NA
Clear zone width (feet)	PennDOT spec	PennDOT spec	PennDOT spec	PennDOT spec	PennDOT spec	NA
GEOMETRIC STANDARDS						
Grade, maximum (%)	8	10	12	12	12	14
Grade, minimum (%)	1	1	1	1	1	1
Center line radius, minimum (feet)	600	400	300	200 ³	75	75
Stopping sight distance, minimum (feet)	360	360	305	200	115	100
Tangent between reverse curves, minimum (feet)	100	100	50	50	0	0
Minimum K, vertical curves - crest/sag	61 / 79	61 / 79	44 / 64	19 / 37	7 / 17	7 / 17
Vertical curve length, minimum (feet)	135	135	120	90	60	60
Swale or gutter grade, minimum (%)	1	1	1	1	1	1
¹ residential ² nonresidential ³ The Applicant may submit alternative designs for consideration in accord with §1003 for residential streets serving a limited number of lots provided AASHTO standards are met. NOTE: Arterial streets shall be designed to PennDOT specifications.						

TABLE VI-2 MINIMUM CONSTRUCTION STANDARDS BY TYPE OF STREET				
CONSTRUCTION SPECIFICATIONS	STREET CLASSIFICATION			
	Connector	Collector	Minor, Local, Marginal Access & Alley	Private Access
Wearing Course				
material	Superpave Asphalt Mixture Design, 9.5 mm			
compacted depth (inches)	1.5	1.5	1.5	1.5*
Binder Course				
material	Superpave Asphalt Mixture Design, 19 mm			
compacted depth (inches)	3.0	3.0	3.0	2.0*
Base Course				
material	Superpave Asphalt Mixture Design, 25 mm			PennDOT No. 2A Aggregate
compacted depth (inches)	5.0	5.0	5.0	6.0*
Sub-Base				
<ul style="list-style-type: none"> - The Developer shall install <u>all</u> underground utilities within the right-of-way prior to the placement of the stone sub-base. - The stone sub-base shall extend under the required shoulder. - Once the PennDOT No. 2A stone mixture has been placed, the Developer shall not allow any vehicular access/use until the road is paved with the asphalt base course. 				
material	PennDOT No. 2A Aggregate			
compacted depth (inches)	10.0	8.0	6.0	NA
maximum construction lift (inches)	4.0	4.0	6.0	NA
Shoulders				
material	PennDOT No. 2A Aggregate plus PennDOT Type 1 Shoulder		PennDOT No. 2A Aggregate	NA
compacted depth (inches)	20.25	17.5	15.5	
maximum construction lift (inches)	6.0	6.0	6.0	
<ul style="list-style-type: none"> - All material shall meet PennDOT Specifications, Publication 408, latest edition. - Pavement base drains will be required for poor subgrade soils. - The Applicant may submit alternative designs based on PennDOT standards for consideration in accord with §1003. <p>* Superpave Wearing and Binder Courses required for Private Access Street when it provides access to more than one dwelling unit. Increase Base Course to 8 inches for access to a single dwelling unit when Superpave Courses are not provided. The private access street shall be paved from the connection with the adjoining street to 50 feet beyond the adjoining street right-of-way. The paving material and cross section shall meet or exceed the specifications for local streets.</p> <p>NOTE: Arterial streets shall be designed to PennDOT specifications.</p>				

A. Access Easements

1. Access easements shall be shown and labeled on the plans to indicate the purpose, easement users, and the rights of said users.
2. Ownership and maintenance responsibility shall be noted on the plans for each easement.

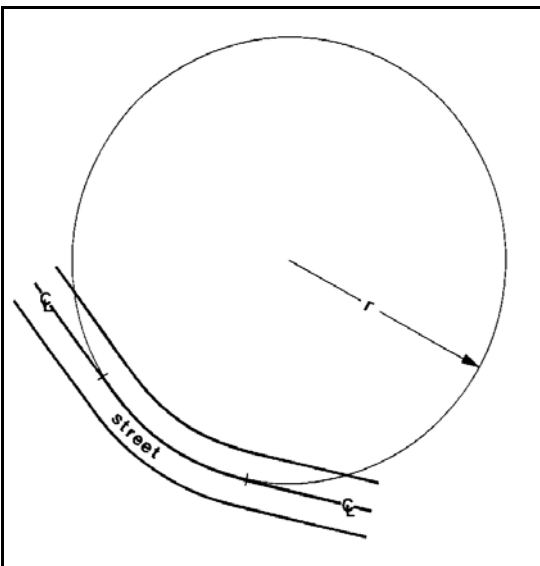
B. Utility Easements

1. Utility easements shall be a minimum of ten (10) feet in width and shall be provided along all street rights-of-way in addition to the required street width.
2. All existing and proposed utility easements shall be shown and labeled on the plan and included in the restrictive covenants as appropriate.
3. Existing and proposed utility easements shall be included in lot sizes unless otherwise restricted by the utility.

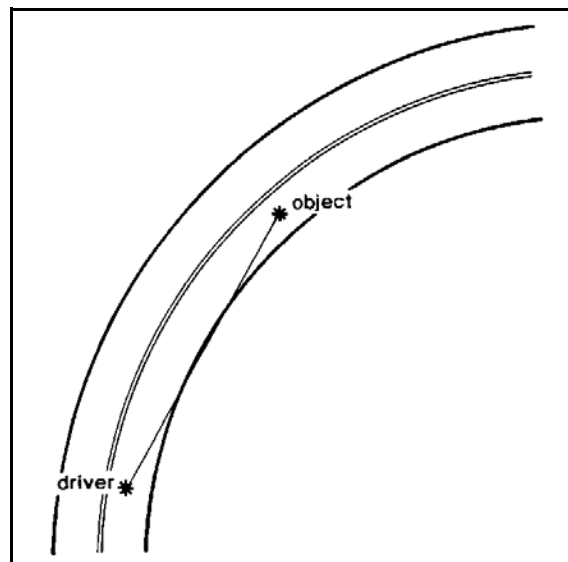
607.12 Street Alignment

Street alignment shall be designed per Table VI-1 and the following:

- A. Deflection - Whenever street lines are deflected in excess of five (5) degrees within one hundred (100) feet, connection shall be made by horizontal curves.
- B. Sight Distances - Streets shall be designed so that there will be unobstructed sight distances along the center-line thereof as set forth in Table VI-1.



Horizontal Curves - the radius of the circle formed by the centerline of the curve.



Horizontal Curves - sight distance limited by sharpness, or radius, of the curve.

- C. Stopping Sight Distance - Stopping sight distance is the length of highway over which an object is visible to the driver at all times. For the purpose of measuring the available stopping sight distance at a particular location,

the driver's eye height is assumed to be three and one-half (3.5) feet above the roadway surface and the object height is assumed to be six (6) inches above the roadway surface.

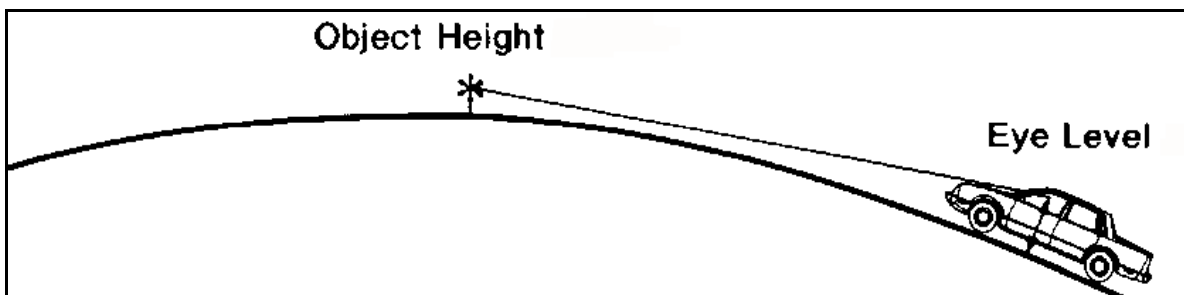
D. Tangents - Between reversed curves the following minimum tangents shall be provided:

1. Two hundred (200) feet on arterial streets.
2. One hundred (100) feet on collector and connector streets.
3. Fifty (50) feet on minor, local access, and marginal access streets.

607.13 Street Grades

Street grades shall be designed as follows:

- A. Center-line grades shall not exceed the grades set forth in Table VI-1.
- B. The maximum grade across the turnaround on a cul-de-sac street shall not exceed four (4) percent.
- C. To provide for adequate drainage, the minimum grade of any street gutter shall not be less than one (1) percent.
- D. To provide for adequate drainage, the minimum grade of any parallel ditch along a street shall be not less than one (1) percent.
- E. A leveling area for all street intersections shall be provided as follows:
 1. The tangent grade of the through street at the point of intersection of the center-lines of the two streets shall not exceed eight (8) percent for collector, minor, local access, and marginal access street intersections; and, all other intersections shall comply with the grades as required on Table VI-1. Crest and sag vertical curves shall be provided in accordance with §607.14.
 2. The tangent grade of the connecting street(s) shall not exceed four (4) percent within twenty-five (25) feet of the right-of-way lines of the through street. Crest and sag vertical curves shall be provided in accordance with §607.14. The point of vertical curvature or tangency shall not be within the through street right-of-way.



Sight Distance - on crest of hill (vertical curve).

607.14 Vertical Curves

Vertical curves shall be used at changes of grade exceeding one (1) percent and shall be designed in accord with AASHTO requirements based on average daily traffic for the road. The following vertical curve information shall be shown on the road profiles:

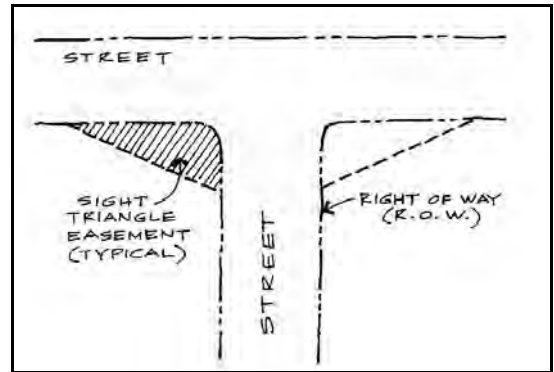
- A. Length of vertical curve.

- B. Elevation and stationing of the Vertical Point of Intersection, Vertical Point of Curvature, Vertical Point of Tangency, and Middle Offset.
- C. Road grades.
- D. Sight distances.

607.15 Clear Sight Triangles

At all intersections, a triangular area shall be graded and/or other sight obstructions removed in such a manner as not to obscure vision between a height of from two (2) to ten (10) feet above the center-line grades of the intersecting streets.

- A. The clear sight triangle shall be guaranteed either by deed restriction, by lease restriction or by plan reference, whichever method is applicable. Vegetation shall not be planted or allowed to grow in such a manner as to obscure said vision.
- B. Such triangular area shall be determined by the intersecting street center-lines and a diagonal connecting the two points, one point at each street center-line. The point along the secondary street centerline shall be ten (10) feet back from the pavement line of the through street. The points along the centerline of the through street shall be set in accordance with the following table.



Clear Sight Triangle

- C. Whenever a portion of the line of such triangle occurs behind (from the street) the building setback line, such portion shall be shown on the final plan of the subdivision and shall be considered a building setback line.

Road Classification	Speed (miles/hour)	Distance (feet)
Local	30	335
Minor	40	445
Collector	50	555
Higher classes	50	555

607.16 Driveways

The Developer shall install driveway entrances, aprons, leveling areas, and required drainage for all proposed driveways. Driveways shall comply with the following standards:

- A. Driveways shall not be permitted to have direct access to public streets unless authorized by the Township or the Pennsylvania Department of Transportation, as applicable, via issuance of a highway occupancy permit.
- B. Lots shall not be platted which would result in driveways which would exceed fifteen (15) percent in grade or as otherwise required by state or Township regulations.
- C. Entrances shall be rounded at a minimum radius of five (5) feet or shall have a flare construction that is equivalent to this radius at the point of intersection with the cartway edge.

- D. Future driveways which are to be constructed adjacent to a street intersection shall be shown on the Preliminary and Final Plans.
- E. A leveling area not exceeding four (4) percent in grade and not less than twenty-five (25) feet in length shall be provided where a driveway intersects with the right-of-way of the adjoining road.
- F. Adequate provision shall be made for parallel drainage facilities.
- G. The minimum vertical curve for residential driveways shall be two (2) feet per one (1) percent change in grade.
- H. The minimum distance between a driveway or point of access and the nearest intersecting street shall be as follows:

	Distance between center-lines of driveway and nearest intersecting street right-of-way by type of intersecting street. The nearest intersecting street shall be construed as being on the same or the opposite side of the street on which the driveway is proposed.		
Type of Subdivision or Land Development	Arterial	Connector Collector	Minor Local Access Marginal Access
Residential	150 ft.	100 ft.	75 ft.
Nonresidential	300 ft.	200 ft.	150 ft.

- I. Driveways shall maintain a setback of not less than then (10) feet from adjoining properties.

607.17 Bridges and Stream Crossings

Bridges and other stream crossing structures which are part of the proposed street system shall be designed and constructed in accordance with the current Pennsylvania Department of Transportation Standards and Specifications for the proposed load. Evidence of compliance with any state or federal requirements shall be provided.

607.18 Clearing and Grubbing

The right-of-way for all streets shall be cleared of vegetation to the full width of the right-of-way and grubbed only to the extent necessary to provide the required street cartway, cuts and fills, and associated drainage facilities.

- A. All trees, stumps, roots, and other material deemed unsuitable by the Township for underlying the street improvements shall be removed from the grading area and shall be properly disposed of.
- B. Voids created by the removal of stumps or roots shall be backfilled and compacted to the satisfaction of the Township.
- C. Rocks greater than twelve (12) inches in diameter shall be removed to a minimum depth of six (6) inches below the finished subgrade.
- D. All cleared and grubbed areas shall be inspected and approved by the Township Engineer prior to the subbase installation.

607.19 Cuts and Fills

All cuts and fills shall be constructed as follows:

- A. The maximum slope of any earth embankment or excavation shall not exceed one foot vertical to two (2) feet horizontal unless stabilized by a retaining wall or cribbing, except as approved by the Supervisors for special conditions.
- B. The maximum slope of any rock excavation shall not exceed four (4) feet vertical to one (1) foot horizontal.
- C. All embankments shall be compacted to prevent erosion.
- D. Cuts and fills shall be stabilized to prevent surface water from damaging the cut face of excavations of the sloping surfaces of fills.
- E. Fills shall be placed in lifts and compacted in accord with specifications of PA DOT Publication 408, latest edition, to minimize sliding or erosion of the soil.
- F. Fills shall not encroach on natural watercourses or constructed channels; and, fills placed adjacent to such natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
- G. Grading shall be done in a manner so as not to divert water onto the property of another landowner without the written consent of the landowner.
- H. During grading operations, necessary measures for dust control shall be exercised.
- I. Grading equipment shall not be allowed to cross streams except by PA DEP permit; and, adequate provisions shall be made for the installation of culverts and bridges.

607.20 Sub-Grade, Base and Surface

A. Subgrade

- 1. The design and construction of the road bed shall take into consideration the supporting capacities of the subgrade, with particular attention to those soils which are subject to frost heave.
- 2. Subgrade, parallel and cross drainage facilities shall be provided when necessary and shall be located, designed and installed to maintain proper drainage.
- 3. Unsuitable soils, as identified by the Project Engineer and confirmed by the Township's Engineer, shall be removed and replaced, drained or otherwise stabilized to provide adequate support for the roadbed and anticipated loads. If construction of a road bed in such locations, and particularly, on soils identified in the Monroe County Soil Survey as subject to frost heave is proposed, the Township shall require such drainage facilities and/or underdrains and subgrade drains as necessary to stabilize the subgrade. The design of such facilities shall be approved by the Township.

- B. Subbase and Base Course - Subbase and base course aggregate material shall conform in type and be compacted to the depths shown in Table VI-2 of this Ordinance in accordance with the latest specifications of PA DOT (Form 408) and the requirements of the Township.

- C. Surface Course - The bituminous surface course shall conform in type and be compacted to the depths shown in Table VI-2 of this Ordinance in accordance with the latest specifications of the PA DOT (Form 408) and the requirements of the Township.
- D. Shoulders - Where curbs are not required or provided, shoulders shall be provided and shall be constructed of the material and compacted to the width and depth shown in Table VI-2 of this Ordinance.
- E. Commercial/Industrial Areas - Any street serving a commercial or industrial area shall be designed and constructed to a minimum of collector street standards.
- F. Parking Lanes - Where curbs are required and/or provided for connector or collector streets, if a parking lane (between the travelway and the curb) is approved by the Township, it shall be not less than ten (10) feet wide and shall be constructed to the same standards as the travelway. Such parking lane shall be not less than eight (8) feet wide for minor streets and six (6) feet wide for local and marginal access streets; and, it shall be constructed of the same material and to the same depth as required for shoulders and be stabilized by the application of bituminous product.
- G. Alternative Designs - Alternative road bed designs may be proposed and will be considered in accord with §1003. The alternate design must provide load capabilities equivalent to or higher than the capabilities of the designs set forth above. Alternate designs will be reviewed on the basis of design recommendations of the Asphalt Institute.

607.21 Walls, Slopes, and Guide Rails

- A. Where the grade of the street is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Township to support the street or the adjacent land, as the case may be.
- B. Guide rails shall be installed in accord with the most current PennDOT standards.

607.22 Curbs, Gutters, and Swales

- A. In nonresidential developments, or higher density residential developments, or where other similar intensive uses exist or are anticipated, curbs shall be required if deemed necessary by the Supervisors for public safety.
- B. Minimum curb or pavement edge radii at street intersections shall equal that required for the cartway edge.
- C. Where curbs exist on abutting properties, their extension shall ordinarily be required throughout the proposed subdivision.
- D. Where curbs are not required, adequate gutters shall be graded and protected by seeding, or appropriate surfacing.
- E. Curbs shall be constructed in accord with the most current Pennsylvania Uniform Construction Code and Americans With Disabilities Act standards.
- F. If gutters are provided, they shall be in conformance with good engineering practice and subject to the approval of the Township's Engineer. Gutters and/or drainage swales shall be designed to prohibit erosive velocities and paving may be required if runoff velocities exceed 5.0 fps when calculated in accordance with PA DOT Manual,

Part 2. Swales shall be triangular or parabolic in design to facilitate maintenance and the invert of the swale shall be below the subbase course to prevent saturation of the roadway. Swales shall be deep enough to accommodate driveway and other culverts.

- G. Velocity calculation shall be placed on the centerline profile drawings, or shall be submitted separately with the profiles.

607.23 Sidewalks; Crosswalks

Sidewalks and street cross walks may be required where necessary to provide proper pedestrian circulation or to provide access to community facilities and common areas. Sidewalks, where required or provided, shall be located within the street right-of-way immediately adjacent to the curbs, except as may be approved by the Township to accommodate street trees or other landscaping. Sidewalks and street cross shall be constructed in accord with the most current Pennsylvania Uniform Construction Code and Americans With Disabilities Act standards.

607.24 Parking On Streets

Off-street parking for all uses shall be provided in accord with the Township's Zoning Ordinance; and, streets shall not be designed to accommodate on-street parking except in accord with §607.20,F.

607.25 Driveway and Cross Drainage

At each point where a street is intersected by a driveway that requires surface drainage water to be carried under the driveway at the intersection, a culvert pipe shall be installed across the width of the driveway to meet the drainage requirements determined in accord with §609 of this Ordinance. Such cross drains as may be necessary shall also be installed under the street in accord with the drainage plan. Pipes shall be installed at such depth and in such manner as dictated by the site; and, no pipe shall be installed that is less than eighteen (18) inches in diameter. (See §609 for additional requirements.)

607.26 Alleys

Alleys shall not be permitted.

607.27 Street, Parking Area and Building Lighting

Street lights may be required when considered necessary by the Supervisors and shall be of such design and spacing as required by the Supervisors in accord with current Township specifications. A lighting plan shall be provided by the Developer for all subdivisions and land development and shall include details for lighting of streets, parking areas and buildings. Street lights shall be required for all major subdivisions unless the Developer documents that such lighting is not necessary and a modification is granted by the Board of Supervisors. All lighting shall comply with §701.8 of the Township Zoning Ordinance and the standards of the Illuminating Engineering Society (IES) of North America.

607.28 Traffic Signs and Signals

Traffic signs and traffic signals shall be required when considered necessary by the Supervisors to ensure safe traffic or pedestrian circulation. All traffic signs and signals shall meet the most current requirements of PA DOT. In the case of traffic signals, the Developer, any subsequent owner, or any subsequent Property Owners Association or similar entity shall be responsible for the long term operation, maintenance, and replacement of the traffic signal and all associated facilities, signs, and pavement markings.

607.29 Road Striping

All roads constructed or improved as part of any subdivision or land development shall be striped in accord with the most current PennDOT requirements.

608 Monuments and Markers

Monuments and markers shall be placed so that the center, scored, or marked point shall coincide exactly with the intersection of the lines being monumented or marked and shall conform to the following:

608.1 Placement

Monuments and markers shall be placed so that the center or a scored or marked joint shall coincide exactly with the intersection of the lines to be marked.

608.2 Monuments

A. Type - Monuments shall consist of either:

1. Solid steel rods not less than one-half (1/2) inch in diameter and not less than twenty-four(24) inches in length centered in a cylinder of concrete poured in place, not less than nine (9) inches in diameter nor less than forty-eight (48) inches in depth.
2. Steel pipes not less than three-fourths (3/4) inch in diameter and not less than twenty-four(24) inches in length centered in a cylinder of concrete poured in place, not less than nine (9) inches in diameter nor less than forty-eight (48) inches in depth.
3. Such other monuments as the Township Engineer may approve.

B. Placement

1. Monuments, including the rod or pipe and the concrete, shall be placed flush with the ground.
2. Monuments shall not be placed until road grading has been completed.
3. Monuments shall be set as follows:
 - a. One in each quadrant of a street intersection., (in the instance of a T intersection, one shall also be placed at the lot corner most nearly opposite the intersecting street.)
 - b. One at a lot corner on each side of the street approximately midway through the block when the distance between intersecting streets exceeds eight hundred (800) feet.
 - c. One at the intersection of street right-of-way lines with exterior property lines. (iv) At all exterior property corners where permanent corners did not exist at the time of the perimeter survey. (Existing corners shall not be removed.)

608.3 Markers

A. Type - Markers shall consist of either:

1. Solid steel rods not less than one-half (1/2) inch in diameter nor less than twenty-four (24) inches in length.
2. Steel pipes not less than three-quarters (3/4) inch in diameter nor less than twenty-four (24) inches length.
3. Such other markers as the Township Engineer may approve.

B. Placement:

1. Markers normally shall be set two (2) inches above the surrounding grade.
2. Markers shall be set as follows:
 - a. At all points where lot lines intersect street right-of-way lines, except for monument locations.
 - b. At all other lot corners.

609 Storm Water and Drainage Control

Storm water management facilities shall be provided in accord with the applicable Township storm water ordinance.

610 Soil Erosion and Sedimentation Controls

All soil erosion and sedimentation control plans shall meet the specifications of and shall be approved by the Monroe County Conservation District and PA DEP. Said Plan shall comply with Commonwealth of Pennsylvania, Title 25, Chapter 102 Department of Environmental Protection regulations for soil erosion and sedimentation control. Erosion and sedimentation controls shall be installed according to the approved Plan and shall be maintained by the developer in proper functioning condition until stabilization of the area is completed as determined by the Monroe County Conservation District. Preliminary Plan approval shall be conditioned on all required approvals and permits from the Monroe County Conservation District and/or PA DEP.

611 Water Supply and Sewage Disposal

611.1 General Standards

- A. All subdivisions and land developments shall be served by an adequate water supply and sewage disposal system; and the developer shall provide evidence documenting said adequacy.
- B. All suppliers of non-municipally owned, central water and/or sewer services shall be organized in such a fashion as may be required by the Pennsylvania Public Utility Commission and the Developer shall provide for operation, maintenance and continuity of services in a manner which is acceptable to the Township.
- C. One (1) copy of all correspondence, supporting documentation, applications for permits and certificates for operation submitted to the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Public Utilities Commission for the right to provide such services shall be forwarded to the Township as a part of the public record. One (1) copy of the permit and/or certificate of convenience issued by the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Public Utilities Commission authorizing such services shall be forwarded upon receipt to the Township as a part of the public record.
- D. In the case of utilization of a publically owned or other existing central water supply and/or sewage disposal system the developer shall submit at the preliminary stage a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. At the final approval stage an executed agreement with the service supplier shall be submitted.
- E. All required Certificates of Convenience, approvals and permits shall be obtained by the developer and/or the utility owner as a condition of preliminary approval and shall be submitted with the final plan application.

- F. All water supply and sewage disposal systems shall be designed and certified by a Registered Professional Engineer or other individual otherwise certified for such design work; and all systems shall be designed in accord with all applicable federal, state and local standards.
- G. Pressure testing of all collection/conveyance of any central water supply or central sewage disposal system lines shall be required as part of the inspections required in accord with Article VI of this Ordinance. All such testing shall be conducted in accord with the procedures specified by the Township Engineer.
- H. All sewage disposal systems shall be consistent with the Township Sewage Facilities Plan.

611.2 On-Site Water Supply

All on-site water supply systems shall comply with the requirements of Pennsylvania Department of Environmental Protection and/or applicable Township Ordinances. The requirement for the installation of on-lot wells shall be noted on the development plan and shall be required by restrictive covenant to be approved by the Township prior to preliminary plan approval.

611.3 Shared Water Supply

Shared water supply systems shall only be permitted to serve a minor (residential) land development or a non-residential land development and the standards in this §611.3 shall apply. In the case of non-residential land developments, the Township may, based on the nature and scale of development, apply any or all of the standards contained in §611.4 of this Ordinance.

611.3.1 Well Capacity - The capacity of the well shall be certified by a licensed well driller to be adequate for the use proposed.

611.3.2 Water Distribution System

- A. The system design shall follow good engineering practice and the requirements of the Pennsylvania Department of Environmental Protection. The distribution system shall be designed and sized to provide the design flows at a minimum pressure of twenty-five (25) pounds per square inch at curb stops.
- B. Pipe classes shall be consistent with design pressures.
- C. Before being placed into service, the system must be tested and disinfected by procedures established by Department of Environmental Protection.
- D. Service connections shall be a minimum of three-fourths (3/4) inch diameter.

611.3.3 Other Standards - All shared water supply systems shall comply with the requirements of Pennsylvania Department of Environmental Protection and/or applicable Township Ordinances.

611.4 Central Water Supply

611.4.1 Public Supply - If a central water system is proposed and an existing public or private central water supply exists within one-thousand (1,000) feet of the proposed development, said development shall connect to such system in accord with the requirements of the system owner, the PA PUC and the PA DEP; provided, the owner of the existing system agrees to such connection.

611.4.2 Project Supply - If an approved public water supply is not accessible and water is to be furnished on a project basis, the Applicant shall, upon submission of the subdivision or land development plan, submit written evidence that he has complied with all Township, County and State regulations, and that the proposed system to be installed meets the requirements of the PA PUC, PA DEP, and any other applicable regulations.

611.4.3 Deep Well Source

- A. Wells shall be sited, drilled and tested under the direct supervisor of a Registered Professional Engineer and/or a Professional Groundwater Geologist.
- B. Wells shall be located away from potential source of pollution on a reserved parcel of not less than five thousand (5,000) square feet in size.
- C. The capacity of the well(s), as certified by a professional engineer, shall be sufficient to produce at least one hundred ten (110) gallons per capita per day and/or four hundred (400) gallons per day for each residential dwelling unit to be served. Adequate capacity of any well(s) to service industrial or commercial establishments shall be documented by the Applicant to the satisfaction of the Township and the Township Engineer.
- D. Wells shall be pump tested utilizing a controlled step-draw down test to establish the specific capacity of each well and to establish a long term pumping rate. The well shall be pumped at the above determined long term pumping rate for a sufficient period of time for stabilization to occur and the recovery noted. In no case will a pumping rate greater than the recharge rate be allowed.
- E. Well construction shall be consistent with generally accepted practice and the guidelines of the PA Department of Environmental Protection.
- F. Documentation of the effect of the projected area-wide draw down of the water table may be required by the Township if the anticipated pumping of groundwater warrants such documentation.

611.4.4 Water Distribution System

- A. The system design shall follow good engineering practice and the requirements of the PA DEP and/or the Public Utilities Commission. The distribution system shall be designed and sized to provide the design flows at a minimum pressure of twenty-five (25) pounds per square inch at curb stops.
- B. Pipe classes shall be consistent with design pressures.
- C. Before being placed into service, the system must be tested and disinfected by procedures established by Department of Environmental Protection.
- D. The proposed utility shall provide for adequate flow of water for the subdivision supplied, by interconnecting two or more wells or by providing storage for a minimum or one (1) day's demand.
- E. Service connections shall be a minimum of three-fourths (3/4) inch diameter.

611.4.5 Flow Rates

- A. Distribution systems serving residential developments shall provide for a minimum flow rate of at least one and one-fourth (1.25) gallons per minute for each lot or proposed dwelling unit for domestic purposes only.
- B. Distribution systems serving commercial or industrial developments shall provide for a minimum flow rate of at least twenty-five (25) times the projected average daily flow rate.
- C. Distribution systems intended to provide for fire flow shall provide for minimum flow rates in accordance with the standards of the National Fire Underwriters Association.

611.5 On-Lot Sewage Disposal

- A. Standards - All on-site sewage disposal systems shall comply with the applicable PA DEP standards, the Township Sewage Facilities Ordinance, and all other applicable standards.
- B. Site Suitability
 - 1. All residential lots in developments proposing the use of on-site sewage disposal shall contain at least one (1) area suitable for such a disposal system as tested by the Township SEO in accord with DEP requirements. Such areas shall be shown on the Preliminary Plan and Final Plan. All sewage disposal areas shall remain undisturbed and this shall be assured via a covenant placed on the plan.
 - 2. Prior to any action on the Preliminary Plan by the Township, the Applicant must document that all lots in subdivisions proposing on-site sewage disposal contain a suitable area as tested by the Township SEO in accord with DEP requirements and this §611.5, or are already served by an adequate, existing sewage disposal system.
 - 3. Should the Applicant propose the use of individual systems which do not require soil testing, documentation shall be provided that the affected lots are suitable for the proposed system. In addition, a note shall be placed on the Preliminary Plan and Final Plan detailing the type of system(s) proposed and stating that the affected lots have not been tested for a soil-based system.
- C. Conservation Design Subdivisions - In the case of conservation design subdivisions the primary and reserved on-site sewage disposal areas may be located on common land provided the necessary easements for construction and maintenance of such systems are provided.
- D. System Maintenance - In order to extend the useful life of on-site sewage disposal systems and minimize on-site disposal system problems, the developer shall, for all subdivisions of ten (10) lots or more, provide for on-site system maintenance via the creation of a Property Owners Association (POA). This requirement shall also apply to any subdivisions of less than ten (10) lots if a POA is otherwise required or proposed. Such POA shall be created in accord with §506 of this Ordinance, and shall provide for the inspection of the on-site systems and the pumping of septic tanks at intervals of not less than three (3) years from the date of the operation of each system. The POA shall file with the Township an annual report detailing which systems have been inspected and pumped, showing receipts for same from a septage hauler disposing of the septage at a DEP licensed facility. Failure of the POA to comply with this Subsection C shall be considered a violation of this Ordinance.

611.6 Central Sewage Disposal System

In addition to the following standards, the Township Sewage Facilities Ordinance shall govern all central sewage disposal facilities, as defined by the said Ordinance.

611.6.1 Public Sewage Disposal - If a central sewage disposal system is proposed and an existing public sewage disposal system or an existing private sewage disposal system identified as a "regional system" by the Township Sewage Facilities Plan, said development shall connect to such system in accord with the requirements of the Township Sewage Facilities Plan, the system owner, the PA PUC and the PA DEP.

611.6.2 Project System - If an approved sewage disposal system is not accessible and sewage disposal is to be furnished on a project basis, the Applicant shall, upon submission of the subdivision or land development plan, submit written evidence that he has complied with all Township, County, and State regulations, and that the proposed system to be installed meets the requirements of the Pennsylvania Department of Environmental Protection and any other applicable regulations.

- A. All central sewage disposal systems shall be consistent with the sewage feasibility studies and plans of the Township.
- B. All sewage collection and treatment facilities shall be designed and constructed in accordance with regulations and requirements of PA DEP and applicable Township Ordinances.
- C. All central sewage disposal systems shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development. The Township may also require that any central sewage disposal system be designed and constructed to provide for service to adjacent or nearby properties. In such instances, developers shall be financially responsible solely for those costs associated with their individual development.
- D. All central sewage disposal systems using subsurface or land application of sewage effluent shall be designed and constructed in accord with applicable PA DEP standards; and, a suitable replacement area for the effluent disposal area shall be provided.

611.7 Community System Maintenance

In order to extend the useful life of community sewage disposal systems and minimize disposal system problems, the developer shall, for all subdivisions or land developments using a community system, provide for system maintenance via the creation of a Property Owners Association. Such POA shall be created in accord with §506 of this Ordinance, and shall provide for the inspection of the community system each year and the pumping of septic tanks at intervals as required but not less once every three (3) years from the date of the operation of each system. The POA shall file with the Township an annual report detailing which systems have been inspected and pumped, showing receipts for same from a septage hauler disposing of the septage at a DEP licensed facility. Failure of the POA to comply with this §611.7 shall be considered a violation of this Ordinance.

612 Reserved

613 Utilities

All utility lines required to service the subdivision shall be planned in cooperation with the respective utility companies. A letter shall accompany the subdivision or land development plan stating that the utility plan has been reviewed by the applicable utility company, such plan is approved, and service will be available. All cables, wires, conduits, pipes, and lines servicing the development shall be subject to the requirements set forth in this Ordinance.

614 Sidewalks

See §607.23.

615 Landscape Requirements; Trees and Vegetation

A landscape plan meeting the requirements of this section shall be prepared for all land developments and major subdivisions; and, no land development or major subdivision shall be finally approved until all landscaping has been installed or guaranteed in accord with this Ordinance.

615.1 Legislative Intent

It is the intent of these landscape planting requirements to conserve existing healthy plant communities, such as woodlands, and to require new landscape plantings in critical areas of new developments in order to:

- A. Reduce soil erosion and protect surface water quality by minimizing stripping of existing woodlands or tree masses.
- B. Reduce storm water runoff velocity and volume by providing planting areas where storm water can infiltrate.
- C. Improve air quality by conserving existing or creating new plantings, which produce oxygen and remove carbon dioxide from the atmosphere.
- D. Encourage tree planting and landscaping along public streets. (See definition of *improvement*.)
- E. Provide wind breaks, shade, and the other microclimate benefits of trees and landscape plantings.
- F. Conserve historically, culturally, or environmentally important landscapes such as wooded hillsides, scenic views, or aesthetic natural areas.
- G. Preserve and enhance property values through the implementation of good landscape architectural standards.
- H. Provide planted buffers between land developments, which act to visually integrate a development into the existing landscape.
- I. Provide planted and architectural visual screens around visually obtrusive site elements within development.
- J. Enhance the aesthetic appearance of the community and provide privacy and beauty.
- K. Improve traffic flow in parking lots by requiring planted parking islands and medians to separate traffic.
- L. Conserve energy by moderating solar radiation and providing shade.
- M. Improve the environment for pedestrians along streets, parking lots, and other pedestrian areas
- N. Aesthetically improve storm water management facilities, such as detention basins, without impairing function.

615.2 Minimum Number of Trees; Preservation of Existing Vegetation

Unless other provisions of this ordinance require more trees or vegetation, each development site shall include a minimum of twelve (12) deciduous or evergreen trees for each one (1) acre. Each deciduous tree shall be two and one-half (2.5) inch caliper or greater and each evergreen tree shall be six to seven (6 to 7) feet in height or greater. As an alternate, ten (10) trees for each one (1) acre shall be required if deciduous trees are four (4) inches in caliper or greater and evergreen trees are eight to ten (8 to 10) feet in height or greater. Five (5) shrubs two and one-half (2.5) feet in height or greater may be substituted for one tree of two and one-half (2.5) inch caliper for a maximum of twenty (20) percent of the tree requirement.

- A. Preservation of Existing Vegetation - Each mature tree, tree mass, or woodland on the site shall be designated "TO REMAIN" or "TO BE REMOVED" and shall be shown on the plan in accord with the following criteria:
1. All subdivisions and land developments shall be laid out in such a manner as to minimize the removal of healthy trees and shrubs on the site. Mature trees (6" or greater DBH) shall be preserved insofar as possible; and, special consideration shall be given to major specimen trees (12" or greater DBH). The plan shall show the location of major specimen trees in areas of the site proposed for development, and the edge of existing woodlands.
 2. The applicant shall document that vegetation removal is minimized. If challenged by the Township, the applicant shall produce evidence, such as written documents or plans certified by a registered landscape architect or other person deemed qualified by the Township, showing that no alternative layouts are possible and that no alternative clearing or grading plan would reduce the loss of mature trees, tree masses, and woodlands.
 3. The following criteria shall be used by the Township to make the final determination of which mature trees, tree masses, or woodland shall be designated "TO REMAIN":
 - a. The outermost branches of the tree(s) are at least five (5) feet from any proposed buildings or structures.
 - b. The outermost branches of the tree(s) are at least five (5) feet from any proposed changes in grade, drainage structure, utility corridor, parking or load/unloading area, sidewalk, on site sewage system, or any other excavations.
 - c. The tree(s) are clear of any proposed sight triangles and do not, by their location or apparent health, pose any undue threat to the public health, safety, or welfare. The Township may permit some landscape material to be placed in the clear sight triangle when it determines that the type of material and its location will not create a hazard to motorists or conflict with utility locations.
 - d. If these trees are diseased or are excessive in number and thinning will promote and enhance the healthy development of the remaining trees the Township may be require the removal of the trees.
 4. Mature trees, tree masses, or woodland that are not designated "TO REMAIN" shall be designated "TO BE REMOVED." These trees shall be removed in the field during the construction process.
 5. Specimen tree preservation or removal shall be considered on an individual basis and site conditions.
- B. Protection of Existing Vegetation - Existing vegetation designated "TO REMAIN" in accord with Subsection A.3, above shall be identified in the field prior to any clearing and shall be physically protected throughout the construction process. A temporary physical barrier, such as a snow fence, shall be erected a minimum of one (1) foot outside the drip line on all sides of individual trees, tree masses, or woodlands prior to major clearing or construction. The barrier shall be placed to prevent disturbance to, or compaction of, soil inside the barrier and shall remain until construction is complete. The barrier shall be shown on the landscape plan.
- C. Credit for Existing Trees - If healthy, existing trees will be preserved which will generally meet the requirements of this Section, the Supervisors may, in its discretion, permit the existing tree(s) to serve as a credit toward the number of shade trees required to be planted. In addition, the Supervisors, in its discretion, may permit existing trees which would otherwise be required to be maintained by this Ordinance to be removed in exchange for the

Developer planting replacement trees in accord with this Section. To be eligible for use as credit toward a required tree, a preserved tree shall be maintained in such a manner that a minimum of fifty (50) percent of the ground area under the tree’s drip line shall be maintained in natural ground cover and at the existing natural ground level. The following standards shall be used to determine the extent of credit:

DBH of Approved Preserved Tree	Number of Credited Trees
greater than 30 inches	4
15 to 29 inches	3
7 to 14 inches	2
2to 6 inches	1

- D. Hydrology - Alteration of existing drainage patterns and water supply for the protected vegetation shall be minimized.
- E. Transplanting Existing Plants - Specimen trees or individual trees from woodlands or tree masses designated "TO BE REMOVED" are encouraged to be transplanted from one area of the site to another. Transplanted trees must conform to the requirements of §615.7 and §615.8.
- F. Clear Sight Triangles - All landscaping shall comply with the sight distance requirements of this Ordinance, including intersections of public streets and access drives of commercial, industrial and multi-family developments. The Township may permit some landscape material to be placed in the clear sight triangle when it determines that the type of material and its location will not create a hazard to motorists or conflict with utility locations.
- G. Topsoil Protection - Topsoil shall not be permanently removed from a lot except from areas that will be covered by buildings or paving. This shall not prohibit the temporary movement and storage of topsoil during construction.
- H. Tree Removal - Trees within the street right-of-way and all other plantings required by this §615 shall not be removed without a permit from the Zoning Officer, except for trees removed by the Township or the State and for trees approved to be removed under this §615.

615.3 Parking Lot Landscaping

- A. Landscaping Benefits - Parking lots shall be landscaped with trees and shrubs to reduce the impact of glare, headlights, and parking lot lights; to delineate driving lanes; define rows of parking; and facilitate pedestrian circulation. Furthermore, parking lots shall be landscaped to provide shade in order to reduce the amount of reflected heat and to improve the aesthetics of parking lots.
- B. Lots With Ten or More Stalls - All parking lots with ten (10) or more stalls shall be landscaped in accord with the criteria in this Section.
 - 1. One (1) planting island shall be provided for every ten (10) parking stalls. There shall be no more than fifteen (15) contiguous parking stalls in a row without a planting island.

2. The ends of all parking rows shall be divided from drives by planting islands.
 3. In residential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than forty (40) stalls.
 4. In nonresidential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than one hundred (100) stalls.
 5. Planting islands shall be a minimum of nine (9) feet by eighteen (18) feet in dimension, underlain by soil (not base course material); mounded at no more than a three-to-one (3:1) slope, nor less than a five-to-one (5:1) slope; and shall be protected by curbing or bollards. Each planting island shall contain a minimum of one (1) shade tree plus shrubs and/or ground cover sufficient to cover the entire area.
 6. All planting strips shall be a minimum of eight (8) feet wide. Strips shall run the length of the parking row, underlain by soil (not base course material), shall be designed to encourage the infiltration of storm water insofar as possible, and shall be protected by curbs, wheel stops, or bollards. Planting strips shall contain plantings of street-type shade trees at maximum intervals of tree per thirty (30) feet, plus shrubs and/or ground cover, as approved by the Township, to cover the entire area.
 7. The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with the effectiveness of light fixtures.
 8. Plants shall comply with the requirements of §615.7 of this Ordinance. The use of plants selected from the *List of Acceptable Plants* in §615.8 is required.
 9. In the case where this or another Township ordinance requires a buffer or other landscaping at the end of a parking lot, such buffer or landscaping may take the place of the planting strip provided the buffer or landscaping meets the minimum requirements of this §615.3.
- C. Buffers - All parking lots shall be buffered from public roads and from adjacent properties as required in §615.6.
- D. Reserved Parking Areas - The number of trees in parking areas which have been reserved in accord with §504.6,D of the Township's Zoning Ordinance shall not be counted toward the minimum required by this §615. This area shall remain undisturbed or shall be landscaped in accord with the minimum requires specified in §615.2.

615.4 Street Trees

- A. Street Trees Required - Street trees shall be required:
1. Along all existing streets abutting or within the proposed subdivision or land development.
 2. Along all proposed streets.
 3. Along access driveways that serve five (5) or more residential dwelling units.
 4. Along access driveways that serve two (2) or more nonresidential properties.
 5. Along major walkways through parking lots and between nonresidential buildings, as recommended by the Planning Commission.

- B. Waiver for Existing Vegetation - The street tree requirement may be waived by the Supervisors where existing vegetation is considered sufficient to provide effective screening and to maintain scenic views of open space, natural features, or other valued features.
- C. Standards - Street trees shall be located between the ultimate right-of-way line and the building setback line and shall meet the following standards:
 - 1. Trees shall be planted a minimum distance of five (5) feet and a maximum distance of fifteen (15) feet outside the ultimate right-of-way line. However, in certain cases, as follows, the Supervisors may permit trees to be planted within the ultimate right-of-way:
 - a. In areas, such as existing neighborhoods where front yards may be located within the ultimate right-of-way.
 - b. In cases where closely spaced rows of street trees may be desirable and future street widening is considered unlikely.
 - 2. In nonresidential developments, trees shall be located within a planting bed within the front yard setback, at least ten (10) feet in width, planted in grass or ground cover. In areas where wider sidewalks are desirable, or space is limited, tree planting pits within the sidewalk may be approved.
 - 3. Trees shall be located so as not to interfere with the installation and maintenance of sidewalks and utilities. Trees shall be planted a minimum distance of three (3) feet from curbs and sidewalks, fifteen (15) feet from overhead utility poles with appropriate species selection for trees under utility wires, and six (6) feet from underground utilities.
 - 4. Trees shall be planted at a ratio of at least one (1) tree per fifty (50) linear feet of frontage or fraction thereof. Trees shall be distributed along the entire frontage of the property, although they need not be evenly spaced.
 - 5. Trees shall comply with the requirements of §615.7. The use of tree species selected from the *List of Acceptable Plants* in §615.8 is required.

615.5 Storm Water Basins and Associated Facilities

Landscaping shall be required in and around all storm water management basins according to the following:

- A. Vegetative Cover Required - All areas of storm water management basins, including basin floors, side slopes, berms, impoundment structures, or other earth structures, shall be planted with cover vegetation such as lawn grass or naturalized plants specifically suited for storm water basins. (See §615.8 for plants for storm water basins.)
 - 1. Lawn grass areas shall be sodded or hydro-seeded to minimize erosion during the establishment period; and, once established, these areas shall be maintained at a height of not more than six (6) inches.
 - 2. Naturalized cover plants, such as wild flowers, meadows, and nonaggressive grasses specifically designed for the permanently wet, intermittently wet, and usually dry areas of storm water basins, may be planted as an alternative to lawn grass provided:
 - a. The plantings provide continuous cover to all areas of the basin.

- b. The plantings do not interfere in the safe and efficient function of the basin as determined by the Township Engineer.
- 3. Trees and shrubs shall be allowed in and around storm water basins provided no interference is caused to the proper function of the basin; and, trees or shrubs shall not be planted on an impoundment structure or dam.
- B. Basin Shape - Basin shape shall incorporate curvilinear features to blend with the natural surrounding topography; and, the use of sharp geometric shapes shall be avoided.
- C. Basin Grades - Minimum grades inside storm water basins shall be one (1) percent unless infiltration is an integral part of the design; and, maximum side slopes of the basin shall be thirty-three (33) percent (3:1 slope).
- D. Buffers - Storm water basins shall be buffered with landscaping from adjacent properties in accord with §615.6.

615.6 Buffers and Screens

- A. Property Lines and Site Elements - All subdivisions and land developments shall be landscaped with the following two (2) components:
 - 1. Property line buffers that act to integrate new development with its surroundings and to separate incompatible land uses.
 - 2. Site element screens that act to minimize or eliminate views to certain other site elements.
- B. Minimum Requirements - The requirements in this §615.6 are minimum standards; additional plants, berms, or architectural elements may be required by the Township as necessary to meet the intent of this §615 or may be included in the plan at the applicant's discretion.

TABLE 615-1 PROPERTY LINE AND ROAD RIGHT-OF-WAY BUFFERS (See §615.6,C for buffer intensity requirements.)				
PROPERTY LINE BUFFERS – applies to side and rear property lines				
PROPOSED USE	ADJACENT USE			
	Office/Institutional Public Recreation	Commercial/ Industrial	Multi-Family Mobile Home Park	Single-Family Two-Family
	BUFFER TYPE / WIDTH (feet)			
Office/Institutional	Low / 10	Low / 10	Medium / 15	High / 20
Commercial/Industrial	Medium / 15	Low / 10	High / 20	High / 20
Residential*	Low / 10	Medium / 15	Low / 10	Medium / 15
Active Recreation (play fields, golf courses, swim clubs, etc.)	Low / 10	None	Low / 10	Low / 10
*Buffers are required for all multi-family and mobile home parks.				

PARKING LOT BUFFERS ALONG ROAD RIGHTS-OF-WAY	
SIZE OF PARKING LOT	BUFFER TYPE / WIDTH (feet)
10 spaces or less	Low / 5
11 to 50 spaces	Medium / 10
more than 50 spaces	High / 15

C. Property Line and Road Right-of-Way Buffer Requirements

1. Property line and road right-of-way buffers shall be required for the following types of development:
 - a. All nonresidential development.
 - b. All multi-family development.
 - c. All single-family detached developments unless a better design is approved by the Board of Supervisors.
 - d. All mobile home parks.
2. An on-site investigation by the applicant shall identify the adjacent land uses along each property boundary. In the case of vacant land, the uses permitted by the Zoning Ordinance shall be used. The existing or zoned uses shall be noted on the plan; and, in the case of several permitted uses on a site, the most restrictive requirements shall apply. The Supervisors shall make the final determination of the designation of the existing or zoned land uses.
3. The width and quantity and type of plants required shall be determined by the intensity of the proposed land use and the adjacent land use, vacant land, or zoning district, according to Table 615-1.
4. Buffer Area Location and Dimensions
 - a. The buffer area may be included within the front, side, or rear yard setback.
 - b. The buffer area shall be a continuous pervious planting bed consisting of trees and shrubs, grass or ground cover.
 - c. Parking shall not be permitted in the buffer area.
 - d. Site element screens shall be permitted in the buffer area.
 - e. Storm water basins shall be permitted in the buffer area.
5. Plant Quantities and Types - In accord with Table 615-1, for every one hundred (100) linear feet of property line to be buffered, the following minimum quantities and types of plants shall be required:

BUFFER TYPE	PLANTS (per 100 linear feet)
Low	2 canopy trees; and 1 ornamental tree
Medium	2 canopy trees; 2 ornamental trees; and 2 evergreen trees (15 shrubs may be substituted for 1 ornamental tree)
High	5 evergreen trees; 2 ornamental trees; and 2 canopy trees (30 shrubs may be substituted for 1 ornamental tree)

6. Design Criteria:

- a. The required plants shall be distributed over the entire length and width of the buffer area.
- b. Buffer plants may be arranged symmetrically (formal) or asymmetrically (informal) and may be grouped to form plant clusters. However, informal groupings that reflect the natural character of the region are encouraged.
- c. Plants shall be spaced to provide optimum growing conditions.
- d. A variety of tree species is required as follows:

NUMBER OF TREES	MINIMUM NUMBER OF TREE SPECIES	MAXIMUM PERCENT OF ANY ONE SPECIES
0-5	1	100
6-15	2	50
16-30	3	40
31-50	4	30
51+	6	20

- e. All plants shall meet the requirements of §615.7.
- 7. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plants with the approval of the Supervisors. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer as determined by the Township.
 - 8. Existing topographic conditions, such as embankments or berms, in conjunction with existing vegetation, may be substituted for part or all of the required property line buffers with the approval of the Supervisors. The minimum visual effect shall be equal to or exceed that of the required buffer.

D. Site Element Screens

1. Site element screens shall be required in all proposed land developments around the following site elements, when these are located partially or fully within one hundred (100) feet of a property line or existing road right-of-way:
 - a. Parking lots.
 - b. Dumpsters, trash disposal, or recycling areas.
 - c. Service or loading docks.
 - d. Outdoor storage.
 - e. Vehicle storage.
 - f. Multifamily rear yards.
 - g. Active recreation facilities.
 - h. Detention basins.
 - i. Sewage treatment plants and pump stations, lagoons, storage basins, and settling ponds.

2. An on-site investigation by the applicant shall identify the adjacent land uses along each property boundary. In the case of vacant land, the uses permitted by the Zoning Ordinance shall be used. The existing or zoned uses shall be noted on the plan; and, in the case of several permitted uses on a site, the most restrictive requirements shall apply. The Supervisors shall make the final determination of the designation of the existing or zoned land uses.

3. The type of site element screen required shall be determined by the site element and the adjacent existing land use or zoned use in the case of vacant land, according to Table 615-2.

4. Site elements not included in the above list that have similar visual impact shall be screened in accord with requirements for the most similar elements as determined by the Supervisors.

5. The site element screen shall be placed between the site element and the property line and shall be designed to block views to the maximum extent possible. Unless the screen is most effective at another location, it shall be located as close as possible to the site element and shall surround the element without impeding function or encroaching on sight triangles.

TABLE 615-2 SITE ELEMENT SCREENS (See §615.6,D,6 for screen types and design criteria.)				
PROPOSED USE	EXISTING ADJACENT LAND USE (OR ZONED USES WHEN UNDEVELOPED*)			
	Office or Institutional	All Other Nonresidential	Single-Family, Two-Family, Townhouses	All Roads
Dumpster, trash, or recycling area	4 or 8	3 or 4	4 or 8	4 or 8
Service or loading docks	2 or 5	--	2 or 5	2 or 5
Outdoor sales yard and vehicle storage (excluding vehicle sales areas)	1	1	1	1, 7 or 9
Multi-family rear yards	--	--	--	6

TABLE 615-2 SITE ELEMENT SCREENS (See §615.6,D,6 for screen types and design criteria.)				
PROPOSED USE	EXISTING ADJACENT LAND USE (OR ZONED USES WHEN UNDEVELOPED*)			
	Office or Institutional	All Other Nonresidential	Single-Family, Two-Family, Townhouses	All Roads
Active recreation facilities (tennis, basketball, court games, etc.)	--	--	7	--
Retention or detention basins	6	--	6	--
Sewage treatment plants and pump stations	1 or 8	--	1 or 8	1 or 8
*When residential and nonresidential uses are allowed by the zoning district on undeveloped adjacent land, the residential requirements shall apply.				

6. Screen Types and Design Criteria - The following types of screens shall be used where specified in Table 615-2.

SCREEN TYPE	DESIGN CRITERIA
Screen Type #1 <i>Evergreen or Deciduous Shrubs</i>	Shrubs shall be placed three feet on center in a minimum 5-foot-wide bed surrounding the site element and arranged to provide a continuous hedge-like screen up to a minimum height of 3.5 feet at maturity. Shrubs may be clipped to form a hedge or left in their natural habit.
Screen Type #2 <i>Double Row of Evergreen Trees.</i>	A double row of evergreen trees shall be placed 10 feet on center and offset 10 feet to provide a continuous screen at a minimum height of 12 feet at maturity.
Screen Type #3 <i>Opaque Fence</i>	A six-foot opaque fence surrounding the site element on at least three sides.
Screen Type #4 <i>Opaque Fence with Ornamental Trees and Shrubs</i>	A 6-foot opaque fence surrounding the site element on at least 3 sides with additional plantings at the minimum rate of 3 shrubs and 2 ornamental trees or large shrubs for each 10 linear feet of proposed fence, arranged formally or informally next to the fence.
Screen Type #5 <i>Architectural Extension of the Building</i>	An 8-foot minimum height architectural extension of the building (such as a wing wall) shall enclose service or loading docks. The building materials and style of the extension shall be consistent with the main building.
Screen Type #6 <i>Berm with Ornamental Trees</i>	A 2-to-3-foot-high continuous curvilinear berm with ornamental trees at the rate of 1 tree for every 20 feet, clustered or arranged informally. The maximum slope of the berm shall be 3: 1.
Screen Type #7 <i>A 2-to-3-foot-high continuous curvilinear berm with grass alone.</i>	The maximum slope of the berm shall be 3: 1.

SCREEN TYPE	DESIGN CRITERIA
Screen Type #8 <i>Evergreen Hedge</i>	An evergreen hedge (such as arborvitae, chamaecyparis, etc.) with a minimum height at planting of 6-foot plants, 4 feet on center maximum.
Screen Type #9 <i>Low Wall</i>	A wall of brick or stone (not concrete block), at least 50 percent opaque, no less than 3 and no more than 4 feet in height.

7. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plants with the approval of the Supervisors. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required screen.
8. Existing topographic conditions, such as embankments or berms may be substituted for part or all of the required screen with the approval of the Supervisors. The minimum visual effect shall be equal to or exceed that of the required screen.
9. The applicant may propose the use of alternative screen types or changes in plants or designs which fulfill the intent of this Ordinance, with the approval of the Supervisors.
10. Plants shall meet the specifications of §615.7. Use of plants selected from the *List of Acceptable Plants* in §615.8 is recommended.

615.7 Materials Specifications, Maintenance, and Guarantee

The following standards shall apply to all plants or trees as required under this Ordinance:

A. General Requirements

1. The location, dimensions, and spacing of required plantings shall be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and present and future environmental requirements, such as wind, soil, moisture, and sunlight.
2. Plants shall be selected and located where they will not contribute to conditions hazardous to public safety. Such locations include, but are not limited to, public street rights-of-way, underground and aboveground utilities, and sight triangle areas required for unobstructed views at street intersections.
3. Plastic or other artificial materials shall not be used in place of plants.

B. Plant Specifications

1. All plants shall meet the minimum standards for health, form, and root condition as outlined in the latest edition of the American Association of Nurserymen (AAN) Standards.
2. All plants shall be selected for hardiness and shall be suitable for planting in the United States Department of Agriculture Hardiness Zone applicable to the Township, and to the specific localized microclimate and micro environment of the planting site..
3. Canopy trees, sometimes called shade trees, shall reach a minimum height or spread of thirty (30) feet at maturity as determined by the AAN Standards and shall be deciduous. New trees shall have a minimum caliper of two and one-half (2.5) inches at planting.

4. Ornamental trees or large shrubs shall reach a typical minimum height of fifteen (15) feet at maturity, based on AAN Standards. Trees and shrubs may be deciduous or evergreen and shall have a distinctive ornamental character such as showy flowers, fruit, habit, foliage, or bark. New ornamental trees shall have a minimum height of six (6) feet or one and a half inch caliper. New large shrubs shall have a minimum height of two and one-half (2.5) to three (3) feet at the time of planting.
5. Small shrubs may be evergreen or deciduous and shall have a minimum height at maturity of four (4) feet based on AAN Standards. New shrubs shall have a minimum height of eighteen (18) inches at the time of planting.
6. Evergreen trees shall reach a typical minimum height of twenty (20) feet at maturity based on AAN Standards for that species and shall remain evergreen throughout the year. New evergreens shall have a minimum height at planting of six to seven (6 to 7) feet.

C. Maintenance

1. Required plants shall be maintained in a healthy, vigorous condition and be kept free of refuse and debris for the life of the project to achieve the required visual effect of the buffer or screen. It shall be the ultimate responsibility of successive property owners to ensure that the required plants are properly maintained. Dead or diseased plants shall be removed or treated promptly by the property owner and replaced at the next growing season.
2. All sight triangles shall remain clear; and, any plants that could endanger safety such as unstable limbs shall be removed and the plants replaced if necessary. It shall be the responsibility of the property owner to maintain all plants and architectural elements to assure public safety.
3. Maintenance guidelines for the plants are encouraged to be published by the planting plan designer and be used by grounds maintenance personnel to ensure that the design's buffering and screening concepts are continued.

D. Landscape Replacement; Performance Guarantee

1. Any tree or shrub that dies within eighteen (18) months of planting shall be replaced by the current landowner or Developer. Any tree or shrub that within eighteen (18) months of planting or replanting is deemed, in the opinion of the Township, not to have survived or not to have grown in a manner characteristic of its type shall be replaced. Substitutions for certain species of plants may be made only when approved by the Supervisors.
2. Landscaping shall be considered an improvement for the purposes of installation and the provision of a performance guarantee in accord with of this Ordinance. In addition, the Developer or landowner shall provide to the Township a performance guarantee equal to the amount necessary to cover the cost of purchasing, planting, maintaining, and replacing all vegetative materials for a period of eighteen (18) months following the installation and approval of the landscaping.

615.8 List of Acceptable Plants

All plants used for landscaping and vegetative cover shall be selected from the *List of Acceptable Plants* established by resolution of the Supervisors. The list is intended to offer a broad selection of plants suitable for the various required landscapes required by this Ordinance. Native plants are indicated for use in natural or naturalized settings.

Plants not found on the list may be substituted, provided that the Supervisors determines that the requirements of §615.7,B, are satisfied and the plants are suitable for the proposed purpose and location.

615.9 Plan Requirements

All areas of the site shall be included in the landscaping plan, and buffers, screening, and those areas immediately adjacent to buildings and walkways shall be given extra consideration. Landscape plans shall be submitted concurrently with all Preliminary and Final Plans. Landscape plans shall be prepared by a landscape architect licensed and registered to practice by the Commonwealth of Pennsylvania or other person deemed qualified by the Township. In addition to the information required by the other plan information provisions of this Ordinance, the following information shall be provided:

- A. The preliminary landscape plan shall show the following:
 1. Existing Features - The location and character of existing buildings; mature trees standing alone; location and elevation of major specimen trees (12" or greater DBH) in any area of the site proposed for development; outer limits of tree masses and other existing vegetation; and, the location of floodplain, wetlands, and other natural features that may affect the location of proposed streets, buildings, and landscape plantings.
 2. Proposed Landscaping
 - a. Approximate location of all proposed landscaping required by this Ordinance.
 - b. Demarcation of existing vegetation "TO REMAIN" or "TO BE REMOVED" and the means of protecting existing vegetation during construction.
 - c. Approximate location of proposed buildings, paving, utilities, or other improvements.
- B. The final landscape plan shall show the following:
 1. Location of all outside storage and trash receptacle areas.
 2. Sidewalks, berms, fences, walls, free-standing signs, and site lighting.
 3. All existing and proposed contours at an interval deemed adequate by the Township to determine the relationship of planting and grading areas with slopes in excess of 3:1.
 4. Existing mature trees, woodland, and tree masses to remain.
 5. Existing mature trees, woodland, and tree masses to be removed.
 6. Location of all proposed landscaping, including required street trees, storm water basin landscaping, parking lot landscaping, property line buffers, and site element screen landscaping.
 7. A planting schedule listing the scientific and common name, size, quantity, and root condition of all proposed plants.
 8. A schedule showing all landscape requirements and plants proposed for each category.

9. Planting details, including method of protecting existing vegetation, and landscape planting methods.
10. Information in the form of notes or specifications concerning seeding, sodding, ground cover, mulching, and the like, etc.
11. A detailed cost estimate shall be submitted, showing the value of all proposed landscaping, including all labor and materials.

616 Street, Parking Area and Building Lighting

Lighting shall be controlled in both height and intensity to maintain community character in accord with this §616; and lighting design should be an inherent part of the project design. A lighting plan shall be provided by the Developer for all subdivisions and land development and shall include details for lighting of streets, parking areas and buildings. Street lights shall be required for all major subdivisions unless the Developer documents that such lighting is not necessary and a modification is granted by the Board of Supervisors. Following the establishment of any subdivision or land development, the ongoing operation and maintenance of the lighting facilities shall comply with the requirements of §701.8 of the Zoning Ordinance and violations shall be subject to the enforcement provisions in §1216 and §1217 of the Zoning Ordinance.

616.1 Purpose

To set standards for outdoor lighting to:

- A. Provide for and control lighting in outdoor places where public health, safety and welfare are potential concerns
- B. Protect drivers and pedestrians from the glare of non-vehicular light sources
- C. Protect neighbors, the environment and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained or shielded light sources;
- D. Promote energy efficient lighting design and operation.

616.2 Applicability

- A. This §616 shall apply to all uses within the Township where there is exterior lighting that is viewed from outside, including, but not limited to, residential, commercial, industrial, public and private recreational/sports and institutional uses, and sign, billboard, architectural and landscape lighting.
- B. Exemptions - The following lighting applications are exempt from the requirements of this §616:
 1. Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside the public right of way or easement
 2. Lighting for public monuments and statuary
 3. Underwater lighting in swimming pools and other water features
 4. Low voltage landscape lighting
 5. Individual porch lights of a dwelling

6. Repairs to existing luminaires not exceeding twenty-five (25) percent of the number of total installed luminaires
7. Temporary lighting for theatrical, television, performance areas and construction sites.
8. Temporary lighting and seasonal decorative lighting provided that individual lamps are less than ten (10) watts and seventy (70) lumens
9. Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, or for illumination of the path of egress during an emergency.

616.3 Standards

A. Illumination Levels - Lighting shall have illuminances, uniformities and glare control in accord with the recommended practices of the Illuminating Engineering Society of North America (IESNA) unless otherwise directed by the Township.

B. Luminaire Design

1. Horizontal Surfaces

- a. For the lighting of predominantly horizontal surfaces such as, but not limited to, parking areas, roadways, cul-de-sacs, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, , active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, luminaires shall be aimed straight down and shall meet IESNA full-cutoff criteria.
- b. Luminaires with an aggregate rated lamp output not exceeding five hundred (500) lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this paragraph. In the case of decorative street lighting, luminaires that are fully shielded or comply with IESNA cutoff criteria may be used.

2. Non-horizontal Surfaces

- a. For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, when their use is specifically permitted by the Township, luminaires shall be shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.
- b. Luminaires with an aggregate rated lamp output not exceeding five hundred (500) lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this §616.3B2.

C. Control of Glare

1. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property
2. Directional luminaires such as floodlights and spotlights shall be so shielded, installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way. Floodlights installed above grade on residential properties, except when motion-sensor actuated, shall not be aimed out more than 45 degrees from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the view of the glare source from that property.
3. Barn lights, aka dusk-to-dawn lights, when a source of glare as viewed from an adjacent property, shall not be permitted unless effectively shielded as viewed from that property.
4. The use of floodlights and wall-mounted luminaires (wall packs) shall not be permitted to illuminate parking areas unless it can be proven to the satisfaction of the Township that the employment of no other means is possible.
5. Parking facility and vehicular and pedestrian-way lighting (except for safety and security applications and all-night business operations), for commercial, industrial and institutional uses shall be automatically extinguished no later than one hour after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of twenty-five (25) percent of the number of luminaires or illumination level required or permitted for illumination during regular business hours. When it can be demonstrated to the satisfaction of the Township that an elevated security risk exists, e.g., a history of relevant crime, an appropriate increase above the twenty-five (25) percent limit may be permitted as a conditional use.
6. Luminaires shall be automatically controlled through the use of a programmable controller with battery power-outage reset, which accommodates daily and weekly variations in operating hours, annual time changes and seasonal variations in hours of darkness. The use of photocells is permitted when in combination with the programmable controller to turn luminaires on at dusk and also for all-night safety/security dusk-to-dawn luminaire operation when such lighting is specifically approved by the Township in accord with §616.3C5. The use of motion detectors is permitted.
7. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle and luminaire placement.
8. Light Spillover
 - a. Residential - The illumination projected from any use onto a residential use or permanent open space shall at no time exceed 0.1 initial footcandle, measured line-of-sight at any time and from any point on the receiving residential property. This shall include glare from digital or other illuminated signs
 - b. Nonresidential - The illumination projected from any property onto a non-residential use shall at no time exceed one (1) initial footcandle, measured line-of-sight from any point on the receiving property

9. Height - Except as permitted for certain recreational lighting and permitted elsewhere in this paragraph, luminaires shall not be mounted in excess of twenty (20) feet above finished grade (AFG) of the surface being illuminated. Luminaires not meeting full-cutoff criteria, when their use is specifically permitted by the Township, shall not be mounted in excess of sixteen (16) feet AFG. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the luminaire. Where proposed parking lots consist of 100 or more contiguous spaces, the Township may, at its discretion, based partially on mitigation of potential off-site impacts, permit a luminaire mounting height not to exceed twenty-five (25) feet AFG. For maximum mounting height of recreational lighting see §616.4.
10. The United States, state and other official flags may be illuminated from dusk to dawn. All other flags shall not be illuminated past 11:00 p.m. Flag lighting sources shall not exceed seven thousand (7,000) aggregate lamp lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag.
11. Under-canopy lighting for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens full-cutoff luminaires aimed straight down and shielded in such a manner that the lowest opaque edge of the luminaire shall be below the light source and its light-directing surfaces, at all lateral angles around the luminaire. The average illumination intensity in the area directly below the canopy shall not exceed twenty (20) maintained footcandles and the maximum density shall not exceed thirty (30) initial footcandles
12. Soffit lighting around building exteriors shall not exceed fifteen (15) initial footcandles
13. The use of white strobe lighting for tall structures such as smokestacks, chimneys and radio/communications towers is prohibited during hours of darkness except as required by the Federal Aviation Administration.

D. Installation

1. Electrical feeds for lighting standards shall be run underground, not overhead, and shall be in accord with the National Electric Code (NEC) Handbook
2. Poles supporting luminaires for the illumination of parking areas and located within the parking area or directly behind parking spaces, or where they could be hit by snow plows or wide-swinging vehicles, shall be protected by being placed a minimum of five (5) feet outside paved area or tire stops, or placed on concrete pedestals at least thirty (30) inches high above the pavement, shielded by steel bollards or protected by other effective means
3. Pole mounted luminaires for lighting horizontal surfaces shall be aimed straight down and poles shall be plumb.
4. Poles and brackets for supporting luminaires shall be those specifically manufactured for that purpose and shall be designed and rated for the luminaire and mounting accessory weights and wind loads involved
5. Pole foundations shall be designed consistent with manufacturer's wind load requirements and local soil conditions involved.

- E. Maintenance - Luminaires and ancillary equipment shall be maintained so as to meet the requirements of this Ordinance.

616.4 Recreational Uses

The nighttime illumination of outdoor recreational facilities for such sports as baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than normally permitted luminaire mounting heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential properties. Permission to illuminate such facilities shall be granted only when the Township is satisfied that the health, safety and welfare rights of nearby property owners and the Township as a whole have been properly protected. When recreational uses are specifically permitted by the Township for operation during hours of darkness, the following requirements shall apply:

- A. Race tracks and such recreational venues as golf driving ranges and trap-shooting facilities that necessitate the horizontal or near horizontal aiming of luminaires and projection of illumination, may be permitted by conditional use. A visual impact analysis shall be required in accord with §616.4E.
- B. Sporting events shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by 10:00 p.m. except in the occurrence of extra innings, overtimes or make-up games.
- C. The Township reserves the right to limit the number of illuminated sporting events per week or season.
- D. Maximum mounting heights for recreational lighting shall be in accordance with the following:
 - 1. Basketball 20 feet
 - 2. Football 70 feet
 - 3. Soccer 70 feet
 - 4. Lacrosse 70 feet
 - 5. Baseball and softball
 - a. 200-foot radius 60 feet
 - b. 300-foot radius 70 feet
 - 6. Miniature golf 20 feet
(See driving range in §616.4A.)
 - 7. Swimming pool aprons 20 feet
 - 8. Tennis 20 feet
 - 9. Track 20 feet
 - 10. All uses not listed 20 feet
- E. Visual Impact Plan -To assist the Township in determining whether the potential impacts of proposed lighting have been suitably managed, applications for illuminating recreational facilities shall be accompanied not only with the information required by §616.5, but also by a Visual Impact Plan that contains the following:
 - 1. Plan views containing a layout of the recreational facility and showing pole locations and the location of residences on adjoining properties.
 - 2. Elevations containing pole and luminaire mounting heights, horizontal and vertical aiming angles and luminaire arrays for each pole location.
 - 3. Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of 5-foot line-of-sight.

4. Elevations containing initial vertical illuminance plots on the windowed facades of all residences facing and adjacent to the recreational facility. Such plots shall demonstrate compliance with the light trespass and glare control requirements of §616.3C8.
5. Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when the sports lighting will be extinguished.
6. A narrative describing the measures proposed to achieve minimum off-site disturbance.

616.5 Plan Submission

Lighting plans shall be submitted for Township review and approval for subdivision and land development, conditional use, variance, zoning permit and special exception applications. The submitted information shall include the following:

- A. A plan or plans of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), existing and proposed trees, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed and existing luminaires, including but not limited to area, architectural, building entrance, canopy, soffit, landscape, flags and signs, by location, orientation, aiming direction, mounting height, lamp, photometry and type.
- B. A 10'x10' illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, illuminance and uniformity requirements as set forth in this Ordinance. When the scale of the plan, as judged by the Township, makes a 10'x10' grid plot illegible, a more legible grid spacing may be permitted.
- C. Light-loss factors, IES candela test-filename, initial lamp-lumen ratings and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the plotted illuminance levels.
- D. Description of the proposed equipment, including luminaire catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details, pole protection means and mounting methods.
- E. Landscaping plans shall contain luminaire locations, demonstrating that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
- F. When requested by the Township for conditional uses or special exceptions, the applicant shall also submit a Visual Impact Plan in accord with §616.4E.
- G. Plan Notes - The following notes shall appear on the Lighting Plan:
 1. Post-approval alterations to lighting plans or intended substitutions for specified lighting equipment on the approved plan shall be submitted to the Township for review and approval prior to installation. Requests for substitutions shall be accompanied by catalog cuts of the proposed equipment that demonstrate the proposed substitution is equal to or exceeds the optical quality and maintainability of the specified luminaires; and shall be accompanied by a lighting plan, including a point-by-point plot, which demonstrates that proposed substitutions will result in a lighting design that equals or exceeds the quality of the approved plan.

2. The Township reserves the right to conduct post-installation inspections to verify compliance with Ordinance requirements and approved Lighting Plan commitments, and if deemed appropriate by the Township, to require remedial action at no expense to the Township.
3. All exterior lighting, including building-mounted lighting, shall meet IESNA full-cutoff criteria unless otherwise specifically approved by the Township.
4. Installer shall notify Township to arrange for inspection and approval of all exterior lighting, including building-mounted lighting, prior to its installation.

616.6 Reserved

616.7 Reserved

616.8 Definitions

Words and phrases used in this §616 shall have the meanings set forth in this §616. Words and phrases not defined in this §616 but defined in Article III shall be given the meanings set forth in said Article. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

Architectural Lighting - Lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is incidental.

Footcandle - The amount of illumination the inside surface of a 1-foot radius sphere would receive if there were a uniform point source of one candela in the exact center of the sphere. The footcandle is equal to one lumen per square foot, and is measurable with an illuminance meter (light meter).

Full Cutoff - Attribute of a luminaire from which no light is emitted at or above a horizontal plane drawn through the lowest light-emitting portion of the luminaire and no more than ten (10) percent of the lamp's intensity is emitted at or above an angle ten (10) degrees below that horizontal plane, at all lateral angles around the luminaire. A full-cutoff luminaire, by definition, also is fully shielded.

Fully Shielded - A luminaire with opaque top and sides, capable of emitting light only in the lower photometric hemisphere as installed.

Glare - Light entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or loss in visual performance and visibility.

IESNA - Illuminating Engineering Society of North America

Lamp - A generic term for a source of optical radiation, often called a "bulb" or "tube."

LED-Light Emitting Diode.

Lighting System - On a site, all exterior electric lighting and controls.

Light Trespass - Light emitted by a luminaire or installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.

Lumen - As used in the context of this Ordinance, the light-output rating of a lamp (light bulb).

Luminaire - The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) when applicable, together with the parts designed to distribute the light (reflector lens, diffuser) to position and protect the lamps, and to connect the lamps to the power supply.

Luminaire, Shielded Directional - A fully shielded luminaire with an adjustable mounting device allowing aiming in a direction other than straight downward.

617 Traffic Signs and Signals

Traffic signs and traffic signals shall be required when considered necessary by the Supervisors to ensure safe traffic or pedestrian circulation. All traffic signs and signals shall meet the most current requirements of PA DOT. In the case of traffic signals, the Developer, any subsequent owner, or any subsequent Property Owners Association or similar entity shall be responsible for the long term operation, maintenance, and replacement of the traffic signal and all associated facilities, signs, and pavement markings.

618 Wetlands

618.1 Identification

If a proposed subdivision or land development includes any area that is suspected of being a wetland, then a professional wetland delineation shall be required. The Planning Commission or Board of Supervisors may require that the applicant obtain a Jurisdictional Determination from the U.S. Army Corps of Engineers. Until such time as the Board of Supervisors has approved application, the wetland limits shall be visibly identified in the field.

618.2 State and Federal Regulations

Any approval under this Ordinance shall be conditioned upon compliance with federal and state wetland regulations. The Board of Supervisors may refuse to approve a plan for recording or delay the issuance of permits until an applicant documents such compliance.

618.3 Zoning Ordinance.

Wetland buffers shall be provided in accord with §704.2 of the Township’s Zoning Ordinance.

619 Multi-Family Dwellings

In addition to the applicable requirements of this Ordinance, multi-family dwelling projects shall comply with all applicable requirements of the Township’s Zoning Ordinance.

620 Community Facilities and Recreation Fees

620.1 Purposes

The purpose of this section is to provide adequate community facilities and active and passive recreational facilities to serve the occupants of new developments; and, to recognize and accomplish the goals and policies of the Township’s Comprehensive Plan, Recreation Plan, or Recreation and Open Space Plan.

620.2 Applicability

This section shall apply to any subdivision or land development for which a Preliminary Plan or a combined Preliminary/Final Plan is required.

620.3 School Sites

The Board of Supervisors with the advice of the School District serving the Township may require the Developer of residential subdivisions or land developments to reserve land to be conveyed for a consideration to the School District for school sites.

620.4 Fire, Police, Library and Other Public Buildings

The Board of Supervisors may require the Developer to reserve land to be conveyed for a consideration or dedication to the Township as open land provision for future facilities to be located on public grounds.

620.5 Street Rights-of-Way Reservations

The Board of Supervisors may require the Developer to dedicate land to the Township for future street widening for the purpose of the protection and preservation of the public health and safety, and to conform to the Township Street Plans.

620.6 Recreation Fees

The Developer of any subdivision or land development governed by this §620 shall pay a recreation fee in accord with the following:

- F. Fee Amount - The fee amount shall be established by resolution of the Board of Supervisors.
 - 1. Fees for dwelling lots and units shall be assessed on a per lot and per unit basis.
 - 2. Fees for nonresidential development shall be assessed on a per square foot of impervious area basis. No fee shall be assessed for developments of less than one thousand (1,000) square feet of impervious area, nor for any development which does not require approval under this Ordinance.
- G. Accounting - Any fees collected under this section shall be deposited in an interest bearing account, clearly identifying the specific recreation facilities for which the fee was received. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only in properly allocable portions of the cost incurred to construct the specific recreation facilities for which the funds were collected.
- H. Use of Fees - The fees shall be used for Township or other public recreation facilities located in the Township. In addition, the Supervisors may commit fees to a recreation area open to the public in an adjacent municipality that would serve the inhabitants of the development that paid the fees. Such fees shall only be used for the acquisition of public open space and related debt payments, development of public recreational facilities, landscaping of public open space, and related engineering and design work.
- I. Time Limit on Use - Upon request of any person who paid any recreation fee, the Township shall refund such fee, plus interest accumulated thereon from the date of payment, if the Township has failed to use the fee for the purposes set forth in this §620 within three (3) years from the date such fee was paid.
- J. Timing of Fees - Fees shall be paid prior to the approval of the Final Plan. The Developer and the Supervisors may mutually agree to provisions in a binding development agreement to enable the payment of all applicable recreation fees prior to the issuance of any building permit within each clearly defined phase of the development. In such a case, the time limitation established in Subsection D above shall not begin until all such fees are paid for all development phases.

620.4 Facilities in Place of Fees

An applicant may submit a written request for a modification of the requirements of this §620 by offering to construct recreation facilities open to the general public within the proposed subdivision or land development or on public parkland. Such modification shall only be approved if the Developer clearly proves to the satisfaction of the Supervisors that the facilities will serve a valid public purpose, will be designed following modern standards in a durable manner, and will have an equal or higher value than the fees that would otherwise be required. The

Supervisors shall determine whether facilities construction would be in the public interest, or whether the payment of fees is required. The Supervisors shall, at a minimum, consider the following in this decision:

- A. Whether the facilities in the proposed location would serve a valid public purpose.
- B. Whether the facilities are a desirable addition to an existing public park.
- C. Whether the proposed facilities meet the objectives and requirements of this §620 and any relevant goals and policies of the Township’s Comprehensive Plan, Recreation Plan, or Recreation and Open Space Plan.
- D. Whether the facilities, if proposed within the development, will be easily accessible to other Township residents.
- E. Any recommendations from the Planning Commission, the Township Engineer, the School District, or the County Parks and Recreation Board.

621 Floodplain

The Township’s Zoning Ordinance creates the Floodplain Overlay District which is coterminous with the areas which are subject to the one hundred (100) year flood as identified in the most current *FIRM - Flood Insurance Rate Map* issued by the Federal Emergency Management Agency. In addition to all other applicable standards of this Ordinance the floodplain regulations in the Township’s Floodplain Ordinance shall apply in the Floodplain Overlay District. The identified floodplain area may be modified only in accord with the requirements of the Township’s Floodplain Ordinance and the Federal Emergency Management Agency.

622 Off-Street Parking and Loading

All subdivisions and land developments shall be provided with parking and loading areas adequate to meet the needs of the use in accord with this §622. Following the establishment of any subdivision or land development, the ongoing operation and maintenance of the off-street parking and loading facilities shall comply with the requirements of §504 of the Zoning Ordinance and violations shall be subject to the enforcement provisions in §1216 and §1217 of the Zoning Ordinance.

622.1 Availability and Use of Facilities

- A. Availability - The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term *parking space* includes either covered garage space or uncovered parking lot space located off the public right-of-way.
- B. Location of Parking - Required off-street parking spaces shall be on the same lot with the principal use served, except as approved in §622.11 or §622.12.
- C. Continuing Obligation of Parking and Loading Spaces - All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exists, and such spaces shall not be reduced in number below the minimum required by this Ordinance.
- D. Non-Parking Use - Required off-street parking, loading, and unloading facilities and access ways shall not be used for any other purpose, including, but not limited to, sales, display or storage areas, or the parking of any vehicles for which the area was not approved (e.g., parking of tractor trailers in required passenger vehicle areas).
- E. Existing Parking - Any parking spaces serving such pre-existing structures or uses at the time of the adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance. If

a new principal nonresidential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this Ordinance, including, but not limited to, required parking and areas reserved for additional parking if needed, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.

- F. Garages and Carports - Garages and carports not in the public right-of-way may be considered parking spaces.

622.2 Site Plan; Design

- A. Site Plan - The project application shall include a site plan that shows the parking, loading and unloading area, and access design.
- B. General - Parking spaces, loading and unloading areas, and access ways shall be laid out to result in safe and orderly use and to fully address all of the following: vehicular access onto and off the site, vehicular movement within the site, pedestrian patterns and any drive-through facilities. No parking area shall cause a safety hazard or impediment to traffic on or off the lot.
- C. Pedestrian Access and Circulation - The parking and access plan shall include details of pedestrian access to the site and pedestrian circulation within the site. The intent shall be to facilitate pedestrian access and provide safe and convenient circulation from parking areas to the structure or use.
- D. Design - Off-street parking areas, access ways, fire lanes, traffic flow signs, pavement markings, and other necessary facilities shall be designed and provided in accord with the most current Institute of Transportation Engineers Traffic Engineering Handbook, or other generally accepted methodology approved by the Township. The Applicant shall provide copies of the methodology used for the design. Notwithstanding the above, all parking spaces and the overall design shall be ample in size for the vehicles for which use is intended and stalls shall be a minimum of ten (10) feet by twenty (20) feet with aisles of not less than twenty-four (24) feet unless designed as required above.

622.3 Illumination

All driveways, aisles, maneuvering spaces, vehicular service areas, and spaces between or around buildings, designed for use by more than four (4) cars after dusk, other than those accessory to a single dwelling, shall be illuminated according to §616.

622.4 Public Rights-of-Way

Parking, loading and unloading of vehicles shall not be permitted on public right-of-ways, except in designated areas and in accord with municipal parking regulations. No parking area shall be designed which requires or encourages parked vehicles to be backed into a public street.

622.5 Parking Between Principal Structure and Road

Applicants should consider locating off-street parking and loading to the side or rear of the principal building to maintain rural and village character.

622.6 Number of Spaces To Be Provided

The number of parking spaces required by this §622.6 shall be considered the minimum and maximum requirements unless modified in accord with this §622.6.

- A. Parking Required for Nonresidential Uses - The number of spaces required by this §622.6 shall be considered to the minimum and maximum requirements unless modified in accord with this §622.6.

1. Parking Required for Nonresidential Uses

a. Parking Generation Manual

- (1) Parking Demand Table - Off-street parking spaces shall be provided and maintained in accord with the Parking Demand Table included as an appendix to this Ordinance or the latest edition of Parking Generation published by the Institute of Transportation Engineers. The Parking Demand Table may be updated by resolution of the Board of Supervisors to include more current data.
- (2) Similar Use - The parking provided for the proposed use shall be based on the most similar use and unit of calculation listed in the Parking Demand Table as determined by the Board of Supervisors.

b. Land Uses WITH 85th Percentile Data Listed in the Parking Demand Table

- (2) Constructed - The number of paved parking spaces constructed shall conform to the Average Peak Period Demand as noted in the Parking Demand Table.
- (2) Reserved - Space shall be reserved to allow for expansion to the 85th Percentile, as listed in the Parking Demand Table, unless a reduction is approved in accord with §622.6D.

3. Land Uses WITHOUT 85th Percentile Data Listed in the Parking Demand Table

- a. Constructed - The number of paved parking spaces constructed shall be the Average Peak Period Demand or eighty-five (85) percent of the Peak, whichever is reported in the Parking Demand Table.
- b. Reserved - Space shall be reserved to allow for expansion to one hundred fifteen (115) percent of the number of spaces required by §622.6A3a unless a reduction is approved in accord with §622.6D.

B. Parking Required for Residential Uses - Two (2) off-street parking spaces shall be provided and maintained for each residential dwelling unit except as follows:

- 1. Single-family dwellings - 3 per dwelling unit.
- 2. Two-family dwellings and multi-family dwellings - 2 per dwelling unit.
- 3. Multi-family senior citizen and other senior citizen housing - 1 per dwelling unit.
- 4. Assisted living facilities - 0.5 per dwelling unit.

C. Township Required Reduction - If the Board of Supervisors determines that the number of parking spaces required by this §622 is not necessarily required to meet the immediate needs of the proposed use, the Board may require the number of spaces provided to be reduced by a maximum of twenty-five (25) percent based on the Average Peak Period Demand or Peak, whichever is reported for the use in the Parking Demand Table. The developer shall dedicate sufficient and suitable area to future parking to meet the normal standards in this §622.

D. Applicant Proposed Reduction/Increase - The required number of parking spaces may be reduced or increased by the Board of Supervisors. The applicant shall provide evidence justifying the proposed reduction or increase of spaces, such as studies of similar developments during peak hours. The applicant shall also provide relevant

data, such as number of employees and peak expected number of customers/visitors. Any approval to permit such decrease or increase shall be subject to the following:

1. Ordinance and Plan Consistency - The project design and parking space decrease shall be consistent with the purposes contained in this Ordinance and the goals and objectives of the Comprehensive Plan.
2. Quality of Design - The applicant shall demonstrate to the Board of Supervisors that the proposed decrease will result in an adequate number of parking spaces or the increase will not produce an excess number of spaces for the use based on a specific study of the parking demands for the proposed use or empirical data reported by a generally accepted source such as the Institute of Transportation Engineers, the Urban Land Institute, the American Planning Association, or similar entity.
3. Local Conditions - In making its determination the Board of Supervisors or the Zoning Hearing Board shall also consider, among others, the demographics and character of the neighborhood, demographics of targeted customers and employees, availability of mass transit, existing on-street parking conditions, and any employer instituted transportation demand management programs.
4. Burden; Conditions
 - a. If the Board of Supervisors, in its sole discretion, determines that the applicant has met the burden of proof, it may grant a conditional use for the decrease or increase.
 - b. In no case shall parking be reduced by more than thirty (30) percent nor be increased by more than twenty (20) percent of the minimum parking requirement.
 - c. If the applicant provides more parking spaces than the minimum required, the additional parking spaces shall not result in the removal of specimen trees.
 - d. The Board of Supervisors may impose such conditions as will, in its judgment, secure the objectives and purposes of this Ordinance, including, but not limited to, reserving parking.
- E. Form of Reservation - Each parking reservation shall be in a form acceptable to the Township Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and, if the Township determines it is necessary, to provide the additional parking in the time and manner as stipulated in the reservation document. Proof of recording of the agreement shall also be provided to the Township before the issuance of a zoning permit for the project.
- F. Reserved Parking Disturbance and Stormwater - The reserve parking areas shall remain undisturbed or shall be landscaped, but shall be included in the calculations of lot coverage area and for stormwater management and for the requirement of a NPDES permit. The stormwater facilities shall be constructed in accord with the approved sequencing design as parking areas are constructed.
- G. Multiple Uses - (See also §622.12.) For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use.
- H. Handicapped Parking - Parking for the handicapped shall be provided in accord with the Americans With Disabilities Act and shall count as part of the spaces required for the use by this §622.

622.7 Off-Street Loading and Unloading Areas

- A. **Required** - In connection with any building or structure, which is erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, off-street loading and unloading berths shall be provided as specified in this §622. For the purposes of this section, the words “loading” and “unloading” are used interchangeably.
- B. **Number** - Each use shall provide off-street loading facilities sufficient to accommodate the maximum demand generated by the use and the maximum sized vehicle, in a manner that will not routinely obstruct traffic on a public street. If a reasonable alternative does not exist, traffic may be obstructed during off-peak hours for loading and unloading along an alley, rear service lane or parking area. Loading areas shall not be used to satisfy parking requirements.
- C. **Location** - All required loading areas shall be located on the same lot as the use to be served. No loading area for vehicles of more than two-ton capacity shall be located closer than one hundred (100) feet from any residential district. No loading area shall be located within fifty (50) feet of a property line unless the lot is less than 200 feet wide, in which case such setback may be reduced to not less than twenty-five (25) feet at the discretion of the Township. No loading facilities shall be constructed within any required setback areas. Loading facilities shall be located on either the side or rear of the building and screened in accord with §615 and §701.1 of the Zoning Ordinance.
- D. **Access** - Each required off-street loading area shall be designed with appropriate means of vehicular access to an interior drive in a manner which will least interfere with traffic movements, and shall be subject to the approval of the Township. Such access shall have paved surfaces to provide safe and convenient access during all seasons.
- E. **Paving** - All outside off-street loading areas shall be improved according to the street construction standards of the Township Subdivision and Land Development Ordinance.
- F. **Repair and Service** - No storage of any kind, nor motor vehicle repair work of any kind, except emergency work, shall be permitted within any required loading area.
- G. **Hours of Operation** - Where the use requiring loading and unloading activities is located within 500 feet of a residential use or district, the hours of operation for loading or unloading activities shall be prohibited between the hours of 11:00 p.m. and 6:00 a.m.
- H. **Fire Lanes** - All buildings shall be accessible to emergency vehicles and shall meet applicable requirements.

622.8 Access To Off-Street Parking and Loading Areas

There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:

- A. **Width** - Unless otherwise required by Penn DOT for access to a state road, the width of the driveway/access way onto a public street at the right-of-way shall be as follows:

WIDTH*	1-Way Use	2-Way Use
Minimum	12 feet	20 feet
Maximum	20 feet	30 feet
*exclusive of the turning radius		

- B. Controlled Access - Each entrance and exit shall be clearly defined with curbing, fencing, landscaping or vegetative screening so as to prevent access to the area from other than the defined entrance and exit.
- C. Highway Occupancy Permit - All new uses shall be required to obtain a highway occupancy permit from the Township or PA DOT, as the case may be. In the case of a change in use or the expansion of an existing use, a highway occupancy permit or a revised highway occupancy permit shall be required if there will be increase in average daily traffic based on the most recent edition of the International Traffic Engineers Traffic Generation Manual. Where a use accesses the public right-of-way via a private road, the highway occupancy permit requirement and criteria shall be applied at the public right-of-way intersection.
- D. Interior Travelways - The applicant shall demonstrate that travelways within the property are adequate to safely and efficiently serve vehicles which are reasonably expected to visit the property. Turning radius templates developed by the American Association of State Highway Transportation Officials (AASHTO) shall serve as the design standard.
- E. Curbing - Access drives and landscaping shall be defined with concrete curbing, or such alternate material as may be approved by the Township.

622.9 Parking and Loading Area Setbacks

- A. Roads and Property Lines - All parking and loading areas (not including parking decks) and parallel circulation and service lanes serving any commercial, industrial, institutional or multi-family use shall be separated from any public road right-of-way or adjoining property lines by a landscaped buffer area not less than ten (10) feet wide unless a wider buffer is required by another Ordinance provision or adjoining uses share parking in accord with §622.12.
 - 1. Measurement - The width of the buffer shall be measured from property lines and from the curb line or from the legal right-of-way line after development if no curbs will be provided.
 - 2. Uses Prohibited - The buffer area shall be maintained in natural vegetative ground cover and shall not include:
 - a. Paving except for approved driveway/access way crossings
 - b. Fences unless integral to landscaping
 - c. Parking, storage or display of vehicles
 - d. Items for sale or rent
 - 3. Uses Permitted - The buffer area may include the following:
 - a. Permitted freestanding signs
 - b. Pervious storm water facilities
 - c. Approved driveway/access way crossings

- 4. Sidewalks - Sidewalks, existing or proposed, may be included in the buffer area.

- B. Buildings - Parking spaces serving principal nonresidential buildings and multi-family dwellings shall be located a minimum of ten (10) feet from any building wall, unless a larger distance is required by another Ordinance provision. This distance does not apply at vehicle entrances into or under a building.

622.10 Grading and Drainage; Paving

- A. Parking and loading facilities, including driveways, shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.

- B. Except for landscaped areas, all portions of required parking, loading facilities and access ways shall be surfaced with asphalt, concrete, paving block or porous pavement or pavers meeting Township specifications.

- C. The Board of Supervisors may, as a conditional use, allow parking areas with low or seasonal usage to be maintained in stone, grass or other suitable surfaces. For example, the Board of Supervisors may allow parking spaces to be grass, while major aisles are covered by stone.

622.11 Off-Lot Parking

Required parking may be provided on a different lot than on the lot on which the principal use is located, provided the parking is not more than four hundred (400) feet from the principal use lot. Off-lot parking areas shall be permitted only in a district where the principal use is permitted. Both parcels shall be under the same control, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants of record filed in the office of the County Recorder of Deeds requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.

622.12 Shared Parking

Shared parking may be permitted subject to approval by the Board of Supervisors. The following regulations shall apply:

- A. Application for Shared Parking - Applicants seeking a shared parking arrangement shall have a shared parking study prepared by a traffic engineering firm qualified in the field of shared parking as demonstrated through submission of qualifications and references to the Board of Supervisors. The applicants shall submit the shared parking study to the Township for review. Factors to be considered in evaluating the desirability of implementing parking arrangements should include operating hours, seasonal/daily peaks in parking demand, the site's orientation, location of access driveways, transit service, accessibility to other nearby parking areas, pedestrian connections, distance to parking area, availability of parking spaces, and cooperation of adjacent owners.

- B. Calculation of Parking Spaces Required - The minimum number of shared parking spaces for a mixed use development or where shared parking strategies are proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other professionally recognized procedures. A formal shared parking study may be waived by the Board for developments proposing twelve (12) or fewer shared parking spaces and where the applicant has established to the Board of Supervisors' satisfaction that its impact is expected to be minimal.

- C. Location of Shared Parking Spaces - Shared spaces for residential units shall be located within three hundred (300) feet of the dwelling unit entrances they serve. Shared spaces for other uses shall be located within six hundred (600) feet of the principal building entrances of all sharing uses. However, up to twenty (20) percent of the spaces may be located greater than six hundred (600) feet but less than one thousand (1,000) feet from

the principal entrances. Clear, safe pedestrian connections shall be provided. Pedestrians shall not be required to cross an arterial street in order to access shared parking spaces.

- D. Easement Agreements - If a privately owned parking facility is to serve two or more separate properties, a legal agreement between property owners guaranteeing access to, use, maintenance and management of designated spaces is required. Such agreement shall be submitted to the Township for review and approval. The Board of Supervisors may require that the property owners record the agreement as an easement with the Monroe County Recorder of Deeds.
- E. Shared Parking Plan - A shared parking plan shall be submitted when the shared parking study determines that the number of parking spaces which would otherwise be required under the applicable ordinances can be reduced by ten percent or more by the application of shared parking to the parcel or parcels. Where a shared parking plan is submitted, it shall include:
1. Site plan of parking spaces intended for shared parking and their proximity to the land uses they serve.
 2. A signage plan that directs drivers to the most convenient parking areas for each particular use or group of uses (if such distinctions can be made).
 3. A pedestrian circulation plan that shows connections and walkways between parking areas and land uses. These paths should be as direct and short as possible consistent with pedestrian safety.
 4. A safety and security plan that addresses lighting and maintenance of the parking areas.
 5. A drawing identifying a location which shall be held in reserve for future parking needs should changes in the tenant/occupant mix on the parcel or other circumstances reduce the effectiveness of shared parking among the parcels.
- F. Adoption of a Shared Parking Plan - The Board of Supervisors may condition the grant of subdivision or land development approval upon compliance by the applicant with a shared parking plan acceptable to the Board.
- G. Modification of a Shared Parking Plan - The owner of a property where parking has been provided pursuant to a shared parking plan may request the Board to approve a revision to that shared parking plan if the tenants/occupants of buildings on the involved parcels change such that a new shared parking study shows an increase by ten percent or more for parking spaces on the parcel. The Board of Supervisors may, in its sole discretion, grant or deny such request based upon its analysis of the parking needs of the site, the availability of parking on neighboring parcels or on the streets, and such other factors as it deems relevant. The request may only be granted if the affected parcel(s) have a reserved parking location as set forth in §622.12E5 and only to the extent that the additional required parking spaces can be placed in that reserve area.
- H. Reserve Area - The number of parking spaces to be constructed pursuant to a shared parking plan may be less than the number required under this §622 pursuant to a shared parking plan only where the following conditions are met:
1. The land development plan submitted by the applicant shall identify an area which, if necessary, could be used to meeting the parking requirements of this §622 without the use of shared parking (the “parking reserve area”). That area shall be set aside for possible future use as parking if necessary. The Board of Supervisors may, upon application of the property owner and for good cause shown, allow such area to be converted to parking;

2. In no event shall the authorized portion of the required parking area that is not to be constructed but reserved for possible future use be counted towards satisfying any open space requirements which must be met under the terms of this ordinance;
3. The parking reserve area shall be designed so that, if required, it will be easy to convert the area into parking;
4. Stormwater management plans proposed for the affected land development shall be prepared on the assumption that the parking reserve areas will be part of the impervious coverage; and
5. The parking reserve area shall be landscaped in accord with §615 and §701.1 and §701.2 of the Zoning Ordinance.

622.13 Shopping Carts

Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of the said carts. Storage areas shall be clearly marked and designed for the storage of shopping carts and/or mobile baskets. Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of the said carts. Storage areas shall be clearly marked and designed for the storage of shopping carts and/or mobile baskets.

622.14 Snow Storage and Removal

All plans for proposed parking areas of 50 or more spaces shall include details for adequate snow storage and removal.

**ARTICLE VII
MOBILE HOME PARK STANDARDS AND REQUIRED IMPROVEMENTS**

701 Application

701.1 Parks for Sale or Longer Term Lease

Applications for proposed development of mobile home parks with lots proposed for sale or lease exceeding twelve (12) months shall meet all requirements and standards for a single-family residence residential subdivision in this Ordinance and the Township's Zoning Ordinance.

701.2 Parks to be Held under Single Ownership

Applications for proposed development of mobile home parks that are proposed to be held under single ownership and to provide mobile home sites on a maximum twelve (12) month-lease period or rental basis only shall meet the design standards and required improvements set forth in this Article.

702 General Standards and Requirements

702.1 Acreage

All mobile home parks shall have a total land area of not less than fifty (50) acres.

702.2 Floodplain

The site of any proposed mobile home park shall not be located within or upon a one hundred (100) year frequency floodplain as defined by the Federal Flood Insurance Program.

702.3 Nuisances

The site of any proposed mobile home park shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

702.4 Soils and Slope

All mobile home parks shall be located on well drained land; and, the average natural slope of the area of the site intended for development shall not exceed ten (10) percent.

702.5 Access

Any proposed mobile home park shall have direct access to paved public streets or roads.

703 Submission of Application and Compliance

703.1 Procedure

All provisions of Article III and Article IV shall apply with respect to submission, application and approval. Fees shall be charged in accordance with the approved fee schedule.

703.2 Conformity

The plans of the proposed mobile home park shall conform in content to the requirements for Preliminary Plans and Final Plans as set forth in this Ordinance.

704 Design Standards

704.1 General

All plans for proposed new mobile home parks or expansion of existing mobile home parks shall be designed in accord with the four-step process in §602 and meet the design standards applicable to all types of development contained in Article VI.

704.2 Lot Size

Each mobile home lot shall have a minimum area of five thousand (5,000) square feet. Minimum average width shall be forty-five (45) feet. Minimum average lot depth shall be seventy-five (75) feet.

704.3 Density

The total number of lots in any mobile home park shall not exceed an average density of one (1) unit per fifteen thousand (15,000) square feet of the adjusted tract acreage of the parcel (See Zoning Ordinance §601.4,D,1.)

704.4 Site Drainage Requirements

- A. Ground Surface- The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner as required in §609.
- B. Surface Water Collectors- Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be eliminated or controlled in a manner approved by the Pennsylvania Department of Environmental Protection and the Board of Supervisors.

704.5 Soil and Ground Cover Requirements

- A. Soil and Ground Cover- Exposed ground surfaces in all parts of every park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
- B. Prohibited Vegetation- Park grounds shall be maintained free of vegetation growth which is poisonous or which may harbor rodents, insects, or other pests harmful to man.

704.6 Park Areas for Nonresidential Uses

No part of any park shall be used for nonresidential purposes, except for such uses that are required solely for the direct servicing and well-being of park residents and for the management and maintenance of the park.

704.7 Required Setbacks, Buffer Strips and Screening

- A. Setbacks from Property Boundary Line- All mobile homes shall be located at least fifty (50) feet from any park property boundary line abutting upon a public street or highway and at least forty (40) feet from other park property boundary lines.
- B. Setbacks from Common Areas and Structures- There shall be a minimum distance of twenty (20) feet between an individual mobile home, including accessory structures attached thereto, and adjoining right-of-way of a park street, or common parking area or other common areas and structures
- C. Screening- All mobile home parks existing may be required to provide screening such as fences, or plant

materials along the property boundary line separating park and such adjacent use. These plantings shall provide an effective screen to a height of five (5) feet at the time of planting and an effective screen to a height of eight (8) feet within five (5) years. These buffer strips shall be properly maintained at all times.

704.8 Streets

All streets within proposed mobile home parks shall conform to the requirements for streets as set forth in §607. Right-of-way width shall be a minimum of fifty (50) feet. All streets or roads providing access from the public highway system into and/or through a proposed mobile home park shall conform to the requirements for streets as set forth in §607.

704.9 Lot Frontage

Mobile home sites and parking spaces shall have direct access to, and frontage on, the interior park street system. Mobile home sites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the mobile home park and providing access to other parcels or developments.

704.10 Illumination

Required illumination of park street systems. All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night.

704.11 Off Street Parking

Off-street parking for two (2) motor vehicles shall be provided at each mobile home lot and off-street parking areas for additional vehicles of park occupants and guests shall be provided where street rights-of-way are of insufficient width for such purposes. These spaces shall be improved to a grade not greater than eight (8) percent and shall be paved with a minimum six (6) inches depth of select material approved by the Township Engineer.

704.12 Walks

- A. General Requirements - All parks must provide safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.
- B. Common Walk System - Where pedestrian traffic is concentrated and a common walk system is provided, such common walks shall have a minimum width of four (4) feet.
- C. Individual Walks - All mobile home lots shall be connected to common walk or to streets, or to driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of three (3) feet.

704.13 Recreational Areas

A recreational area, consisting of ten (10) percent of the total area of the park shall be maintained within the park for the use of all park residents. This area shall be of suitable configuration and free of hazards to permit active recreational use. Fifty (50) percent of this area shall be designed, equipped and properly maintained for recreational use in the mobile home park.

704.14 Landscaping and Outdoor Living Requirements

- A. Private Area - Private outdoor living and service space shall be provided for each mobile home. It shall be walled, fenced, or planted as necessary to assure reasonable privacy and shall be partially paved for garden furniture.

The minimum area shall be not less than three hundred (300) square feet with a least dimension of fifteen (15) feet. The paved area shall be not less than one hundred (100) square feet with a least dimension of ten (10) feet.

- B. Screen Planting- Screen plantings shall be provided adequate to screen objectionable views effectively within a reasonable time; views to be screened including laundry drying yards, garbage and trash collection stations, nonresidential uses, and rear yards of adjacent properties.
- C. Other Planting - Other plantings shall be adequate in size, quantity, and character to provide an attractive setting for the mobile homes and other improvements, to provide adequate privacy and pleasant outlooks for living units, to minimize reflected glare and to afford summer shade.

704.15 Sewer and Water Systems

All mobile home lots in proposed mobile home parks shall be provided with connection to an adequate supply of potable water and a connection to a centralized sewer system designed and constructed as required in §611.

In those cases where a community subsurface sewage disposal system is proposed, a replacement area shall be provided for the subsurface sewage disposal field which has been properly tested and meets 7-4 current state and Township standards for subsurface sewage disposal.

704.16 Underground Utilities

All mobile home lots in proposed mobile home parks shall be provided with underground electric, telephone and TV cable (if available) service. These service systems shall be installed and maintained in accordance with local service company specifications regulating such systems.

704.17 Mobile Home Foundation

Each mobile home lot shall be improved to provide an adequate foundation for the placement of the mobile home. The foundation shall be either a solid perimeter of masonry or piers both below frost or a slab properly constructed of poured concrete.

704.18 Skirting

Each mobile home shall be enclosed from the bottom of the home to the ground or stand using industry-approved skirting material compatible with the home, or if a slab foundation is used, masonry walls underneath the home with soil backfill to result in the surrounding ground level being flush or one (1) normal step height below the first floor elevation. If masonry walls are used, then an appropriate service access area shall be provided.

704.19 Central Fuel System

Any central fuel supply systems and/or central fuel storage facilities shall be installed underground.

705 Exceptions

705.1 Mobile Home Sales

None of the provisions of this Ordinance shall be applicable to the business of mobile home sales, provided that the mobile home on such lots shall not be occupied.

705.2 Storage of Recreation Vehicles

None of the provisions of this Ordinance shall be applicable to the storage or garaging within a building or structure of recreational vehicles not being used for living or sleeping purposes or to the storage of one (1) unoccupied recreational vehicle on the premises occupied as principal residence by the owner of such recreational vehicle; provided however, that such unoccupied recreational vehicle shall not be parked between the street line and the

front building line of such premises, but shall be parked within the lot, within the same setbacks as required for accessory buildings in the Township Zoning Ordinance.

705.3 Construction Project

None of the provisions of this Ordinance shall be applicable to a mobile home located on the site of a construction project, survey project, or other work project and used solely as a field office or work or tool house in connection with such project, provided such mobile home is removed from said site within thirty (30) days after the completion of such project.

**ARTICLE VIII
CAMPGROUND DEVELOPMENT STANDARDS AND REQUIRED IMPROVEMENTS**

801 Application

The design standards and required improvements set forth in this Article will be applied by the Planning Commission and the Supervisors in evaluating applications for campgrounds that are in single ownership and provide camp sites on a maximum twelve (12) month lease, or rental basis only. Camp sites are permitted in approved campgrounds only. Campgrounds proposed for sale or lease exceeding a twelve (12) month period shall meet all standards and requirements of a single-family residence, residential subdivision.

802 General Standards and Requirements

802.1 Required Acreage

All campground subdivisions or developments shall have a total land area of not less than twenty-five (25) acres.

802.2 Soils and Slope

All campgrounds shall be located on moderately well or better drained land with the average natural slope of the area to be improved for camp sites not to exceed twelve percent (12%).

802.3 Township Comprehensive Plan

The location and layout of the proposed campground shall be consistent with the Township Comprehensive Plan.

802.4 Floodplain

No permanent campground structures or buildings or sewage collection or disposal facilities shall be located within any defined one hundred (100) year floodplain area.

802.5 Access

The proposed campground shall have direct access to an existing public street or road.

802.6 Improved Area

The area improved for camping sites shall not exceed fifty (50) percent of the total gross area of the tract being developed as a campground.

802.7 Prohibited Use

No camping site may be occupied as a permanent residence.

803 Submission, Application and Compliance

803.1 Procedure

All provisions of Article III and Article IV shall apply with respect to submission, application and approval, and fees shall be in accordance with the Township fee schedule.

803.2 Design Requirements

The design of the campground shall conform to the requirements of this Ordinance and/or the requirements of the Pennsylvania Department of Environmental Protection for Travel Trailer Parks, whichever is greater or more restrictive. The applicant shall submit proof of approval of the proposed plan by the Department of Environmental Protection before the plan will be considered for final approval by the Planning Commission and the Board of Supervisors.

804 Design Standards

All plans for proposed new mobile campgrounds or expansion of existing campgrounds shall be designed in accord with the four-step process in §602 and meet the design standards applicable to all types of development contained in Article VI.

804.1 Required Area

Each camping site shall have a minimum area of two thousand five hundred (2,500) square feet exclusive of street rights-of-way and walkways.

804.2 Density

The maximum gross density of development in the area improved for campsites shall not exceed ten (10) sites per acre of the adjusted tract acreage of the parcel (See Zoning Ordinance §601.4,D,1.)

804.3 Existing Trees and Shrubbery

To the extent possible, existing trees and shrubbery shall be retained by the campground developer.

804.4 Buffers

No individual campsite may be located closer than one hundred (100) feet to any exterior property line of the campground or public road right-of-way. The land between the campsites shall have sufficient existing or planted trees and/or shrubbery to screen the campground from the adjacent lands and to serve as a buffer.

804.5 Electric Service

Electric service shall be provided to at least fifty (50) percent of the campsites. Such electric service shall be installed underground.

804.6 Centralized Sewage

At least fifty (50) percent of the campsites designed and improved for recreational vehicles shall be provided with a connection to a centralized sewage system.

804.7 Non-Centralized Sewage

All campsites which are not provided with a connection to a centralized sewage system shall be located within five hundred (500) feet of a bath-house/toilet facility which shall be equipped with toilets, urinals and lavatories in accordance with Department of Environmental Protection regulations.

804.8 Off-Street Parking

All campsites designed for recreational vehicles shall have off-street parking spaces for the recreational vehicle and for one (1) passenger vehicle. The parking spaces shall be level in a longitudinal direction and shall be uniformly crowned in a transverse direction and shall be well drained. The parking spaces need not be paved; but, they shall have a minimum depth of six (6) inches of compacted crushed stone, bank run gravel or shale.

804.9 On-Site Parking

All campsites designed for tenting may be provided with on-site parking spaces in accordance with §804.8 or may have a common parking area not over five hundred (500). feet from the most distant campsite. Common parking areas shall provide at least 1.5 spaces per campsite. The minimum area of each parking space shall be at least two hundred (200) square feet, exclusive of any aisle.

804.10 Centralized Water and Sewage Systems

The centralized water and sewage system shall be designed in accordance with the requirements of the Department

of Environmental Protection and approved by the Department and in accordance with the standards of Appendices A and C of this Ordinance.

804.11 Sewage Dumping Stations

The campground shall be equipped with sewage dumping stations designed and constructed in accordance with the Department of Environmental Protection requirements.

804.12 Streets

Streets within the campground shall conform to the following:

- A. Conformity - All campground streets shall conform to the requirements for Private Access Drives as set forth in Table 6-2.
- B. One-Way Streets - One-way streets shall have a minimum right-of-way width of twenty (20) feet and shall be improved with a travelway not less than fifteen (15) feet in width.
- C. Two-Way Streets - Two-way streets shall have a minimum right-of-way width of thirty (30) feet and shall be improved with a travelway not less than twenty (20) feet in width.
- D. Radius- The minimum center-line radius of any interior campground street shall be not less than fifty (50) feet.
- E. Grade - The maximum grade of any campground street shall not exceed twelve (12) percent.
- F. Drainage - Drainage facilities shall be designed and constructed in accordance with the standards set forth in §609.
- G. Construction and Maintenance - No campground street may be offered for dedication to the Township. Construction and maintenance of campground streets shall be the sole responsibility of the developer or operator of the campground.

804.13 Recreation Area

At least five (5) percent (but not less than one-half acre) of the area improved for campsites shall be suitable for and improved to provide for active recreation for users of the campground. Such active recreation may include, but is not limited to: swimming pools, playgrounds, play fields, ball fields, courts of all types, community buildings and similar facilities. The Planning Commission and the Supervisors will determine the adequacy of the proposed facilities for the number of campsites and may require additional facilities before granting approval.

804.14 Access Road

The access road(s) serving the campground shall be designed and constructed in accordance with the standards set forth for Minor Street Base Course in Table VI-1 and Table VI-2 of this ordinance.

804.15 Other Improvements

There shall be provided in each campground such other improvements as the Planning Commission and the Supervisors may require whereby such requirements shall at all times be in the best interests of the public's health, safety and general welfare and may include, but shall not be limited to, garbage and trash collection, removal and disposal as approved by the Department of Environmental Protection, adequate park lighting system, and maintenance of all areas.

**ARTICLE IX
COMMERCIAL AND INDUSTRIAL SUBDIVISIONS AND LAND DEVELOPMENTS**

901 Commercial and Industrial Subdivisions and Land Developments

All commercial and industrial subdivisions and land developments shall comply with the applicable requirements of this Ordinance unless otherwise specified in this Article.

902 Sketch Plan; General Design and Site Standards

Applicants are **VERY STRONGLY ENCOURAGED** to submit a Sketch Plan in accord with §302. Commercial and industrial subdivisions and development areas shall be designed in accord with the four-step design process in §602 with respect to conservation areas and development sites and in consideration of site conditions to ensure:

- A. Desirable land utilization and aesthetics.
- B. Convenient traffic circulation and parking.
- C. Adequate service, delivery and pickup.
- D. Design coordination with adjacent parcels of land.
- E. That the site, when developed, shall be served by approved water supply and an approved sanitary sewer systems.
- F. Adequate storm drainage facilities shall be provided. Where applicable, detention basins or other storm water control methods may be required by the Township.

903 Plans

Proposed plans shall be submitted by the developer showing all information necessary to demonstrate compliance with this Ordinance including, but not limited to:

- A. All information required by this Ordinance for major subdivisions and land developments.
- B. Location of all project improvements including:
 - 1. Buildings
 - 2. Streets, access ways and parking areas
 - 3. Landscaping and planting strips
 - 4. Storm water management facilities
 - 5. Water supply and distribution systems
 - 6. Sewage collection and treatment systems
 - 7. Street lighting and parking area lighting

- C. Building setbacks from property lines and other improvements shall be specifically shown.
- D. Building, structure, and sign construction specifications, including floor plans and elevations, and showing any common use or ownership areas.
- E. Construction specifications for all other project improvements.
- F. Designated open space areas.
- G. Outdoor trash dumpster locations and proposed screening.

904 Blocks and Lots

Block layout shall be in accord with §606.2. Lot sizes, lot dimensions, and building setbacks shall be governed by the Township's Zoning Ordinance.

905 Streets/Roads

Streets and roads in commercial and industrial developments shall comply with the requirements of §607 and shall be constructed to collector street standards as required in Table VI-1 and Table VI-2.

**ARTICLE X
ADMINISTRATION**

1001 Purpose

The purpose of this Article is to establish the procedures for the amendment, administration and enforcement of this Ordinance.

1002 Amendment

Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed in the MPC.

1003 Waivers/Modifications

1003.1 Intent

The provisions of this Ordinance are intended as a minimum standard for the protection of the public health, safety, and welfare. If the literal compliance with any mandatory provision of these regulations is shown by the applicant, to the satisfaction of the Supervisors, to be unreasonable or to cause undue hardship as it applies to a particular property; or, if the applicant shows that an alternative proposal will allow for equal or better results, the Supervisors may grant a waiver from such mandatory provision so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a waiver/modification shall not have the effect of making null and void the intent and purpose of this Ordinance.

1003.2 Conditions

In granting waivers/modifications, the Supervisors may impose such conditions as will, in its judgement, secure substantially the objectives of the standards and requirements of this Ordinance.

1003.3 Procedure

All requests for waivers/modifications shall be in writing, shall accompany and be made a part of the development application, and shall include:

- A. The specific sections of this Ordinance in question.
- B. Provisions for the minimum modification necessary as an alternate to the requirements.
- C. Justification for the waiver/modification, including the full grounds and facts of unreasonableness or hardship.

1003.4 Action

If the Supervisors denies the request, the applicant shall be notified, in writing, of the reasons for denial. If the Supervisors grants the request, the final record plan shall include a note which identifies the waiver/modification as granted. In any case, the Supervisors shall keep a written record of all actions on all requests for waivers/modifications.

1004 Preventive and Enforcement Remedies

1004.1 Preventive Remedies

- A. 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.

- B. The 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. This authority to deny such a permit or approval shall apply to any of the following applicants:
1. The owner of record at the time of such violation.
 2. 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.
 3. 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.
 4. 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.

- C. In the event that any applicant or owner of any property fails to obtain the proper sewage permit for any required on-site sewage disposal system, or takes such action or causes any action which results in the revocation of any sewage permit by the Township Sewage Enforcement Officer, the Township shall have the authority to withhold the issuance of any certificate of use for any structure on the said property and/or to take any appropriate actions by law or in equity to prohibit the occupancy of any such structure.

1004.2 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated the provisions of this Subdivision and Land Development Ordinance or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney, witness, and consultant fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or 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 Township 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 further determines that there was a good faith basis for the person, partnership or corporation violating this 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 initial determination of a violation by the District Justice and, thereafter, each day that a violation continues shall constitute a separate violation.
- B. 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.
- C. 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 including, but not limited to, injunctive relief.

1004.3 Jurisdiction

District Justices shall have initial jurisdiction in proceedings brought under §1004.2.

1004.4 Transfer

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

1004.5 Construction

In the case of subdivisions, no person shall proceed with any development, site grading or construction of improvements prior to the approval of a preliminary plan in accord with this Ordinance. In the case of land developments, no person shall proceed with any development, site grading or construction of improvements prior to the authorization to proceed issued in accord with §306.7. No deeds shall be executed or recorded for the transfer of any lots or units before the Township has approved the Final Plan and such Plan is filed with the Monroe County Recorder of Deeds.

1005 Fees

1005.1 Establishment of Fees

Fees to be paid by the Applicant shall be established by resolution of the Board of Supervisors to cover all costs incurred by the Township associated with the processing and review of all plans and documents and all plan and document revisions. Such cost may include, but not be limited to, Township administrative costs and the reasonable and necessary charges by the Township's professional consultants as defined and authorized by §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code. Professional consultants, shall include, but shall not be limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, and planners.

1005.2 Application Fees

At the time of the filing of any application, the Applicant shall pay to the Township a fee sufficient to cover the administrative costs associated with the review of the application.

1005.3 Review and Inspection Fees

At the time of the filing of any application, the Applicant shall pay to the Township a fee deemed sufficient to cover the cost of:

- A. Reviewing compliance with ordinance and engineering details.
- B. Inspecting the site for conformance.
- C. Evaluating cost estimates of required improvements.
- D. Inspection of required improvements during installation.
- E. Final inspection or reinspection on completion of installation of required improvements.
- F. Fees charged for other related consulting services.
- G. Any other review costs incurred by the Township.

1005.4 Supplemental Fees and Adjustment

If the review fees collected at the time of application are not sufficient to cover the cost of engineering services and other related professional consulting services incurred by the Township, an additional fee shall be collected from the Applicant prior to any action on the plan. If after Township action on the plan, any review fees remain, there shall be a refund made to the Applicant of the balance within thirty (30) days of action on the plan.

1005.5 Disputes

Disputes between the Applicant and the Township regarding fees shall be settled pursuant to §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code, as amended.

1005.6 Failure to Pay Fees

Any failure by the Applicant to pay any required fees shall be deemed a violation of this Ordinance and shall make null and void any approval granted by the Township.

1006 Records

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

**ARTICLE XI
ADOPTION**

See the May 1, 2014, Subdivision and Land Development Ordinance
and
Ordinance No. 2015-3 adopted on April 23, 2015.

APPENDIX

APPENDIX

PARKING DEMAND (2014-12)					
Source: <u>Parking Generation, 4th Edition, ITE</u>					
NOTES:					
Average & 85th Percentile - where ITE provides data for a weekday, a Saturday, etc., the highest value is shown.					
85th Percentile - not provided in certain cases with a very limited number of studies; highest value of studies shown.					
Peak - provided in certain cases with a very limited number of studies; highest value of cited studies is shown.					
		Average	85th %	Peak	Per
000	Port and Terminal				
021	Commercial Airport	0.84	1.48		daily enplanement
093	Light Rail Transit Station with Parking	136.00	212.0		1,000 daily boardings
100	Industrial	Average	85th %	Peak	Per
110	General Light Industrial	0.75	1.13		1,000 sq. ft. GFA
110	General Light Industrial	0.64	0.81		employee
130	Industrial Park	0.62	1.85		1,000 sq. ft. GFA
130	Industrial Park	0.89	0.98		employee
140	Manufacturing	1.02	1.18		1,000 sq. ft. GFA
140	Manufacturing	0.97	1.14		employee
150	Warehousing	0.51	0.81		1,000 sq. ft. GFA
150	Warehousing	0.78	1.01		employee
151	Mini-Warehouse	0.14	0.17		1,000 sq. ft. GFA
200	Residential - See §622.6.B				
300	Lodging	Average	85th %	Peak	Per
310	Hotel	1.20	1.54		room
311	All Suites Hotel			1.30	room
312	Business Hotel	0.60	0.75		room
320	Motel	0.71	0.85		room
330	Resort Hotel	1.29	1.59		room
400	Recreational	Average	85th %	Peak	Per
411	City Park			5.10	acre
414	Water Slide Park	72.90			acre
420	Marina	0.59			berth
430	Golf Course	8.68	9.83		hole
435	Multipurpose Recreational Facility	1.78			hole
435	Multipurpose Recreational Facility	10.67			1,000 sq. ft. GFA
435	Multipurpose Recreational Facility	16.00			acre
437	Bowling Alley	5.02	5.58		lane
438	Billiard Hall	6.56			1,000 sq. ft. GFA
438	Billiard Hall	2.89			billiard table
440	Adult Cabaret	5.90			1,000 sq. ft. GFA
441	Live Theater	0.38	0.39		attendee
441	Live Theater	0.25	0.32		seat
444	Movie Theater with Matinee	0.26	0.36		seat
445	Multiplex Movie Theater	0.15	0.20		seat
445	Multiplex Movie Theater	36.20	45.00		screen

APPENDIX

400	Recreational	Average	85th %	Peak	Per
464	Roller Skating Rink	5.80			1,000 sq. ft. GFA
465	Ice Skating Rink	3.90			1,000 sq. ft. GFA
466	Snow Ski Area	1.31	1.62		acre of ski trails
466	Snow Ski Area	0.25	0.31		daily lift ticket
473	Casino/Video Lottery Establishment			35.34	1,000 sq. ft. GFA
473	Casino/Video Lottery Establishment			1.42	gaming position
481	Zoo			12.10	acre
488	Soccer Complex	56.3	69.30		field
490	Tennis Courts			3.16	tennis court
491	Racquet/Tennis Club	3.56	4.13		court
492	Health/Fitness Club	5.27	8.46		1,000 sq. ft. GFA
492	Health/Fitness Club	0.13	0.16		member
493	Athletic Club	3.55	4.94		1,000 sq. ft. GFA
493	Athletic Club	0.07	0.21		member
495	Recreational Community Center	3.20	5.03		1,000 sq. ft. GFA
500	Institutional	Average	85th %	Peak	Per
520	Elementary School	0.17	0.21		student
522	Middle School/Junior High School	0.09	0.10		student
525	School for the Blind			1.08	student
525	School for the Blind			1.47	employee
525	School for the Blind			2.67	1,000 sq. ft. GFA
530	High School	0.23	0.25		student
536	Private School (K-12)	0.39			student
540	Junior/Community College	0.18	0.20		school population
550	University/College	0.33	0.38		school population
560	Church	8.37	14.38		1,000 sq. ft. GFA
560	Church	0.20	0.25		seats
560	Church	0.45	0.60		attendee
561	Synagogue			0.41	attendee
562	Mosque	17.32	25.79		1,000 sq. ft. GFA
565	Day Care Center	3.16	3.70		1,000 sq. ft. GFA
565	Day Care Center	0.24	0.33		student
565	Day Care Center	1.38	1.78		employee
580	Museum	1.32	1.79		1,000 sq. ft. GFA
590	Library	2.61	4.19		1,000 sq. ft. GFA
595	Convention Center			0.44	attendee
600	Medical	Average	85th %	Peak	Per
610	Hospital	2.50	3.41		1,000 sq. ft. GFA
610	Hospital	4.49	7.35		bed
610	Hospital	0.81	1.08		employee
612	Surgery Center			5.67	operating room
620	Nursing Home	0.98	1.50		1,000 sq. ft. GFA
620	Nursing Home	0.35	0.48		bed
620	Nursing Home	0.88	1.51		employee
630	Clinic	4.94	4.96		1,000 sq. ft. GFA
640	Animal Hospital/Veterinay Clinic			1.60	1,000 sq. ft. GFA
640	Animal Hospital/Veterinay Clinic			1.40	employee

APPENDIX

700	Office	Average	85th %	Peak	Per
701	Office Building	2.84	3.45		1,000 sq. ft. GFA
701	Office Building	0.83	0.98		employee
720	Medical-Dental Office Building	3.20	4.27		1,000 sq. ft. GFA
730	Government Office Building	4.15	6.13		1,000 sq. ft. GFA
730	Government Office Building	0.83	1.01		employee
732	United States Post Office			33.20	1,000 sq. ft. GFA
732	United States Post Office			2.01	employee
735	Judicial Complex			4.10	1,000 sq. ft. GFA
735	Judicial Complex			0.80	employee
800	Retail	Average	85th %	Peak	Per
812	Building Materials and Lumber Store			1.69	1,000 sq. ft. GFA
813	Free-Standing Discount Superstore	4.49	5.54		1,000 sq. ft. GFA
816	Hardware/Paint Store			2.87	1,000 sq. ft. GFA
820	Shopping Center	4.67	5.91		1,000 sq. ft. GFA
843	Automobile Parts Sales	2.25	2.74		1,000 sq. ft. GFA
845	Motocycle Dealership			2.97	1,000 sq. ft. GFA
848	Tire Store			4.17	1,000 sq. ft. GFA
850	Supermarket	3.78	5.05		1,000 sq. ft. GFA
851	Convenience Market (Open 24 Hours)	3.11	3.79		1,000 sq. ft. GFA
853	Convenience Market With Gasoline Pumps	8.38	10.50		1,000 sq. ft. GFA
854	Discount Supermarket			5.80	1,000 sq. ft. GFA
857	Discount Club	2.90	3.93		1,000 sq. ft. GFA
859	Liquor Store			2.98	1,000 sq. ft. GFA
861	Sporting Goods Superstore	1.78	2.40		1,000 sq. ft. GFA
862	Home Improvement Superstore	3.19	4.34		1,000 sq. ft. GFA
863	Electronics Superstore			3.03	1,000 sq. ft. GFA
864	Toy/Children's Superstore	1.94			1,000 sq. ft. GFA
866	Pet Supply Superstore			1.17	1,000 sq. ft. GFA
867	Office Superstore			0.61	1,000 sq. ft. GFA
868	Book Superstore			0.89	1,000 sq. ft. GFA
876	Apparel Store			17.02	1,000 sq. ft. GFA
880	Pharmacy/Drugstore without Drive-Through Window	2.94	3.74		1,000 sq. ft. GFA
880	Pharmacy/Drugstore without Drive-Through Window	3.73	5.10		employee
881	Pharmacy/Drugstore with Drive-Through Window	2.18	2.94		1,000 sq. ft. GFA
881	Pharmacy/Drugstore with Drive-Through Window	1.63	2.20		employee
890	Furniture Store	1.04	1.34		1,000 sq. ft. GFA
890	Furniture Store	1.73	2.16		employee
892	Carpet Store	1.79	3.00		1,000 sq. ft. GFA
892	Carpet Store	2.27	3.20		employee
896	Video Rental Store	2.41	2.76		1,000 sq. ft. GFA

APPENDIX

900	Services	Average	85th %	Peak	Per
912	Drive-in Bank	4.00	5.67		1,000 sq. ft. GFA
920	Copy, Print and Express Ship Store			3.00	1,000 sq. ft. GFA
931	Quality Resturant	16.40	22.70		1,000 sq. ft. GFA
931	Quality Resturant	0.47	0.67		1,000 sq. ft. GFA
932	High-Turnover (Sit-Down) Resturant (No Bar or Lounge)	13.50	20.60		1,000 sq. ft. GFA
932	High-Turnover (Sit-Down) Resturant (With Bar or Lounge)	16.30	20.40		1,000 sq. ft. GFA
932	High-Turnover (Sit-Down) Resturant (No Bar or Lounge)	0.35	0.54		seat
932	High-Turnover (Sit-Down) Resturant (With Bar or Lounge)	0.48	0.73		seat
933	Fast-Food Resturant without Drive-Through Window	12.40	14.50		1,000 sq. ft. GFA
933	Fast-Food Resturant without Drive-Through Window	0.52	0.77		seat
934	Fast-Food Resturant with Drive-Through Window	9.98	15.13		1,000 sq. ft. GFA
934	Fast-Food Resturant with Drive-Through Window	0.35	0.64		seat
936	Coffee/Donut Shop without Drive-Through Window	13.56	17.33		1,000 sq. ft. GFA
937	Coffee/Donut Shop with Drive-Through Window	10.40	18.97		1,000 sq. ft. GFA
939	Bread/Donut/Bagel Shop without Drive-Through Window			9.78	1,000 sq. ft. GFA
940	Bread/Donut/Bagel Shop with Drive-Through Window			4.50	1,000 sq. ft. GFA
945	Gasoline/Service Station with Convenience Market	0.75	1.03		fueling position
960	Dry Cleaners	1.40	2.44		1,000 sq. ft. GFA