

TRI-COUNTY

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REGIONAL  
PLANNING COMMISSION

REGIONAL  
PLANNING COMMISSION

# Model Subdivision & Land Development Ordinance

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## INTRODUCTION

The objective of this Guide is to formalize uniform standards and processing procedures for subdivision and land development throughout the Tri-County Region (Cumberland, Dauphin, and Perry Counties). Municipal officials, real estate developers, financial institutions, surveyors, engineers, landscape architects, planners, and property owners will benefit in this effort to guide community development in an orderly manner.

In the preparation of this model subdivision and land development ordinance, the Tri-County Regional Planning Commission (TCRPC) strongly encourages municipal officials within the Tri-County Region to consider the model either if officials are looking to adopt an ordinance or if officials are considering amendments. Local officials will find this Model Subdivision Ordinance most helpful in these efforts. Public officials are, however, cautioned to seek competent legal and planning counsel in the use of this Model Subdivision and Land Development Ordinance. Moreover, municipal officials are advised to consider the regional and local recommendations from the Tri-County Regional Growth Management Plan, County Comprehensive Plans, and local Comprehensive Plans in the preparation or amendment of a municipal subdivision and land development ordinance.

The Commission believes that the best way to encourage better subdivision and land development in the Region is to encourage the local municipalities to adopt local subdivision and land development ordinances containing regulations designed to fit the particular needs of the municipality. The municipality in developing such an ordinance should attempt to secure citizens' opinions, including those of landowners, developers, and subdividers, during the preparation of such an ordinance. Municipal officials are also encouraged to seek competent legal and planning aid in the use of this Guide.

Any municipality in the Tri-County Region interested in preparing a new subdivision and land development ordinance, or amending an existing one, and needs assistance may contact the Tri-County Regional Planning Commission office. The Commission's staff is available to provide such assistance through its Municipal Advisory Service program.

### **Legal Basis for Subdivision and Land Development**

This Guide was prepared to provide a basis by which a local Subdivision and Land Development Ordinance may be prepared by local governments. It includes articles on procedures and specifications for the preparation, submission and review or approval of subdivision and land development plats in accordance with the Pennsylvania Municipalities Code (PAMPC), Act 247, as reenacted and amended to date; to agree with the requirements of the Pennsylvania Department of Environmental Resources' Rules and Regulations for Erosion and Sedimentation Control Plans and the processing of Sewage Modules ' for Land Development; the Professional Engineers' Registration Law, as amended; the Federal Flood Insurance Program requirements; and compliance with the Pennsylvania Flood Plain Management Act, 1978.

Under the MPC, Contents of Subdivision, and Land Development Ordinance, the subdivision and land development ordinance may include, but need not be limited to:

- A. Provisions for ensuring the submittal and processing of plats, including the charging of review fees, and specifications for such plats, including certification as to the accuracy of

- plats and provisions for preliminary and final approval and for processing of final approval by stages or sections of development.
- B. Provisions for ensuring the exclusion of certain land development from the definition of land development are contained in section 107 only when such land development involves:
  - C. Provisions for insuring that the layout or arrangement of the subdivision or land development shall conform to the comprehensive plan and to any regulations or maps adopted in furtherance thereof.
  - D. Provisions for insuring streets in and bordering a subdivision or land development shall be coordinated, and be of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic, and facilitate fire protection.
  - E. Provisions for insuring that adequate easements or rights-of-way shall be provided for drainage and utilities.
  - F. Provisions for insuring reservations if any by the developer of any area designed for use as public grounds shall be suitable size and location for their designated uses.
  - G. Provisions governing the standards by which streets shall be designed, graded and improved, and walkways, curbs, gutters, street lights, fire hydrants, water and sewage facilities and other improvements shall be installed as a condition precedent to final approval of plats.
  - H. Provisions which take into account phased land development not intended for the immediate erection of buildings where streets, curbs, gutters, street lights, fire hydrants, water and sewage facilities and other improvements may not be possible to install as a condition precedent to final approval of plats, but will be a condition precedent to the erection of buildings on lands included in the approved plat.
  - I. Provisions which apply uniformly throughout the municipality regulating minimum setback lines and minimum lot sizes which are based upon the availability of water and sewage, in the event the municipality has not enacted a zoning ordinance.
  - J. Provisions for encouraging and promoting flexibility, economy and ingenuity in the layout and design of subdivisions and land developments, including provisions authorizing alterations in site requirements and for encouraging other practices which are in accordance with modern and evolving principles of site planning and development.
  - K. Provisions for encouraging the use of renewable energy systems and energy-conserving building design.
  - L. Provisions for soliciting reviews and reports from adjacent municipalities and other governmental agencies affected by the plans.
  - M. Provisions for administering waivers or modifications to the minimum standards of the ordinance.
  - N. Provisions for the approval of a plat, whether preliminary or final, subject to conditions acceptable to the applicant and a procedure for the applicant's acceptance or rejection of any conditions which may be imposed.
  - O. Provisions and standards for insuring that new developments incorporate adequate provisions for a reliable, safe and adequate water supply to support intended uses within the capacity of available resources.
  - P. Provisions requiring the public dedication of land suitable for the use intended; and, upon agreement with the applicant or developer, the construction of recreational facilities, the payment of fees in lieu thereof, the private reservation of the land, or a combination, for park or recreation purposes as a condition precedent to final plan approval.

## **Content of the TCRPC's Model Subdivision and Land Development Ordinance**

Originally developed for the Region in 1974, and then revised in 2021, the Region's Model Subdivision and Land Development Ordinance have been widely utilized.

While the standards contained in this Guide are considered minimums, adjustment by individual municipalities could be made to suit local conditions particular to each municipality. It is emphasized that local governing bodies should utilize competent engineering, legal, and planning advice in developing their own municipal subdivision and land development ordinance. Any municipality in the Tri-County Region, needing assistance in preparing such an ordinance or revising an existing ordinance, should contact the Tri-County Regional Planning Commission office. The Commission's staff is available to provide such assistance.

### **Enactment of Subdivision and Land Development Ordinance or Amendment thereto**

Prior to voting on a proposed subdivision and land development ordinance, municipal officials are required to hold a public hearing pursuant to public notice. The public notice is required to provide a brief summary of the principal ordinance provisions and identify where within the municipality, copies of the proposed ordinance may be secured or examined. Unless the proposed ordinance was prepared by the municipal planning commission, the municipal officials are required to submit the ordinance to the municipal planning commission at least 45-days prior to the hearing on such ordinance. On the same lines, the county planning commission is required to receive a copy for a 45-day review period prior to the public hearing. With an amendment, both the municipal and county planning commissions are each afforded 30-days for review.

Furthermore, within 30-days after adoption, the municipal officials adopting the ordinance are required to forward a certified copy of the ordinance to the appropriate county planning commission. As highlighted, the only underlying difference in processes for an ordinance and an amendment is the review time allotted to the planning commission.

**TRI-COUNTY REGIONAL PLANNING COMMISSION  
MODEL SUBDIVISION AND  
LAND DEVELOPMENT ORDINANCE**

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**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND AND LAND DEVELOPMENT WITHIN THE *(Municipality name)*, *(County)*, PENNSYLVANIA; PROVIDING FOR THE PREPARATION AND PROCESSING OF PRELIMINARY AND FINAL PLATS FOR SUCH PURPOSES; REQUIRING CERTAIN IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE APPLICANT; REGULATING THE LAYOUT AND SALE OF LOTS; ERECTION OF BUILDINGS, LAYING OUT, CONSTRUCTION, OPENING AND DEDICATION OF STREETS, STORM AND SANITARY SEWERS, AND OTHER PUBLIC IMPROVEMENTS IN CONNECTION WITH SUBDIVISION AND LAND DEVELOPMENT; AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

THE *(Governing Body)* OF THE *(Municipality name)*, *(County)*, PENNSYLVANIA, PURSUANT TO THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247, ARTICLE V, AS AMENDED, DOES ENACT AND ORDAIN:

**SHORT TITLE**

*Short Title*

- A. This Ordinance shall be known and may be cited as "The Subdivision and Land Development Ordinance of *(Municipality name)*".

**PURPOSE, AUTHORITY, APPLICATION AND INTERPRETATION, ENFORCEMENT, AMENDMENT VIOLATIONS, APPEALS, PENALTIES, SEVERABILITY, REPEALER, EFFECTIVE DATE AND ENACTMENT**

*Purpose*

This Ordinance has been designed and adopted to provide uniform standards and procedures for the regulation of subdivision and land development within (*Municipality name*).

The purpose of such regulations is to provide for the harmonious development of the municipality and county by:

- A. Assuring sites are suitable for building purposes and human habitation;
- B. Coordinating proposed streets and other proposed public improvements;
- C. Assuring that adequate easements and rights-of-way are provided for drainage facilities, public utilities, streets, and other public improvements;
- D. Assuring equitable and uniform handling of subdivision and land development plat applications;
- E. Assuring coordination of intra, and inter-municipal public improvement plans and programs;
- F. Assuring the efficient and orderly extension of community facilities and services at minimum cost and maximum convenience;
- G. Regulating the subdivision and land development of land within any flood hazard area or floodplain district in order to promote the health, safety and welfare of the citizens of the municipality;
- H. Requiring that each lot in flood prone areas includes a safe building site with adequate access, and that public facilities which serve such uses be designed and installed to minimize flood damage;
- I. Assuring that reservations, if any, by the developer of any area designated for use as public grounds shall be suitable in size and location for their designated uses;
- J. Guiding the future growth and development of the (*Municipality*) in accordance with the adopted comprehensive plan;
- K. Assuring that documents prepared as part of a land ownership transfer fully and accurately describe the parcel of land being subdivided and the new parcel(s) thus created;
- L. Assuring the greater health, safety, convenience and welfare to the citizens of (*Municipality name*);
- M. Ensuring the protection of water resources and drainage ways;

- N. Ensuring the efficient movement of traffic and access to public right of ways;
- O. Ensuring the equitable handling of all subdivision and land development plans by providing uniform standards and procedures.

***Authority***

- A. The (\*) (*Governing Body*) shall have the authority to approve or disapprove all preliminary and final subdivision or land development plat application as required herein.
- B. The (*Municipality name*) Planning Commission is hereby designated as the agency, which shall review and make recommendations to the governing body on all subdivision and land development plat applications as required herein.
- C. Preliminary and final subdivision and land development plat applications within (*Municipality name*) shall be forwarded upon receipt, with the appropriate review fee, to the (*County*) Planning Commission for review and report. The (*governing body*) shall not approve such applications until the county review report is received or until the expiration of thirty (30) days from the date, the application was forwarded to the County Planning Commission. As evidence of their review and report, officials of the County Planning Commission will sign preliminary and final plats, which have been formally approved by (*Municipality name*) before such plats are presented for recording.

(\*)The (*governing body*) may wish to delegate preliminary subdivision and land development plat application approval/disapproval authority to the municipal planning-commission, in which case this section should be revised. All other sections of this Ordinance Guide are written to show the (*governing body*) holding approval/disapproval authority.

***Application of regulations***

- A. No subdivision or land development of any lot, tract, or parcel of land located within (*Municipality name*) shall be effected; no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings thereon unless and until a Final Subdivision or Land Development Plat has been approved by (Governing Body) the and publicly recorded in the manner prescribed herein; nor otherwise in strict 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 land development may be issued; and no building may be erected or altered in a subdivision or land development, unless and until a Final Subdivision or Land Development Plat has been approved by the (*Governing Body*) and recorded, and until the improvements required in connection therewith have been either constructed or guaranteed in a manner prescribed herein.
- C. Unit or condominium subdivision of real property is included within the meaning of subdivision and land development as defined herein, and must comply with these regulations. Such compliance shall include, but not be limited to, the filing of Preliminary and Final Plats, payment of established fees and charges, location of each structure and

- clear definition of each unit, public easements, common areas, improvements, and all easements appurtenant to each unit.
- D. All subdivision and land development plats are subject to all applicable zoning regulations.

***Interpretation***

- A. When interpreting and applying the revisions of this Ordinance, applicants shall be held to the minimum requirements for the promotion of public health, safety, comfort, convenience and greater welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation (i.e. State enabling statutes, local zoning, or building codes, etc.), the provisions of this Ordinance shall prevail. Where the provisions of any statute, other ordinance, or regulation adopted by *(Municipality name)* impose greater restrictions than those of this ordinance, the provisions of such statute, ordinance, or regulation shall prevail.

***Administration and Enforcement***

- A. The *(Governing Body)* and the Planning Commission shall have the duty and authority for the administration and general enforcement of the provisions of this Ordinance, as specified or implied herein. Officials of *(Municipality name)* having regulatory duties and authorities connected with or appurtenant to the subdivision, use, or development of land shall have the duty and authority for the controlling enforcement of the provisions of this Ordinance, as specified or implied herein or in other Ordinances of *(Municipality name)*
- B. Permits required by *(Municipality name)* for the erection or alteration of buildings, the installation of sewers or sewage disposal systems, or for other appurtenant improvements to, or use of the land, shall not be issued by any municipal official responsible for such issuance until it has been ascertained that the site for such building, alteration, improvement or use is contained in a subdivision or land development plat approved and publicly recorded in accordance with the provisions of this Ordinance.
- C. Such permits shall be issued only after it has been determined that the site for such building, alteration, improvement or use conforms to the site description as indicated by the approved and recorded Final Plat or other land description acceptable in accordance with the provisions of this Ordinance, and that it is in compliance with all applicable provisions of this Ordinance.
- D. The *(Municipality name)* shall require that the Sewage Module and applications for sewage disposal system permits contain all the information necessary to ascertain that the site for the proposed system is acceptable in accordance with the provisions of this Ordinance, the "Rules and Regulations of the Department of Environmental Protection", and the provisions of other applicable ordinances of *(Municipality name)*.
- E. The approval of a subdivision and/or land development plat or of any improvement installed, or the granting of a permit for the erection and/or use of a building or land therein, shall not constitute a representation, guarantee or warranty of any kind or nature by the municipality or any official, employee, or appointee thereof, of the safety of any land, improvement, property or use from any cause whatsoever, and shall create no

liability upon, or a cause of action against the municipality or such official, employee or appointee for any damage that may result pursuant thereto.

***Amendments***

- A. Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice as defined, and in accordance with the Pennsylvania Municipalities Code, Act 247, Article V, §505(a), as reenacted and amended.
- B. All amendments to this Ordinance shall be forwarded to *(Municipality name)* Planning Commission, at least thirty (30) days prior to the public hearing on the amendment for recommendations.
- C. All amendments to this Ordinance shall be forwarded to the *(County)* Planning Commission, at least thirty (30) days prior to the public hearing on the amendment for recommendations.
- D. Within thirty (30) days after adoption, the *(Municipal Governing Body)* shall forward to the County Planning Agency, a certified copy of any amendment to the *(Municipality name)* Subdivision and Land Development Ordinance in accordance with the Pennsylvania Municipalities Code, Act 247, Article V, §505(b), as reenacted and amended.
- E. All amendments to the Ordinance after their enactment shall be affixed to *(Municipality name)* Subdivision and Land Development Ordinance and all Ordinance copies offered to the public.
- F. Upon passage of three (3) amendments to this Ordinance, the *(Municipal Governing Body)* shall consider the codifying said amendments under the advisement of the Municipal and County Planning Commissions.

***Violations***

- A. Any person being the owner or agent of the owner of any lot, tract or parcel of land shall layout, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes, or for the common use of occupants of buildings abutting thereon, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or land development or erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this Ordinance and of the regulations adopted hereunder and has been recorded as provided herein, shall be deemed in violation of this Ordinance.

***Appeals***

- A. Any applicant aggrieved by a finding, decision or recommendation of the *(Municipality name)* Planning Commission, may within thirty (30) days, request and receive opportunity to appear before the Commission, present additional relevant information and request reconsideration of the original finding, decision or recommendation, provided an

appropriate extension of time is granted by the applicant, to the municipality, to insure adequate time is available for the governing body to act on the application.

- B. Any applicant aggrieved by a finding, decision or recommendation of the *(Municipal Governing Body)*, may appeal to the Court of Common Pleas. All appeals shall be filed not later than thirty (30) days after the issuance of notice of the decision or report of the County Planning Commission.

***Penalties***

- A. Any person, partnership, or corporation who or which has violated the provisions of this ordinance, upon being found liable therefore in a civil enforcement proceeding commenced by *(Municipality name)*, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney’s fees incurred by *(Municipality name)* as a result thereof.
- B. 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 municipality, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of the violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- C. 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. *(Municipality name)* may also enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction in addition to the penalty herein provided.

***Severability***

- A. If any section, clause, provision, or portion of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect any other section, clause, provision, or portion of these regulations. It is hereby declared to be the intent of the *(Governing Body)* that this Ordinance would have been adopted if such invalid or unconstitutional section, clause, provision or portion had not been included herein.

***Repealer***

- A. Any Ordinance or part thereof inconsistent herewith is hereby repealed to the extent of such inconsistency.
- B. Subdivision and Land Development Ordinance No. *(Prior Ordinance Number)*, as amended, is hereby repealed.



- C. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or legal proceeding now pending in any court, or any rights accrued or liability incurred, or any cause of action accrued or existing under any Ordinance hereby repealed; nor shall any right or remedy of any character be lost, impaired or affected.

***Codification Statement (as applicable)***

- A. It is the intention of the (*governing body*) and it is ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of (*municipality name*), and the sections of this Ordinance may be re-numbered to accomplish this intention.

***Effective Date***

- A. This Ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

***Enactment***

ENACTED AND ORDAINED INTO AN ORDINANCE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
20\_\_\_\_\_.

\_\_\_\_\_  
(Municipality)

ATTEST : \_\_\_\_\_  
(Secretary)

\_\_\_\_\_  
(President or Chairperson)

## DEFINITIONS

### *Language Interpretation*

- A. Unless otherwise expressly stated, the following words shall for the purposes of this Ordinance have the meaning herein indicated. Words expressed in the plural include their singular meanings; the present tense shall include the future; words used in the masculine gender shall include the feminine and the neuter; the words "shall", "must", and "will" are mandatory; the words "should" and "may" are permissive. For those words utilized in this Ordinance not defined herein the definitions found in the most recent edition of Webster's Unabridged Dictionary apply.

**ABANDONMENT**: The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

**ABUT OR ABBUTTING**: A building(s) which physically touch; Areas of contiguous lots that share a common lot line, not including lots entirely separated by a street, public alley open to traffic or a perennial waterway.

**ACCESS DRIVE**: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

**ACCESSORY BUILDING**: A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.

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

**ACCELERATED EROSION**: The removal of the surface of the land through the combined action of human activity and the natural processes at a rate greater than would occur because of the natural process alone.

**ACRE**: A measure of land area containing 43,560 square feet.

**ADDITION**: Any construction which increases the size of a building, such as a porch, attached garage or carport, or a new room or wing.

**ADJOINING LOT OR LAND**: A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land. (See Abut)

**AGENT**: Any person other than the applicant who, acting on the landowner(s) authorized behalf, submits a subdivision or land development application.

**AGRICULTURE**: The use of land which shall include, but not be limited to, the tilling of the soil, the raising of crops, horticulture, apiculture, floriculture, vitaculture and gardening. The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products: livestock, including beef cattle, sheep, swine horses ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals: bees and apiary products; fur animals; trees and forest

products: fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. (See Horticulture)

**AGRICULTURAL OPERATION:** 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 aquaculture 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.

**ALLEY (or SERVICE DRIVE):** A public or private right-of-way other than a side street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

**ALTERATIONS, LAND:** As applied to land, a change in topography as a result of moving soil and rock from one location or position to another; changing of the surface conditions by causing the surface to be more or less impervious; land disturbance.

**ALTERATIONS, STRUCTURAL:** Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

**AMENDMENT:** An official change to this ordinance in accordance with Section 505 of the PA MPC.

**APARTMENT:** A structure containing three or more dwelling units, excluding townhouses.

**APPLICANT (Also see DEVELOPER and SUBDIVIDER):** A landowner or developer, as hereinafter defined, who has filed an application for the subdivision or development of a tract of land, including his heirs, successors, and assigns.

**APPLICATION FOR DEVELOPMENT:** 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 approval of a land development plan.

**AREA, BUFFER:** A strip of land which is planted and maintained in shrubs, bushes, trees, grass or other landscaping material and within which no structure is permitted except a wall or fence.

**AREA, BUILDING:** The total of area, in square feet, of all floors, excluding basement, of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

**AREA, GROSS:** The total lot area, including public right-of-way.

**AREA, NET:** The total lot area, less public right-of-way.

**AUTHORITY:** A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L.382, No. 164), as amended, known as the, “Municipalities Authorities Act of 1945”.

**AWNING:** A roof-like cover that is temporary or permanent in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements, and can be periodically retracted onto the face of a building.

**AZIMUTH:** The horizontal angle of an observer’s bearing in surveying, measured clockwise from a referenced direction.

**BASE FLOOD ELEVATION:** The elevation above sea level, based on the vertical datum in the current flood Insurance Rate Maps for (*Municipality name*) of the 100-year flood.

**BEST MANAGEMENT PRACTICES (BMPs):** State-of-the-art technology as applied to a specific problem. The BMP presents physical, institutional, or strategic approaches to environmental problems, particularly with respect to nonpoint source pollution control.

**BLOCK:** An area bounded by streets, railroad rights-of-way, waterways and other definite barriers.

**BOARD OF COMMISSIONERS:** The Board of Commissioners of the Township of (township name).

**BOARD OF SUPERVISORS:** The Board of Supervisors of the Township of (township name).

**BOROUGH:** The (*borough name*), (*county*), Pennsylvania; Borough Council, its agents or authorized representatives.

**BOROUGH COUNCIL:** The Borough Council of the Borough of (*borough name*).

**BUFFER AREA:** See AREA, BUFFER.

**BUFFER YARD:** An open area whose dimensions normally exceed the normal building setback or yard requirements used to protect low-density uses and zoning districts from adjacent higher-density uses and districts.

**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, goods or materials of any kind.

**BUILDING, ACCESSORY:** A building incidental and subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the principal building.

**BUILDING, ADDITION:** A structure added to the original structure at some time.

**BUILDING AREA:** See AREA, BUILDING.

**BUILDING COVERAGE**: The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total gross lot area.

**BUILDING INSPECTOR**: An individual designated by the appointing authority to enforce the provisions of the building code. Includes code enforcement officer or zoning officer.

**BUILDING LINE**: A line parallel to the front, side or rear lot line set so as to provide the required yard.

**BUILDING SETBACK LINE**: The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way, and the line defining side and rear yards, where required.

**BUILDING PERMIT**: Written permission issued by the proper municipal authority for the construction, repair, alteration, or addition to a structure.

**BUILDING, PRINCIPAL**: A building which is conducted the primary use of the lot on which it is located, and which is not an accessory building.

**CALIPER**: The diameter of a tree trunk measured in inches six inches above ground level for trees up to four inches in diameter and 12 inches above ground level for trees over four inches in diameter.

**CAMP OR CAMPGROUND**: A state-permitted facility, through the Pennsylvania Department of Health, in which a portion of land is used for the purpose of providing a space for trailers or tents for camping purposes, regardless of whether a fee has been charged for the leasing, renting or occupancy of the space, in accordance with the Pennsylvania Code, Title 28, Chapter 19. The campground may be an organized camp which includes a combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth and adults with social, recreational, and educational objectives and operated and used for five or more consecutive days during one or more seasons a year.

**CARPORT**: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides, and accessory to a main or accessory building.

**CARTWAY**: That portion of a street or alley which is improved, designed, or intended for vehicular use.

**CENTERLINE**: A line located exactly in the center width of a road or street cartway, right-of-way, easement, or access.

**CLEAR-SIGHT TRIANGLE**: A triangular-shaped portion of land established by a street or driveway intersection in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the site distance of motorists entering or leaving the intersection.

**CLUSTER**: A development technique utilized for the purpose of concentrating building construction in specific areas of a site while allowing the remaining land area to remain open space for the preservation of environmentally sensitive features, recreation, or other.

**CLUSTER SUBDIVISION (DEVELOPMENT):** A form of development that permits a reduction in lot area and bulk requirements, provided that unless otherwise authorized, there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active or passive recreation, preservation of environmentally sensitive areas, or agriculture.

**COMMISSION:** The (*municipality*) Planning Commission.

**COMMON AREA:** The area in a subdivision or planned residential development, including common open space, owned or leased and maintained by an association or other combination of persons for the benefit of the residents of the residential development and, if owned under the Pennsylvania Unit Property Act, including all common elements designated for the use of all dwelling unit owners.

**COMMON OPEN SPACE:** A parcel or parcels of land or an area of water, or a combination of land and water, within a development plan, designed and intended for the use or enjoyment of residents of the development plan and, where designed, the community at large. Common open space does not include rights-of-way, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures, but may contain such improvements as approved in the development plan that are appropriate to recreational and other open space areas of any schools or churches to be included within the proposed development.

**COMPREHENSIVE PLAN:** The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.O. 805, No. 247, as reenacted and amended (PA MPC), consisting of maps, charts and textual material, that constitutes decisions about the physical and social development of a Borough, City, or Township, as amended from time to time.

**CONDOMINIUM:** A building, or group of buildings, in which dwelling units, offices, or floor area owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. It is a legal form of ownership of real estate and not a building style. The purchaser has title to his or her interior space in the building and an undivided interest in parts of the interior, the exterior, and other common elements.

**CONDOMINIUM ASSOCIATION:** The community association that owns, administers, and maintains the common property and common elements of a condominium.

**CONSERVATION DISTRICT:** A geographic area, usually a county, in which professionals provide advice to communities, agencies, and individuals within the jurisdiction and review development proposals.

**CONSISTENCY:** An agreement or correspondence between matters being compared which denotes a reasonable rational, similar, connection or relationship.

**CONSTRUCTION:** The erection, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

**CONTIGUOUS:** Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous. To physically touch or border upon, or to share a common property line, but not overlap.

**COOPERATIVE**: Ownership in common with others of a parcel of land and of a building or buildings thereon which would normally be used by all the occupants, together with individual rights of occupancy of a particular unit or apartment in such building or buildings or on such parcel of land and may include dwellings, offices and other types of space in commercial buildings or on property and where the lease, sale or exchange of a unit is subject to the agreement of the group of persons having common ownership.

**COUNTY**: Any county of the second class through the eighth class.

**COURT**: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

**COURT, INNER**: A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, and that the court does not extend to a street, alley, yard or other outer court.

**COURT, OUTER**: A court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

**COVERAGE**: That portion or percentage of the plot or lot area covered by the building area.

**CROSS-WALK**: A right-of-way, publicly or privately owned, intended to furnish access for pedestrians.

**CUL-DE-SAC**: See STREET, MINOR / CUL-DE-SAC.

**CURB**: A stone, concrete, or other improved boundary usually marking the edge of the roadway or paved area.

**CURB CUT**: The opening along the curb line at which point vehicles may enter or leave the roadway.

**CUT**: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also the material removed in excavation.

**DECIDUOUS**: Plants that drop their leaves before becoming dormant in winter.

**DEDICATION**: The deliberate appropriation or donation of land or property by its owner for any general or public uses, reserving no other rights. Acceptance of any such dedication is at the discretion of the (*governing body*).

**DEED**: A legal document conveying ownership of real property.

**DEED COVENANT OR RESTRICTION**: A restriction on the use of the land set forth in the deed or instrument of conveyance. Such restriction(s) usually runs with the title of the land and is binding upon subsequent owners of the property. The (*governing body*) is not responsible for enforcing such deed restrictions, unless the restriction(s) resulted from a condition or stipulation of the subdivision or land development approval process. (Also see Deed Restrictions for Rural Residential Development)

**DENSITY**: The number of families, individuals, dwelling units, or housing structures per gross acre of land.

**DEP**: Pennsylvania Department of Environmental Protection. (See also PADEP)

**DETENTION BASIN**: A structure designed to detain and release runoff in excess of volumes allowed at a controlled rate.

**DETERMINATION**: Final action by an officer, body, board, or agency charged with the administration of any land use ordinance or applications there under. Determinations shall be appealed only to the boards designated as having jurisdiction for such appeal.

**DEVELOPER**: Any landowner, agent of such landowner or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or a land development or submit a development plan under the terms of this chapter.

**DEVELOPMENT PLAN**: The provisions for a planned development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open-space and public facilities.

**DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT**: Any land development that, because of its character, magnitude, or location will have a substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

**DISTRICT, ZONE**: A district includes all buildings, lots, and surface areas within certain designated boundaries as indicated on the Zoning Map.

**DRAINAGE**: (1) Surface water runoff; (2) the removal of surface water or ground water from lands by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction of development, the means for preserving the water supply and the prevention or alleviation of flooding.

**DRAINAGE EASEMENT**: An easement required for the installation of storm water sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.

**DRAINAGE FACILITY**: Any ditch, gutter, 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 rights-of-way, parks, recreation areas, or any part of any subdivision or contiguous land areas.

**DRAINAGE PLAN**: A plan showing all proposed and existing facilities to collect and convey surface drainage, described by grades, contours, and topography.

**DRAINAGE SYSTEM**: Pipes, swales, natural features and other improvements designed to hold or convey drainage.

**DRIVEWAY**: A private access for vehicles to park in a parking space, garage, dwelling or other structure.



DUPLEX: See DWELLING, SINGLE FAMILY, SEMI-DETACHED.

DWELLING, MANUFACTURED HOUSING: Any structure designed primarily for residential occupancy, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation of assembly and installation on the building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

DWELLING, MULTI-FAMILY: A building designed, occupied or used by three or more families living independently of each other, wherein each dwelling unit or apartment shall contain private bath and kitchen facilities; including apartment houses.

DWELLING, SINGLE FAMILY ATTACHED: A building used by one family and having two (2) party walls in common with other buildings (such as row house or town house), except that end units have only one party wall.

DWELLING, SINGLE FAMILY, DETACHED: A building used by one (1) family, having only one (1) dwelling unit and having two (2) side yards.

DWELLING, SINGLE FAMILY, SEMI-DETACHED: A building used by one (1) family, having one (1) side yard, and one (1) party wall in common with another building.

DWELLING, TWO FAMILY DETACHED: A building used by two (2) families, with one dwelling unit arranged over the other and having two (2) side yards.

DWELLING UNIT: One or more rooms used for living and sleeping purposes and having a kitchen(s) with fixed cooking facilities, toilet and bathroom facilities and arranged for occupancy by not more than one family.

EARTHMOVING ACTIVITY: Activity resulting in movement of earth or stripping of vegetative cover from the earth.

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

EASEMENT, DRAINAGE: See DRAINAGE EASEMENT.

EASEMENT, UTILITY: A right-of-way granted for the limited use of land for public or quasi-public purposes.

ENGINEER, MUNICIPAL: A registered professional engineer in Pennsylvania designated by the (*Municipality name*) to perform the duties of engineer as herein specified.

ENGINEER, PROFESSIONAL: An individual licensed and registered under the laws of the Commonwealth to engage in the practice of engineering. A professional engineer may not practice land surveying unless licensed as set forth in P.L. 534, No. 230; however, a professional engineer may perform engineering land surveys.

ENGINEERING LAND SURVEYS: Surveys for (1) the development of any tract of land including the incidental design of related improvements, such as line and grade extension of roads, sewers and grading but not requiring independent engineering judgment: provided,

however, that tract perimeter surveys shall be the functions of the Professional Land Surveyor; (2) the determination of the configuration or contour of the earth's surface, or the position of fixed objects thereon or related thereto by means of measuring lines and angles and applying the principles of mathematics, photogrammetry or other measurement methods; (3) geodetic or cadastral survey, underground survey and hydrographic survey; (4) sedimentation and erosion control surveys; (5) the determination of the quantities of materials; (6) tests for water percolation in soils; and (7) the preparation of plans and specifications and estimates of proposed work as described in this subsection.

**ENGINEERING, PRACTICE OF:** (1) Shall mean the application of the mathematical and physical sciences for the design of public or private buildings, structures, machines, equipment, processes, works or engineering systems, and the consultation, investigation, evaluation, engineering surveys, planning and inspection in connection therewith, the performance of the foregoing acts and services being prohibited to persons who are not licensed under the laws of the Commonwealth as professional engineers unless exempt under other provisions of the laws of the Commonwealth. (2) The term "Practice of Engineering" shall also mean and include related acts and services that may be performed by other qualified persons, including but not limited to, municipal planning, incidental landscape architecture, teaching, construction, maintenance and research but licensure under the laws of the Commonwealth to engage in or perform any such related acts and services shall not be required.

**ENGINEERING SPECIFICATIONS:** The Engineering Specifications of the municipality regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

**ENVIRONMENTAL CONSTRAINTS:** Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

**EROSION:** The removal of surface materials by the action of natural elements.

**EXCAVATION:** Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting there from.

**EXISTING GRADE:** The vertical location of the ground surface prior to excavation or filling.

**FARM:** An area of land used for agricultural purposes, as defined in “agricultural operation”.

**FENCE:** Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singly or in combination, erected for the purpose of screening or dividing one property from another to assure privacy, or to protect the property so screened or divided, or to define and mark the property line. For the purpose of this ordinance a freestanding masonry wall when so located is considered to be a fence; also for the purpose of this ordinance when the term “lot line” is used in relation to fences it shall be synonymous with “rear yard lot lines”, “side yard lot lines”, “front yard lot lines.”

**FILL:** Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting there from. The difference in

elevation between a point on the original ground and a designated point of higher elevation of the final grade.

**FINISHED GRADE:** The proposed elevation of the land surface of a site after completion of all site preparation work.

**FLOOD:** A temporary inundation of normally dry land areas.

**FLOOD BOUNDARY, FIVE-HUNDRED-YEAR:** The outer boundary of an area of land that is likely to be flooded once every 500 years (i.e., that has 1/5 of 1% chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture’s Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study as necessary to define this boundary.

**FLOOD BOUNDARY, ONE-HUNDRED-YEAR:** The outer boundary of an area of land that is likely to be flooded once every 100 years (i.e., that has a 1% chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers (ACOE), the United States Department of Agriculture’s (DOA) Soil Conservation Service (SCS), the United States Geological Survey (USGS), the Susquehanna River Basin Commission (SRBC), the Department of Environmental Protection (PA DEP), or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study as necessary to define its boundary.

**FLOOD INSURANCE RATE MAP (FIRM):** See **FLOOD HAZARD BOUNDARY MAP.**

**FLOOD, FIVE-HUNDRED-YEAR:** A flood which is likely to be equaled or exceeded once every 500 years (i.e. that has a 1/5 of 1% chance of being equaled or exceeded in any given year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers (ACOE), the United States Department of Agriculture’s (DOA) Soil Conservation Service (SCS), the United States Geological Survey (USGS), the Susquehanna River Basin Commission (SRBC), the Department of Environmental Protection (PA DEP), or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.

**FLOOD, ONE-HUNDRED-YEAR (BASE FLOOD):** A flood, which is likely to be equaled or exceeded once every 100 years (i.e. that has a 1% chance of being equaled or exceeded in any given year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture’s Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.

**FLOOD FRINGE:** That portion of the floodplain outside the floodway.

**FLOOD HAZARD BOUNDARY MAP (FHBM):** An official floodplain map issued by the Federal Insurance Administration.

**AREAS OF SPECIAL FLOOD HAZARD:** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**FLOODPLAIN**: A floodplain may be either or a combination of: (a) a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse, during a one-hundred-year-design-frequency storm; or (b) any area subject to the unusual and rapid accumulation of runoff or surface waters from any source.

**FLOODPROOFING**: Any combination of structural and non-structural additions, changes or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. With regard to nonresidential structures, the term “flood proofing” shall also mean that the structure, together with attendant utility and sanitary facilities, be designed so that any space below the regulatory flood elevation is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydromatic loads and effects of buoyancy.

**FLOODWAY**: The areas identified as floodway in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in the other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

**FLOODWAY FRINGE**: Those portions of land within the Floodplain District subject to inundations by the one-hundred-year flood, beyond the floodway in areas where detailed study and profiles are available.

**FORESTRY (TIMBER HARVESTING)**: The management of forests and timberlands, practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve land development. The last clause in this definition is important because it states that forestry is not land development and, therefore, should not be regulated by the provisions of a municipality’s land development and subdivision ordinance.

**FREEBOARD**: The vertical difference between the crest of an embankment or drainage structure and the design water surface.

**FUTURE RIGHT-OF-WAY**: (1) right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads; (2) a right-of-way established to provide future access to or through undeveloped land.

**GOVERNING BODY**: The (*governing body*) of (*municipality, county*), County, Pennsylvania.

**GREENWAY**: A greenway may be any one or combination of the following: (1) a linear open space established along either a natural corridor, such as a riverfront, stream valley or ridgeline, or over land along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; (2) a natural or landscaped course for pedestrian or bicycle passage; (3) an open space connector linking parks, natural reserves, cultural features or historic sites with each other and with populated areas; and (4) strip or linear parks designated as a parkway or greenbelt.

**GROSS BUILDING AREA**: The total area of a building available for construction or use, as measured from the exterior walls or the building. The gross building area should be used in computing all square footage measurements for buildings as well as dimension requirements.

GUARANTEE, MAINTENANCE: Any financial security that may be required of a developer by a municipality after final acceptance by the municipality of improvements installed by the developer. Such security may include, but not limited to, irrevocable letters of credit, bonds, restrictive accounts, or escrow accounts from approved Federal, State, or Commonwealth lending institutions.

GUARANTEE, PERFORMANCE: Any financial security that may be required of a developer by the municipality in lieu of a requirement that certain improvements be made prior to final approval of the subdivision or land development plan. Such security may include, but is not limited to, those instruments cited above as acceptable as maintenance guarantees.

HALF OR PARTIAL STREET: A street, generally parallel with and adjacent to a property line, having a lesser right-of-way width than required for improvement and used as a street in accordance with the Ordinance.

HOMEOWNERS ASSOCIATION: A community association, which is, organized in a development in which individual owners share common interests in open space or facilities.

IMPERVIOUS MATERIAL (SURFACE): Any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to consist of impervious material: Buildings, sidewalks, driveways, parking lots, swimming pools.

IMPOUNDMENT: A body of water, such as a pond, confined by a dam, dike, floodgate, or other barrier.

IMPROVED PUBLIC STREET: Any street for which (*municipality name*), or Commonwealth has maintenance responsibility and which is paved with an approved hardtop surface.

IMPROVEMENTS: Those physical additions, installations, and changes required to render land suitable for the use intended, including but not limited to grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and other public utilities, and street shade trees, and improvements to existing water courses.

INTERIOR WALK: A right-of-way for pedestrian use extending from a street into a block or across a block to another street.

LAND DEVELOPMENT (See SUBDIVISION):

- A. The improvement of one or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - 1. 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
  - 2. the division or allocation of land or space 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,

- B. A subdivision of land.
- C. The following are exempted from the definition of Land Development:
  1. The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
  2. The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or
  3. The addition or conversion of buildings or rides within the confines of an enterprise, which would be considered an amusement park. For the purposes of this subsection, 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 proper authorities.

**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 conditions), a lessee having a remaining term of not less than forty years, or other person having a proprietary interest in the land, shall be deemed to be a landowner for the purpose of this Ordinance.

**LANDSCAPE PLAN:** A component of a development plan, if required, on which is shown proposed landscape species (such as number, spacing, size at time of planting, and planting details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features, grade changes, buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by the *(governing body)*.

**LIGHTING, DIFFUSED:** That form of lighting wherein the light passes from the source through a translucent cover or shade.

**LIGHTING, DIRECT OR FLOOD:** That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.

**LIGHTING, INDIRECT:** That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

**LOADING SPACE:** An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts in or has access to a street.

**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 AREA:** The area contained within the property lines of a lot as shown on a subdivision plan excluding space within any public street right-of-way, but including the area of any easement.

**LOT, CORNER:** A lot at the junction of and abutting on two or more intersecting streets or private roads.

**LOT, IMPERVIOUS COVERAGE:** A lot which has a surface of any material that prevents the absorption of stormwater into the ground. The total of impervious area includes the building area inclusive of rooftop, parking lot, sidewalks, and access drive, divided by lot total gross area.

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

**LOT, DOUBLE FRONTAGE:** See LOT, REVERSE FRONTAGE.

**LOT, FLAG (PAN HANDLE):** 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.

**LOT LINES:** The boundary lines of a lot as defined herein.

- A. **FRONT LOT LINE:** The lot line separating a lot from a street right-of-way. In the case of a corner lot or a lot abutting a street right-of-way on more than one side, there shall be two front lot lines.
- B. **REAR LOT LINE:** The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. A corner lot shall have 2 front lines, and two side lot lines.
- C. **SIDE LOT LINE:** Any lot line other than a front or rear lot line. A corner lot shall have 2 front lines, and two side lot lines.

**LOT, MINIMUM WIDTH:** The horizontal distance between the side lines of a lot measured at the front building setback line.

**LOT, MOBILEHOME:** A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome.

**LOT, NONCONFORMING:** The area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

**LOT, REVERSE FRONTAGE (DOUBLE FRONTAGE, THROUGH):** A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts. In the case of a lot fronting on streets of different classification, access to the lot shall be from the lower classified roadway.

**LOT, THROUGH (DOUBLE OR REVERSE FRONTAGE):** See LOT, REVERSE FRONTAGE.

**MAJOR SUBDIVISION:** See SUBDIVISION, MAJOR

MANUFACTURED HOME: See “DWELLING, MANUFACTURED HOUSING”.

MANUFACTURED HOME: Factory-built single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S. c. Sec. 5401) commonly known as HUD (U.S. Department of Housing and Urban Development) code.

MANUFACTURED HOME LOT: A parcel of land in a manufactured home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home. (See also “Mobile Home Lot”)

MINOR SUBDIVISION: See SUBDIVISION, MINOR.

MOBILEHOME: 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.

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

MOBILEHOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MODIFICATION / WAIVER: Relief from this ordinance’s provisions granted by the (Municipal Governing Body) for relief from the strict application of a specific requirement or provision of this ordinance, which if literally enforced would exact undue hardship on the applicant. Modification/waiver decisions are required to be based on unique or peculiar conditions pertaining to the land. All modification/waiver requests are required to be submitted in writing and constitute the least possible relief necessary. (Additional considerations for modification(s)/waiver(s) are in Article IX.)

MODULAR HOME: A type of dwelling that is in a substantial part but not wholly produced in sections off the site and then is assembled and completed on the site. This shall not include any dwelling that meets the definition of mobile home, nor shall it include any dwelling that does not rest on a permanent foundation, nor any dwelling intended to be able to be moved to a different site once assembled, nor any dwelling that would not fully comply with any and all applicable building codes. A modular home also shall not include a building that includes only one substantial piece prior to delivery on the site.

MONUMENT: A tapered, permanent survey reference point of stone or cement having a round top four inches (4”) on each side with a length of twenty-four (24”) inches.

MUNICIPAL AUTHORITY: The (*municipality name*), County, Pennsylvania.

MUNICIPALITY: A city, borough, or township.



**NATURAL FEATURE:** A component of a landscape existing or maintained as part of the natural environment and having ecologic value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wild like, human recreation, reduction of climatic stress or energy costs. Such features include those, which, if disturbed, may cause hazards or stress to natural habitats, property or the natural environment.

**NONCONFORMING LOT:** See LOT, NONCONFORMING.

**NONCONFORMING STRUCTURE OR BUILDING:** A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this zoning ordinance or amendment theretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NPDES:** The National Pollutant Discharge Elimination System.

**OBSTRUCTION:** Any wall, dam, wharf, embankment, levee, dike, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of water might carry the same downstream to the damage of life and property.

**OFF-STREET PARKING:** A temporary storage (surface or structure) for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedication right-of-way, and is located upon the same lot as a principal use or, in the case of joint parking, within close proximity.

**ON-LOT SEPTIC SYSTEM:** See SEPTIC SYSTEM

**OPEN SPACE:** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designed, or reserved for public use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

**OPEN SPACE, COMMON:** A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designated and intended for the use or enjoyment of residents of a development, not including streets, off street parking areas and areas set aside for public facilities.

**OPEN SPACE, PRIVATE:** Common open space held in private ownership, the use of which is normally limited to the occupants of a single dwelling or building.

**OPEN SPACE, PUBLIC:** Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

**OUTDOOR LIGHTING:** An illumination source outside any building, including but not limited to an incandescent bulb, mercury, sodium or neon-filled bulb, and the hardware containing the illumination source and supporting it. Lighting fixtures underneath a roof of an open-sided building, including but not limited to storage sheds, canopies and gas station marquees over gas pumps, are deemed to be “outdoor lighting.”

OWNER: See LANDOWNER.

PADEP: The Pennsylvania Department of Environmental Protection.

PAMPC: See PENNSYLVANIA MUNICIPALITIES PLANNING CODE

PARCEL: Any lot, plot or tract of land designated by any legally recorded or approved means as a single unit. The term includes, but is not limited to, tax parcels, lots or deeded areas.

PARK: A tract of land, designated and used by the public for active and passive recreation.

PARKING AREA: See PARKING LOT.

PARKING GARAGE: A building where passenger vehicles may be stored for short-term, daily or overnight off-street parking.

PARKING LOT: Any lot, municipally or privately owned for off street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or may be provided for a fee.

PARKING SPACE: The space within a building, or on a lot or parking lot, for the parking or storage of one (1) automobile.

PEDESTRIAN WALKWAY: A specified easement, walkway, path, sidewalk or other reservation which is designed and used exclusively by pedestrians.

PENNDOT: The Pennsylvania Department of Transportation.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (PAMPC): Act 247 of 1968, as reenacted and amended.

PERSON: A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

PERVIOUS SURFACE: Any material that permits full or partial absorption of stormwater.

PLAN: See PLAT.

PLAN, CONSTRUCTION IMPROVEMENT: A plan prepared by a registered engineer or surveyor showing the construction details of streets drains, sewers, bridges, culverts, and other improvements as required by this Ordinance.

PLAN, COMPREHENSIVE: See COMPREHENSIVE PLAN.

PLAN OR PLAT, FINAL: A complete and exact subdivision or land development plan, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.

**PLAN OR PLAT, PRELIMINARY:** A tentative subdivision or land development plan, in lesser detail than a final plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

**PLAN OR PLAT, PRE-APPLICATION (SKETCH):** An informal plan indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development. The pre-application (sketch) plat or plan does not constitute a formal submission of a preliminary or final plat and is voluntarily offered to all applicants for guidance.

**PLANNING AGENCY:** A planning commission, planning department, planning office, or a planning committee of the governing body.

**PLANNING COMMISSION:** (*municipality name*) Planning Commission.

**PLAT:** The map or plan of a subdivision or land development whether preliminary or final. (For the purpose of this ordinance, the terms “plat” and “plan” have the same meaning.)

**PRE-APPLICATION CONFERENCE:** An initial meeting between developers and the zoning officer and/or codes enforcement officer and/or Municipal Engineer which affords applicants and/or developers the opportunity to present their proposals informally.

**PRIME AGRICULTURAL LAND:** Land consisting of those soils designated by the USDA Natural Resource Conservation Service as prime soils.

**PRINCIPAL BUILDING:** See **BUILDING, PRINCIPAL.**

**PRIVATE:** Not publicly owned, operated, or controlled.

**PRIVATE STREET/ROAD:** A non-public right-of-way which provides vehicular access to two or more lots.

**PROFILE LINE:** Means the profile of the centerline of the finished surface of the street, which shall be midway between the sidelines of the street.

**PUBLIC GROUNDS:** Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities;
- C. Publicly owned or operated scenic and historic sites. (MPC)

**PUBLIC LAND:** Owned, operated or controlled by a government agency (Federal, state, or local) including any corporation created by law for the performance of certain specialized governmental functions, or any public school district.

**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 the Pennsylvania Municipalities Planning Code (PA MPC).

**PUBLIC MEETING:** A forum held pursuant to notice under 65 PA. C.S., CH 7 (Relating to open meetings).

**PUBLIC NOTICE:** A 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.

**PUBLIC PARKS AND RECREATION AREAS:** Locations for leisure-time activities, including but not limited to sports and entertainment that are open to anyone without restriction, except for the rules and standards of conduct and use.

**PUBLIC STREET/ROAD:** A street ordained or maintained or dedicated and accepted by the municipality, county, state or federal governments and open to public use.

**RECREATION, ACTIVE:** Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

**RECREATION, PASSIVE:** Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, checkers, and similar table games. It can also mean open space for nature walks and observation.

**RECREATIONAL VEHICLE:** A vehicular type unit, portable and without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

**RECREATIONAL VEHICLE PARK OR CAMPGROUND:** A parcel of land which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters, for recreational, camping or travel use, on recreational vehicle or campground lots rented for such use.

**RECREATIONAL VEHICLE PARK OR CAMPGROUND LOT:** A parcel of land abutting a street or private road occupied by one recreational vehicle or camping equipment for temporary living quarters, for recreational, camping, or travel use.

**REGIONAL PLANNING AGENCY:** The Tri-County Regional Planning Commission.

**REGULATORY FLOOD ELEVATION:** The 100-year flood elevation plus a freeboard safety factor or one and one half (1½) feet.

**REPORT:** Any letter, review, memorandum, compilation or similar writing made by a body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie there from. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

**RESERVE STRIP:** A narrow parcel of ground separating a street from other adjacent properties.

**RETENTION BASIN:** A reservoir, formed from soil or other material, which is designed to detain temporarily, a certain amount of storm water from a catchment area and which may also be designed to permanently retain additional storm water runoff from the catchment area. Retention basins may also receive freshwater from year-round streams. Unlike detention basins, retention basins always contain water, and thus may be considered man-made lakes or ponds.

**RIGHT-OF-WAY:** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

**RIGHT-OF-WAY, STREET:** A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

**RIPARIAN BUFFER AREA:** An area of land adjacent to a perennial or intermittent stream, subject to the regulations of the municipal zoning ordinance.

**RIPARIAN LAND:** Land that is traversed or bounded by natural watercourse or adjoining tidal lands.

**RIPARIAN RIGHTS:** Rights of a landowner to the water on or bordering his or her property, including the right to make use of such waters and to prevent diversion or misuse of upstream water.

**ROAD:** See STREET.

**RUN OFF:** The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

**SANITARY SEWAGE:** Any liquid waste containing animal or vegetable matter in suspension or solution or the water-carried waste resulting from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or any other source of water-carried waste of human origin or containing putrescible material.

**SANITARY SEWER:** Pipes that carry domestic or commercial sanitary sewage and into which storm, surface, and ground waters are not intentionally admitted.

**SEDIMENTATION:** The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "Sediment".

**SEPTIC SYSTEM:** An underground system with a septic tank used for the decomposition of domestic wastes.

**SCREENING:** The provision of a barrier to visibility, airborne particles, glare and noise between adjacent properties, uses and/or districts, composed entirely of trees, berm, shrubs, hedges, sight-tight fences and/or other similar-type materials.

**SCREEN PLANTING:** A vegetative material of sufficient height and density to conceal from the view of property owners on adjoining properties. The structures and uses on the premises on which the screen planting is located.

**SETBACK LINE:** See BUILDING SETBACK LINE

**SEWAGE DISPOSAL SYSTEM (ON-LOT):** Any system designed to eliminate sanitary sewage within the boundaries of the lot the system serves.

**SEWAGE DISPOSAL SYSTEM (OFF-LOT):** Any system designed to eliminate sanitary sewage outside the boundaries of the lot the system serves.

**SEWAGE DISPOSAL AND TREATMENT SYSTEM (PUBLIC OR COMMUNITY):** A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

**SIDEWALK:** A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

**SIDEWALK AREA:** That portion of the right-of-way that lies between the right-of-way line and curb line, regardless of whether the sidewalk exists.

**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.

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

**SITE:** A parcel of land located in a municipality, established by a plat or otherwise as permitted by law, which is the subject of an application for development. A site may include more than one lot.

**SITE PLAN:** An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

**SKETCH PLAN:** See PLAN OR PLAT, PRE-APPLICATION (SKETCH)

**SLOPE:** The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

**SOIL STABILITATION:** Chemical or structural treatment designed to increase or maintain the stability of a mass of soil or otherwise to improve its engineering properties.

**SQUARE FOOTAGE:** The unit of measure used to express the area of a lot, tract, or parcel involved in a subdivision or land development; the length of a lot in feet multiplied by the width of the lot in feet.

**STAFF:** A municipality's personnel or contracted personnel.

**STREAM ENCLOSURE:**

**STEEP SLOPE:** Land with a 15 feet or greater change in elevation 100 feet or less in horizontal distance or, in other terms, 15% or greater on the average. The following formula is the acceptable method of determining average slope:

$$S = \frac{0.0023 I \times L}{A}$$

S = Average percent slope of site

I = Contour interval in feet

L = Sum of the length of contours in feet

A = Land area in areas of parcel being considered

*(Ed note: Consideration of a steep slope should be based upon local conditions. An example of full discussion on steep slopes can be found here: <https://lvpc.org/pdf/SteepSlopes.pdf> )*

**STORMWATER:** Water that surfaces, flows or collects during and subsequent to rain or snowfall.

**STORMWATER DETENTION:** Any storm drainage technique that retards or detains runoff, such as detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells or any combination thereof.

**STORMWATER MANAGEMENT PLAN:** A plan for managing the storm water runoff from a proposed subdivision or land development, including data and calculations, prepared by the developer in accordance with the standards of this ordinance, or any applicable municipal or watershed stormwater management ordinance.

**STREAM:** A watercourse having a source and terminus, banks and channel through which waters flow at least periodically.

**STREET:** Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

**STREET CENTERLINE:** See CENTERLINE, STREET.

**STREET GRADE:** The officially established grade of the street upon which a lot fronts or in its absence the established grade of the other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

**STREET LINE:** The dividing line between the street or road and the lot, also known as the right-of-way line.

**STREET, MAJOR:**

- A. INTERSTATE HIGHWAY:** Limited access highways designed for traffic between major regional areas or larger urban communities of 50,000 or more; these highways extend beyond state boundaries, with access limited to interchanges located by the U.S. Department of Transportation.

- B. FREEWAY:** Limited access roads designed for large volumes of traffic between communities of 50,000 or more to major regional traffic generators (such as central business districts, suburban shopping centers and industrial areas); freeways should be tied directly to arterial roads, with accessibility limited to specific interchanges to avoid the impediment of through traffic.
- C. PRINCIPAL ARTERIAL HIGHWAY:** A principal arterial provides land access while retaining a high degree of through traffic mobility and serves major centers of urban activity and traffic generation. These highways provide a high-speed, high-volume network for travel between major destinations in both rural and urban areas.
- D. MINOR ARTERIAL HIGHWAY:** A minor arterial gives greater emphasis to land access with a lower level of through traffic mobility than a principal arterial and serves larger schools, industries, hospitals and small commercial areas not incidentally served by principal arterials.
- E. COLLECTOR HIGHWAY:** A collector road serves dual functions, collecting traffic between local roads and arterial streets and providing access to abutting properties. It serves minor traffic generators, such as local elementary schools, small individual industrial plants, offices, commercial facilities and warehouses not served by principal and minor arterials.
- F. STREET, ARTERIAL:** A major street or highway with fast or heavy traffic of considerable continuity and used primarily as a traffic artery for intercommunications among large areas.
- G. STREET, COLLECTOR:** A major street or highway which carries traffic from minor streets to arterial streets including the principle entrance streets of a residential development and streets for circulation within such a development.
- H. LIMITED ACCESS HIGHWAY:** A major street or highway which carries large volumes of traffic at comparatively high speed with access at designated points and not from abutting properties.

**STREET, MARGINAL ACCESS:** A minor street which is parallel and adjacent to a limited access highway or arterial street, which provides access to abutting properties and protection from through traffic.

**STREET, MINOR:** A street used primarily for access to abutting properties. Minor streets include the following:

- A. STREET, CUL-DE-SAC:** A street intersecting another street at one end terminating at the other in a vehicular turn-around.
- B. STREET, DEAD END:** 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.



- C. STREET, LOCAL: Streets which are used primarily for access to abutting properties, including streets with subdivisions or developments, usually characterized by low operating speeds and dedicated or accepted for municipal ownership and maintenance.
- D. STREET, PRIVATE: A legally established right-of-way other than a public street not offered for dedication or accepted for municipal ownership and maintenance.
- E. STREET, PUBLIC: All streets open to the public and maintained by, or dedicated to and accepted by the municipality, the County, the State or the Federal Government.

STREET, PAPER: A street that has never been built shown on an approved plan, subdivision plat, tax maps, or official map.

STREET, SHOULDERS: The portion of the street, contiguous to the cartway, for the accommodation of stopped vehicles, for emergency parking, and for lateral support of base and surface courses of the pavement.

STREET, WIDTH: The distance between street lines measured at right angles to the center line of the street.

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

- A. STRUCTURE, ACCESSORY: A structure detached from a principle structure, but located on the same lot, which is customarily incidental and subordinate to the principle building, structure or use.
- B. STRUCTURE, PRINCIPLE: The main or primary structure on a given lot, tract or parcel.
- C. STRUCTURE, TEMPORARY: A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

SUBDIVIDER: The owner or authorized agent of the owner of a lot, tract, or parcel of land to be subdivided for sale or land development under the terms of this Ordinance.

SUBDIVISION (See LAND DEVELOPMENT): 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 residential dwellings, shall be exempted.

SUBSTANTIALLY COMPLETED: Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to PAMPC, Section 509) of those improvements required as a condition for the final approval have been completed in accordance with the approved plan, so that the project will be able to be used and operated for its intended use.

**SURFACE DRAINAGE PLAN:** A plan showing all present and proposed grades and facilities for stormwater drainage.

**SURVEYING, PRACTICE OF LAND:** Shall mean the practice of that branch of the profession of engineering which involves the location, relocation, establishment, reestablishment or retracement of any property line or boundary of any parcel of land or any road right-of-way, easement or alignment; the use of principles of land surveying, determination of the position of any monument or reference point which marks a property line boundary, or corner setting, resetting or replacing any such monument or individual point including the writing of deed descriptions; procuring or offering to procure land surveying work for himself or others; managing or conducting as managers, proprietors or agents any place of business from which land surveying work is solicited, performed, or practiced; the performance of the foregoing acts and services being prohibited to persons who are not granted certificates of registration under the laws of the Commonwealth as a professional land surveyor unless exempt under other provisions of the laws of the Commonwealth.

**SURVEYOR, PROFESSIONAL LAND:** An individual licensed and registered under the laws of this Commonwealth to engage in the practice of land surveying. A professional land surveyor may perform engineering land surveys but may not practice any other branch of engineering.

**SWALE:** A low-lying stretch of land characterized as a depression used to carry surface water runoff.

**TOPOGRAPHIC MAP:** A map showing the elevations of the ground by contours or elevations.

**TOPOGRAPHY:** The configuration of a surface area showing relative elevations.

**TOPSOIL:** Surface soils and subsurface soils, which presumably are fertile, soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer called the A Horizon.

**TOWNSHIP:** The Township of, (*Municipality name*), (county), County, Pennsylvania, (governing body), its agents or authorized representatives.

**UNDEVELOPED LAND:** Any lot, tract or parcel of land, which has not been graded or in any other manner prepared for the construction of a building.

**UNIT:** See DWELLING UNIT.

**USE:** The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

A. **USE, ACCESSARY:** A use customarily incidental and subordinate to the principal use, building or structure located on the same lot with this principal building or structure.

B. **USE, PRINCIPAL:** The main or primary use of property, buildings or structures.

**UTILITY, PUBLIC OR PRIVATE:** (1) Any agency which under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat,

steam, communication, rail transportation, water, sewage collection or other similar service, (2) a closely regulated private enterprise with an exclusive franchise for providing a public service.

**VIEWSHED**: That portion of the landscape which can be readily viewed by the observer from one or more vantage points. The extent of area that can be viewed is commonly delineated by landform, vegetation and/or distance.

**VILLAGE**: An unincorporated settlement that is part of a **borough/township** where residential and mixed use densities of one unit to the acre or more exist or are permitted and commercial, industrial or institutional uses exist or are permitted.

**WAIVER**: See **MODIFICATION / WAIVER**.

**WATER FACILITY**: Any water works, water supply works, water distribution system, or part thereof designed, intended, or constructed to provide or distribute potable water.

**WATERCOURSE**: A stream of water, river, brook, creek, or a channel or ditch for water whether natural or man-made.

**WATERSHED, STORM WATER MANAGEMENT PLAN**: A plan for managing storm water runoff from and from within a particular watershed area.

**WATER SYSTEM**: A water facility providing potable water to individual lots or to the public for human consumption.

**WATER SYSTEM, NONPUBLIC**: All water systems which are not public water systems.

**WATER SYSTEM, OFF-LOT**: An approved water system in which potable water is supplied to a dwelling or other building from a central water source which is not located on the same lot as the dwelling or building.

**WATER SYSTEM, ON-LOT**: A well or other approved system designed to provide potable water to a dwelling or building located on the same lot as the source.

**WATER SYSTEM, PUBLIC**: A water system, as defined by the Pennsylvania Department of Environmental Protection, which has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least 60-days out of the year.

**WATER SURVEY**: An inventory of the source, quantity, yield, and use of groundwater, creek, channel, ditch, whether natural or man-made.

**WETLANDS**: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that are under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

For the purposes of this ordinance, the term includes but is not limited to, wetland areas listed in the State Water Plan, the US Forest Service Wetland Inventory of Pennsylvania, the US Fish and Wildlife National Wetlands Inventory, and wetlands designated by the Susquehanna River Basin Commission.

YARD, BUFFER: See BUFFER YARD.

YARD, REQUIRED: An open space located on the same lot with a building unoccupied and unobstructed from the ground up, except for permitted accessory buildings or such projections as are expressly permitted. The minimum depth or width of a required yard shall consist of the horizontal distance between the lot line and the required building setback line.

ZERO LOT LINE: The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

ZONE: Same as District.

ZONING: A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and special uses are established as well as regulations governing lot size, building bulk, placement and other development standards. (Also see the Pennsylvania Municipalities Planning Code)

ZONING DISTRICT: A section of a municipality designated in the Zoning Ordinance text and delineated on the Zoning Map, in which requirements for the use of land and building and development standards are prescribed.

ZONING MAP: The map setting forth the boundaries of the Zoning Districts of the borough/township/city which shall be part of this Ordinance.

ZONING OFFICER: The administrative officer appointed by the Board of Commissioners to administer the Zoning Ordinance and issue zoning permits. (Also see Pennsylvania Municipalities Planning Code)

ZONING PERMIT: A document signed by a zoning officer, as required in the Zoning Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, that acknowledges that such use, structure or building complies with the provisions of the municipal zoning ordinance or authorized variance there from.

## PLAN PROCESSING PROCEDURES AND REQUIREMENTS

### *Plan Processing Procedures*

#### *General Procedure*

- A. Whenever a subdivision or land development is proposed, a plan of the layout of such subdivision or land development shall be prepared, filled and processed according to the requirements of this Ordinance. The (*governing body*) may hold a public hearing, properly advertised, prior to action on the plan. No lots will be sold or structures erected prior to the final approval of the plans.
  
- B. Innovative design including Traditional Neighborhood Development, Planned Residential Development, Open Space Cluster Development is encouraged as provided in the municipal zoning ordinance. (See Appendix 5 for Sample Conservation Subdivision Regulations by Natural Land Trust).
  
- C. The applicant shall complete the “Check List for Submitting Subdivision and Land Development Plan” (*See APPENDIX 1: Sample Developer’s Agreement for Completion of Improvements*) for all preliminary and final plans.
  
- D. The (*Municipality Name*) engineer/or its representative shall have the right not to accept a plan, if the plan is administratively incomplete due to the omissions of any criteria required in the Preliminary Plan Procedures section of this ordinance Any such non-acceptance of a plan shall not be considered to have been filed.
  
- E. Prior to the preparation of any plan, the applicant shall review the rights and restrictions associated with prior recorded plan and is advised to consult with all appropriate agencies with respect to, but not limited to as more fully described in this Ordinance;
  - 1. Compliance to zoning ordinance
  - 2. Sanitary and water services
  - 3. On-lot sewage disposal
  - 4. Public utilities
  - 5. Stormwater control measures
  - 6. Floodplain development measures
  - 7. Erosion and sedimentation control measures
  - 8. Historic Preservation
  - 9. Important Natural Habitats
  - 10. Archaeological Resources

- F. A pre-application submission meeting is strongly suggested with the *(Municipality name)* staff and engineer. Due to the informal nature of the meeting, the applicant and the municipality shall not be bound by the determination of the pre-application meeting.
- G. Plan submission, official filing date and approval of the plan.
  - 1. The application for submission of subdivision and land development plans shall be submitted fifteen (15) working days prior to the regularly scheduled planning commission (or the *(Governing body)* if there is no planning commission established) meeting date. Upon receipt of an application, *(municipality name)* shall affix to the application both the date of submittal and the official filing date.
  - 2. The official filing date shall be the date of the next regularly scheduled meeting of the planning commission following the submittal date (or the governing body if there is no planning commission established). Should the regular meeting occur more than thirty (30) days following the submission of the application, than the official filing date shall be the 30<sup>th</sup> day following the day the application has been submitted.
- H. Approval of Plans
  - 1. The application for approval of the plans whether preliminary or final shall be acted upon and decision rendered by the planning commission or the governing body and communicate it to the applicant not later than ninety (90) days following the official filing date.

***Excluded Land Developments (OPTIONAL)***

- A. The following activities shall be excluded from the land development review and approval requirements:
  - 1. The conversion of single family detached or semi-detached homes into not more than three (3) residential units unless they are intended to be condominium.
  - 2. The addition of an accessory building less than five thousand (5,000) square feet in size that is proposed on a lot or lots subordinate to an existing principal building at that same location.
  - 3. An addition or conversion of buildings or rides within the confines of an amusement park.

***De Minimis Improvement Process (OPTIONAL)***

- A. No subdivision or land development approval is needed for a De Minimis Improvement as defined in Definitions, of this Chapter. An applicant who wishes to proceed under these provisions shall submit to the *(municipality name)* official the following for their review:
  - 1. A building permit application setting forth the proposed improvement, the cost thereof, and any changes to be made to the land.

2. Where the project has a previously recorded land development plan, the applicants must file an amended land development plan for the record.
3. The Plan, when filed, shall undergo engineering and zoning review to address all zoning issues such as trash enclosures, landscaping, site access, and stormwater management. An escrow shall be established with (*municipality name*) to cover appropriate fees for plan review as determined by staff.
4. Any given building may have no more than three (3) De Minimis improvements including the current application, provided that, they when taken together, require less than (5) five additional parking spaces and the total footprint of the De Minimis additions does not exceed one thousand (1,000) square feet.
5. Upon completion of the appropriate staff review, if the applicant agrees in writing to the conditions, improvements, and/or requirements determined by the review, the application will be approved and the appropriate permits will be issued. In the event that the applicant does not agree with the review conclusions, the application is deemed denied, and the applicant may elect to resubmit the application under the standard land development procedures as set forth herein.

***Types of Plans***

- A. All applications for subdivision and/or land development shall be classified as Sketch Plans, Preliminary Plans, Final Plans, Minor Plans, or Deminimis plans (Optional) as further regulated herein.
- B. Sketch Plans. Prior to submitting an application for subdivision and/or land development, (*Municipality name*) strongly recommends that applicants submit a Sketch Plan to (*municipality name*) Planning Commission for advice on the requirements necessary to achieve conformity with the standards of this and other applicable municipal ordinances, as well as, to alert the applicant to other factors which must be considered in the design of the subdivision or land development. Sketch Plans shall be submitted in accordance with the requirements of Sketch Plan Requirements and Sketch Plan Review Procedure. A Sketch Plan may be filed in cases where only a portion of the property is currently proposed for subdivision or land development to show how the immediate proposal can fit logically into an overall plan for the entire site. (OPTIONAL)
- C. Preliminary Plans. A Preliminary Plan is required to be filed for all proposals for subdivision and/or land development in accordance with the requirements of Preliminary Plan Requirements and Preliminary Plan Review Procedure.
- D. Final Plans. A Final Plan is required to be filed and recorded for all proposals for subdivision and/ or land development in accordance with the requirements of Final Plan Requirements, and Final Plan Review Procedure, and Recording of the Final Plan.
- E. Minor Plans. Applications which that qualify as Minor Plans may be submitted for Final Plan processing and approval, in accordance with the standards and requirements of Minor Plan Submission Requirements and Review Procedure.

- F. De Minimis Plan (Optional): Applications which that qualify as De Minimis plans may be submitted for Final Plan processing and approval, in accordance with the standards and requirements of minor Plan Submission Requirements and Review Procedure.

***Minor Plan Filing Requirements and Review Procedure***

*General.*

- A. Minor Plans may be filed and processed only for Lot Line Adjustments, Simple Conveyances, Minor Subdivisions, Mortgage Subdivisions, or Minor Land Developments as characterized herein, in accordance with the standards and requirements in this Section.

***Standards for Qualification as a Minor Plan Submission***

A. Lot Line Adjustment.

1. A proposal between two abutting, existing, legally approved and recorded lots.
2. A common lot line is proposed to be adjusted in terms of its location or configuration or eliminated.
3. The land area of each lot may be different after adjustment, but the total lot area of the two (2) lots will be unchanged.
4. No alteration will occur to the perimeter boundary lines of the two (2) lots.
5. Neither lot shall violate the applicable dimensional requirements of the Zoning Ordinance (as a result of the lot line adjustment, unless a pre-existing legal nonconformity exists on the lot(s)).
6. Possible reasons for lot line adjustments include, but are not necessarily limited to:
  - a. Correcting errors regarding locations of existing improvements.
  - b. Relating the line to definitive physical characteristics.
  - c. Preferences of the landowners involved.

B. Simple Conveyance.

1. A proposal between two abutting, existing, legally approved and recorded lots.
2. A portion of one (1) lot is being divided off to be conveyed to the owner of the abutting lot.
3. The land area of each lot will be different after conveyance, but the total lot area of the two (2) lots will be unchanged.



4. The lot from which the land is being conveyed must be suitable in terms of the applicable dimensional requirements of the zoning ordinance, so that after conveyance, it will remain in compliance with those requirements.
5. The land area being conveyed need not satisfy any of the dimensional requirements applicable to lotting in the district in which it is located, nor the street frontage requirements of the zoning ordinance, provided that it shall be deed restricted to the extent that it may not be transferred independently but must be transferred together with the lot to which it is being functionally added by the process of simple conveyance.

C. Minor Subdivision

1. A subdivision plan where six (6) or fewer lots are proposed to be subdivided from a tract of land or where land is being transferred to be combined with an existing lot or lots, each of which will comply with the dimensional requirements of the applicable zoning district(s) in which the existing lot is located.
2. The existing lot has sufficient frontage on an existing, improved public street to satisfy the applicable Township requirements for lot frontage and access to a public street for both proposed lots.
3. The existing lot has not been a part of an approved subdivision proposal during the five (5) years previous to the current application.
4. The subdivision will not require new road construction, road improvements, or the extension of existing public utility lines.
5. The proposal will not involve significant stormwater and/or erosion control issues, as determined by (*Municipality name*) Engineer.
6. Disqualification. The (*governing body*) may require standard Preliminary Plan submission in place of a Minor Plan when conditions warrant it, at the advice of the Planning Commission or Township Engineer.

D. Mortgage Subdivision

1. A subdivision established for the sole purpose of granting separate and distinct mortgages on each parcel within a commonly managed and maintained land development. The individual parcels created as a result of the mortgage subdivision may not individually meet the required yard setbacks, ground cover, limitations, or other bulk and area requirements of the zoning district in which the property is situate provided that the applicant documents to the satisfaction of (*Municipality name*):
  - a. The responsibility for the construction, control, and maintenance of development shall be carried by an entity irrespective of parcels to be established through the mortgage subdivision.
  - b. Irrevocable cross easements shall be established in favor of all parcels created through the mortgage subdivision within the land development as respect to the

use, control, and maintenance for the facilities and areas to be used in common so that each parcel becomes an integral of the land development.

- c. Declaration that the interest of any mortgagee and that of any transferee of the mortgaged property upon any default of the mortgage, shall be subject to the obligations and responsibilities as to the facilities and areas to be used in common and the requirements of the cross easements so that such a mortgagee or transferee, in the event of such default or transfer of title to the property, shall be bound thereby.
- d. In the event of a subdivision for mortgage purposes, the entire area included within the plan shall continue to be treated by (*Municipality name*) as a single parcel for the purposes of maintaining compliance with the municipal Zoning Ordinance.

E. Minor Land Developments

- 1. A land development proposal where it is found that the intended development or modification of a site or use and occupancy of an existing structure will create a minimal impact upon traffic, drainage, visual image, landscaping, buffering, lighting, or other elements described within the purposes of this Chapter.
- 2. Parking lot expansions.
- 3. Additions to existing non-residential buildings provided that the addition is less than five thousand (5,000) gross square feet and involves no more than a twenty-five (25) percent increase in the size of the existing building.
- 4. The conversion of a residential dwelling that results in the creation of no more than four (4) new dwelling units.
- 5. The addition of tenants to an existing non-residential building when minimal structural improvements are required.

F. Submission Requirements and Review Procedure.

- 1. The Planning Commissioner, being advised by (*Municipality name*) Staff and Engineer, in response to a written request by the applicant for a Minor Plan submission meeting any of the above stated qualification standards, may waive the requirements of this Chapter for Preliminary Plan requirements, provided such Minor Plan proposal is on an existing street and no new streets are involved. In such cases the applicant shall submit a Final Plan as follows:
  - a. The Final Plan shall be submitted and processed as required by, Final Plan Filing and Review Procedure, and contain the following data and plan specifications:
    - (1). Submit an erosion and sedimentation control plan as required by the Pennsylvania Clean Streams Law, and the Pennsylvania Department of Environmental Protection, Erosion Control Rules and Regulations (Title 25, Part 1, Subpart C, Article II, Chapter 102), with the erosion control measures

set forth in the Erosion and Sediment Pollution Control Manual prepared by the Department of Environmental Protection.

- (2). Three (3) twenty-four (24) inches by thirty-six (36) inches copies, ten (10) reduced sized copies, and an electronic PDF copy of the plan prepared by a registered surveyor or engineer clearly labeled "Final Plan" shall be submitted containing the following information:
- a) Outline of the property from which the lot or lots are being subdivided.
  - b) Bearings and distances of the property taken from the property deed, including the primary control point.
  - c) Adjacent landowners' names.
  - d) Location on the property map of existing streets, streams, and woods.
  - e) A separate drawing of the proposed lot scaled to one (1) inch equals one hundred (100) feet (1:100) with lot area, lot number, lot dimensions, bearings and distances of lot lines, existing street right-of-way, street name and route number, building setback lines, and contours with a five-foot interval.
  - f) A location map on the plan scaled to a minimum one (1) inch equals one thousand (1,000) feet (1:1,000) showing property location, streets, and other pertinent information.
  - g) Name of the Zoning District in which the site is located.
  - h) Additional data required on the plan.
  - i) Name, address, and telephone number of owner or applicant.
  - j) Name, address, and telephone number and seal of professional engineer certifying engineering aspects and professional land surveyor certifying the accuracy of plan survey
  - k) Date of plan preparation.
  - l) Municipality where the property is located.
  - m) North point and scale.
  - n) Certification of ownership and a dedicatory statement signed by the owner
  - o) Notary public and recording statement
  - p) Approval blocks to be signed by (*Municipality name*) Planning Commission.

- q) Location and description of survey monuments shown on the plan.
- r) Proposed protective covenants running with the land, if any.
- s) Reference to recorded subdivision plans of adjoining planned land and by recorded name, date, and number.
- t) When applicable, a copy of the Sewage Module for Land Development or other equivalent documentation approved by the Department of Environmental Protection in compliance with the requirements of the Pennsylvania Sewage Facilities Act and Chapter 71 of Title 25 of the Pennsylvania Code.
- u) Compliance with provisions of this Chapter pertaining to applications located in a flood hazard area.
- v) Such other data as may be required by (*Municipality name*) Planning Commission or Board of Commissioners in the enforcement of this Chapter.

***Lot Add-On Plan Procedure***

- A. A plan which proposes to alter the location of lot lines between existing lots of separate ownership for the sole purpose of increasing lot size can be submitted as a “Lot Add-on final plan” to (*Municipality name*) when meeting the following criteria;
  - 1. No lot or tract of land is created which is neither smaller than the minimum nor larger than the maximum lot size permitted by the applicable Zoning Ordinance.
  - 2. Drainage easements or rights-of-way are not altered.
  - 3. Access to the affected parcel is not changed.
  - 4. Street alignments are not changed.
  - 5. No new building lots are created
- B. The Lot Add-on Plan shall be prepared in conformance with the provisions under Submission Requirements and Review Procedure

***Centerline Separation Plan Procedure***

- A. The division of an existing tract along the centerline of an existing road to create two (2) lots/tracts whose common boundary is said centerline can be submitted to (*Municipality name*) as a “Centerline Separation Final Plan” when meeting the following criteria:
  - 1. The resultant lots meet all requirements of the applicable zoning district.
  - 2. The resultant lots shall retain adequate access to accommodate potential development in accordance with the current zoning district regulations.

3. Notification signed by (*municipality name*) zoning officer that the proposal is generally in conformance with the applicable zoning regulations.
4. Notification from Pennsylvania Department of Environmental Protection that either approval of the Sewer Facility Plan Revision (Plan Revision Module) or supplement has been granted or that such approval is not required.

The Centerline Separation Plan shall be prepared in conformance with the provisions under [Standards for Qualification as a Minor Plan Submission](#)

***Excluded Land Developments***

- A. The following activities shall be excluded from the land development review and approval requirements:
  1. The conversion of single family detached or semi-detached homes into not more than three (3) residential units unless they are intended to be condominium.
  2. The addition of an accessory building less than five thousand (5,000) square feet in size that is proposed on a lot or lots subordinate to an existing principal building at that same location.
  3. An addition or conversion of buildings or rides within the confines of an amusement park.

***Sketch Plan (OPTIONAL)***

- A. A Pre-application meeting or sketch plan review is recommended for the applicant to receive advice and comments from (*Municipality name*) staff. The meeting between the applicant and (*municipality name*) staff shall be considered confidential.
- B. Prior to the filing of a subdivision or land development plan, the applicant is encouraged to submit a sketch plan to (*Municipality name*) planning commission or (*governing body*) for advice and assistance on the requirements necessary to achieve conformity with the standards of this and other applicable municipal ordinances. The submission of a sketch plan does not constitute an official subdivision and land development application.
- C. The plan shall be labeled “SKETCH PLAN” and shall include sufficient data such as listed below.
  1. Name and address of the legal owner, the equitable owner, and/or applicant and the person responsible for preparing the sketch plan
  2. Title, scale, north arrow and date of preparation
  3. Location map, tract boundary and ground contours
  4. Existing and proposed streets and layout of lots and open space easements

5. Topographic features such as water courses, rock outcropping, steep slopes, wetlands , vegetation, and floodplain areas
6. Proposed method of water supply, sewage disposal and stormwater management
7. The zoning district for the proposed plan area
8. Twelve (12) copies of the sketch plan shall be submitted fifteen (15) working days prior to the planning commission or the (*governing body*) regularly scheduled meeting date.
9. Individuals are permitted to discuss proposals with (*Municipality name*) staff, planning commission or other (*governing body*) without the benefit of the plan, however, the benefit will be limited.

***Preliminary Plan Procedures***

- A. The preliminary plan and all related information shall be submitted to (*Municipality name*) as provided below:
  1. Plans shall be submitted to (*municipality name*) fifteen (15) working days prior to the Planning Commission or (*Governing Body*) meeting date. The applicant may request a waiver and submit a combined preliminary/final plans for non-phased projects.
  2. Twelve (12) copies of the preliminary plan, application form including description and purpose of the plan and checklist duly completed.
  3. A digital copy of all submission plans and documents shall be provided to (*Municipality name*). A .pdf exhibit shall be provided for use during public meetings with all submissions. The files are to be submitted with the following parameters:
    - a. CD (s)and or flashdrive (s)
    - b. File Format - ArcView Shapefiles, Arc Info Coverage, AutoCAD DXF
    - c. Coordinate System - Pennsylvania State Plane North
    - d. Units - U. S. Survey Feet
    - e. Datum- NAD83
  4. When a sewage module is required, the applicant shall submit five (5) copies of the appropriate planning module component, as required by the PA Department of Environmental Protection compliance with the requirements of the Pennsylvania Sewage Facilities Act and Chapter 71 of Title 25 of the Pennsylvania Code. A completed module package or exemption letter should accompany the plan.
  5. Twelve (12) copies or less as deemed appropriate by (*Municipality name*), of the stormwater management report.

6. A non-refundable filing fee for *(Municipality name)* as set by the *(governing body)* and the filing fee as set by the *(county)* planning commission for review of the plans.
7. *(Municipality name)* will distribute within seven (7) days, copies of the preliminary plan to the following, as applicable.
  - a. Members of the planning commission *(or the governing body)*
  - b. Municipal engineer
  - c. Municipal manager and codes/ zoning officer
  - d. Municipal authority and public utility
  - e. School district, as required
  - f. Fire department, as required
  - g. County conservation district
  - h. Any other appropriate public agency deemed beneficial to review the plan by the municipality.
8. *(Municipality name)* shall forward one (1) copy of the preliminary plans, one (1) digital copy of the plans in a format acceptable to the *(county name)*, supporting documents with review fee and county application for plan review form to the county. *(Municipality name)* may allow the applicant to submit the plans directly to the County Planning Agency.
9. *(County Name)* Planning Commission shall review the preliminary plan and data and shall return a written review report to *(Municipality name)* within thirty (30) days of its receipt of the same or forfeit its right to review. *(Municipality name)* shall not approve the application until the county review report is received or until the expiration of thirty (30) days from the date the application was forwarded to the county.
10. The *(Municipality name)* Planning Commission or *(Governing Body)* shall review the preliminary plan to determine if it meets the requirement and standards set forth in this Ordinance. The Planning Commission shall recommend whether the preliminary plan should be approved, approved with conditions, table to make revision to the plan, or disapprove the plan. The Planning Commission shall notify the *(Governing Body)* in writing thereof including, if recommended for disapproval, with reasons for such action, including specific reference to the provision of any statute or ordinance which have not been fulfilled.
11. When a plan is tabled by the Planning Commission or *(Governing Body)* to comply with the review comments generated by the Planning Commission/Governing Body, Codes/Zoning staff, Municipal Engineer, County Planning Commission and other review entity(s), the applicant shall provide a written response to all the comments and the revised plan before the next Planning Commission/Governing Body meeting date.

12. The Planning Commission shall act on the preliminary plan in time for the *(Governing Body)* to render their decision within ninety (90) days, or extension thereof, of the official filing date. The ninety (90) day time period begins following the date of regular meeting of the *(governing body)* or planning commission (whichever first reviews the application). Failure to do so shall be deemed an approval.
13. The *(Governing Body)* at their regular meeting shall act on the preliminary plan.
14. Before acting on the plan, the *(Governing Body)* may hold a public hearing after proper public notice.
15. The *(Governing Body)* shall notify the applicant, in writing, of its decision to approve, approve with conditions or disapprove the preliminary plan. Such notice shall be given to the applicant in person or mailed to him/her at the last known address not later than fifteen (15) days following the decision. If the plan is approved with conditions or disapproved, the *(governing body)* shall specify in their notice the conditions which must be met and/or the defects found in the plan and the requirement which have not been met, including specific reference to provisions of any statute or ordinance which have not been fulfilled.
16. If the preliminary is approved subject to conditions, the *(Governing Body)* shall not sign the plan until all the conditions have been met. All conditions of approval must be fulfilled within 120 days of the date of conditional approval, or the approval shall automatically become null and void, unless requested by the applicant in writing and extended by *(Municipality name)*. The official date of approval of the preliminary plan shall be the date of conditional approval.
17. Approval of the preliminary plan shall constitute a subdivision or land development plan with respect to general design, the arrangements and approximate dimension of lots, street and other planned features. The approval binds the developer to the general scheme of the plan as approved. Approval of the preliminary plan does not authorize the recording, sale, or transfer of lots. Construction of improvements are allowed to be constructed after the approval of the preliminary plan
18. The preliminary plan approval will be effective for a five-year period from the date of approval of the preliminary plan. The final plan for the entire project must be made within five (5) years of the preliminary plan approval unless the *(Governing Body)* grants a waiver by extending the effective time period of the approval. An extension of time may be requested by the applicant in writing and approved by *(Municipality name)* in accordance with Section 508(4) of the Pennsylvania Municipalities Planning Code, Act 247 as amended. Request for extension shall be submitted to *(Municipality name)* (Code Enforcement Officer) thirty (30) days prior to any prevailing expiration date. Extensions may be granted for no more than three (3) one-year periods.
19. In the cases of a preliminary plan calling for installation of improvements beyond the five (5) year period, a schedule shall be filed by the applicant with the preliminary plan delineating all proposed sections as well as deadlines within which application 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 plan approval, until final plan approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the governing body in its discretion.

20. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units as shown on the preliminary plan, unless a lesser percentage is approved by the governing body in its discretion. Provided the applicant has not defaulted with regards to or violated any of the conditions of the preliminary plan approval, including compliance with applicant's aforesaid schedule of submission of final plans for the various sections, then the aforesaid protection afforded by substantially completing the improvements shown on the final plan 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 protection shall apply for an additional term or terms of three (3) years from the date of final plan approval for each sections.
- B. Failure of applicant to adhere to the aforesaid schedule of submission of final plan for the various sections shall subject any such section to any and all changes in this ordinance, zoning and other governing ordinance enacted by (Municipality name) subsequent to the date of the initial preliminary plan submission.

***Final Plan Procedures***

- A. After the applicant has received from (*Municipality name*) the official notification of the approval of the Preliminary Plan with or without conditions, and the applicant has successfully fulfilled any conditions of approval, the applicant may submit a final plan in accordance with this ordinance and the provisions of the Municipalities Planning Code. (*Municipality name*) will not accept concurrent plan unless all previous conditions are met.
- B. The applicant shall submit a final plan to (*Municipality Name*) within one (1) year after the date of the approval of the Preliminary Plan for the portion intended to be developed. Filling of the plan shall include all the material and other data required under the final plan specifications and appropriate review fees. Failure to comply with time limitation herein provided shall make the approval of the Preliminary Plan null and void. The applicant may request a waiver and submit a combined preliminary/final plans for non-phased projects.
- C. The applicant shall submit to the municipality the completed application form, appropriate filling fees, along with the following.
  1. Twelve (12) prints and one (1) reproducible paper or Mylar copy of the final plan and (1) electronic media formatted copy.
  2. Twelve (12) copies of construction plans.
  3. Twelve (12) copies of stormwater management report.
  4. Twelve (12) of all supporting information required for the Final Plan requirements.

- D. *(Municipality name)* shall forward within seven (7) days, one copy of the final plan, report(s) to the *(County)* Planning Commission with review fee and county application for plan review form. *(Municipality name)* may send plans to other agencies as needed. Copies of the plan and required report(s) will also be provided to the Planning Commission.
- E. The final plans shall be reviewed by the *(Municipality name)* Engineer and Codes enforcement staff to provide review comments to the Planning Commission and the applicant.
- F. The *(County name)* Planning Commission shall review the plans and provide review comments to *(Municipality name)* within thirty (30) days.
- G. The Planning Commission will review the plan and required report(s) at its regularly scheduled meeting date, for compliance with the approved Preliminary Plan and this Ordinance and make recommendation to the *(Governing Body)*. The Planning Commission shall act on the final plan in time for the *(Governing Body)* to render their decision within 90 days from the official filling date.
- H. The final plan shall incorporate all the changes and modifications required by the *(Governing Body)* in the Preliminary Plan, and shall conform to the approved Preliminary Plan, and it may constitute only that portion of the approved Preliminary Plan which the applicant proposes to record and develop at the time, provided that such portion conforms with all the requirements of this ordinance and the phasing requirement agreed upon with the *(Governing Body)* and the requirements of the Municipalities Planning Code, Act 247, as amended.
- I. When a plan is tabled by the Planning Commission or *(Governing Body)* to comply with review comments generated by the Planning Commission/Governing Body, Codes/Zoning officer, Municipal Engineer, County Planning Commission, and other review entity(s), the applicant shall provide a written response to all the comments and the revised plan before the next Planning Commission/Governing Body meeting date.
- J. The *(Governing Body)* will not take the official action on the final plan until the applicant and *(Municipality Name)* agrees on the terms for completion of all public improvements or guarantee thereof. The agreements and improvement and/or maintenance guarantee shall be prerequisite to final plan approval and shall be in accordance to improvement and maintenance guarantees.
- K. The *(Governing Body)*, upon the recommendation of the Planning Commission shall act on the final plan within ninety (90) days, or extension thereof of the official filing date.
- L. In the event that any modification/waiver of requirement from this Ordinance by the applicant, or is deemed necessary for approval, the details of the modification request and the reasons for its necessity shall be submitted to *(Municipality name)* in writing.
- M. The applicant during the plan review process may grant an extension of time for *(Municipality name)* to act on the plan in writing.

- N. The *(Governing Body)* shall notify the applicant, in writing, of its decision to approve, approve with conditions or disapprove the plan. Such notice shall be given to the applicant in persons or mailed to the applicant’s last known address not later than fifteen (15) calendar days following the decision. If the plan is approved with conditions or disapproved, the *(Governing Body)* shall specify in their notice the conditions which must be met and/or the defects found in the plan and the requirements which have not been met, including specific reference to the provision of any statute or ordinance which have not been fulfilled.
- O. If the plan is approved with conditions, the applicant shall respond to the *(Governing Body)* indicating acceptance or rejection of such conditions. Such response shall be in writing, signed by the applicant, and received by *(Municipality name)* within ten (10) calendar days of receipt by the applicant of governing body’s decision to approve the plan with conditions. Approval of the plan shall be rescinded automatically upon the applicant’s failure to accept or reject such conditions in the manner and within the time frame noted above.
- P. No changes, erasures, modifications or revisions shall be made on any final plan after approval has been given by *(Municipality name)* and endorsed in writing on the plan, unless the plan is first resubmitted to the *(Governing Body)*.
- Q. The applicant shall place a notation on the final plan if there is no offer of dedication to the public of streets and certain designated public areas, in which event the title to such areas shall remain with the owner and *(Municipality name)* shall assume no responsibility for improvement or maintenance thereof, which fact shall be noted on the final plan.
- R. Within ninety (90) days after the approval of the final plan by the *Governing Body* and upon all condition being met, the applicant shall provide one Mylar and no less than six (6) prints of the plan to *(Municipality name)* for signatures of the Governing Body. Then the applicant shall obtain the signatures of the *(County name)* Planning Commission for review of the plan and a copy of the final signed plan shall be recorded in the office of the county recorder of deeds. The applicant shall provide *(Municipality name)* with two recorded copies signed for municipal records with Instrument number/plan book number and appropriate page numbers indicated on the plan.
- S. Recording of the final plan shall be an irrevocable offer to dedicate all streets and other public ways to public use and to dedicate or reserve all park reservation and other public areas to public use unless reserved by the applicant as hereinafter provided. The approval of the final plan shall not impose any duty upon *(Municipality name)* or the *(governing body)* concerning maintenance or improvements of any such dedicated street, or public use, until the *Governing Body* shall have accepted the same by the prevailing procedure of *(Municipality name)*.

***Preliminary Plan Specifications***

- A. Preliminary which meets the requirements of this ordinance shall be prepared for submission to *(Municipality name)* and comply with the following requirements:
  - 1. Preliminary plans shall be prepared by land surveyor, an engineer or landscape architect registered in the commonwealth of Pennsylvania. Land surveyor shall prepare the bearings and distances for the tract and lots.

2. Twelve (12) copies of the plans will be submitted on a minimum sheet size of 18 inches by 24 inches and no larger than 24 inches by 36 inches.
3. Preliminary plan shall contain the following information:
  - a. Cover sheet information
  - b. Title block.
  - c. Name of proposed development, municipality and the county, Pennsylvania, and plan labeled “Preliminary Plan”
  - d. Name, address, email address and telephone number of the record owner of the tract, the equitable owner if one exists, and the subdivider/developer.
  - e. Name, address and telephone number of professional engineer, landscape architect and professional land surveyor.
  - f. Reference to Instrument Number/Deed book, volume and page number and tax parcel number.
  - g. A location map drawn to a scale of a minimum of one inch to two thousand feet (1”= 2000’) and north arrow.
  - h. Date of plan preparation and revision date(s).
  - i. Zoning data in a table form to include: Zoning district, minimum lot area, building setbacks, and lot width, density, building height and number of floors, floor area ratio, lot and building coverage, parking, open space, landscape buffer and screening, public or private water and sewer.
  - j. Site data in a table form to include: Total area of tract, proposed use, proposed number of lots/number of units, floor area for non-residential uses, lot and building coverage, density, building height, number of floors, floor area ratio, open space area, developable area, area of public right-of-way, public or private water supply and sanitary sewer, total length of proposed and/or improved street(s) in feet and parking calculations including handicap parking.
  - k. Existing and proposed protective covenants running with the land, if any or a note stating none exist.
  - l. A statement listing any approved modifications of requirements, waivers, variances, special exceptions, conditional uses and/or any non-conforming structures.
  - m. An inventory of all permits/approvals/ required by other agencies along with date submitted and approval dates.
  - n. Location of well and distance to on-lot sewerage facilities, if applicable.

- o. Statement for recordation of the plan with date, Instrument number/Deed book, volume and page number and tax parcel number.
- p. Index of drawings and identify sheets to be recorded.
- q. Pennsylvania One Call System, Inc, with serial number(s).
- r. List of utilities with addresses and telephone number.
- s. Parcel(s) of land to be dedicated.
- t. A statement regarding public improvements shall be provided as follows: “All public improvements shall conform to PennDOT Publications 408 and Construction Standards Publication 72, current edition and with municipal construction requirements and ordinances.”
- u. If the development and improvements are proposed in phases, and then provide the number of lots and time schedule for development in a table form.
- v. A statement regarding presence or absence of archaeological resources, historical features and important natural habitat.
- w. Certification of ownership and statement of dedication of roads or streets and right-of-ways signed by owner and duly notarized.
- x. Certification of professional land surveyor with seal and signature for the accuracy of the plan survey.
- y. Certification of professional engineer or landscape architect with seal and signature that prepared the plan, that all information shown is correct.
- z. Certification by a biologist or a person with training in wetland who has evaluated the site and determined by the 1987 Army Corp of Engineer’s manual on wetland delineation and determination that there are/or there are no wetlands on the site.
- aa. Certification on the presence or absence of floodplain
- bb. A certification that the stormwater management system as shown on this plan is adequate to meet the requirements of the Municipal ordinances.
- cc. Contribution of recreation land or fee for residential lots and land developments as approved by the governing body.
- dd. A statement that a Highway Occupancy Permit (HOP) is required pursuant to Section 420 of the Act of June 1, 1945 ( P.L. 1242, No. 428) known as the “State Highway Law,” as amended by Act No. 1986-43 of May, 1986,before access to State Highway is permitted.
- ee. A statement regarding municipal highway occupancy permit. That: “No building permit will be issued until a Municipal Occupancy Permit has been issued”.

- ff. Signature block for review of the plan by Municipal Planning Commission.
- gg. Signature block for approval of the plan by the Municipal Governing Body.
- hh. Signature block for review of the plan by (*County*) Planning Commission or Planning Department.
- ii. Signature block for (*Municipality name*) Engineer for review of the engineering aspects of the plan.
- jj. A statement that (*Municipality name*) shall be notified at least 48 hours prior to any blasting activities taking place.
- kk. A statement regarding the date and/or ordinance number of the Zoning and Subdivision and Land Development ordinance in effect at the time of submission.

B. Plan information and other requirements:

1. The plan shall be drawn no smaller than 100 feet to an inch. All dimensions shall be shown in feet and hundredths of a foot.
2. A separate plan showing all the existing conditions within the tract.
3. Total tract, layout of lots, lot area, lot dimensions and lot numbers.
4. North arrow, graphic and written scale on all sheets.
5. Name and deed reference of all adjoining landowners with abutting lot lines, and whether such abutting land is contained within an Agricultural Security Area or Agricultural Conservation Easement.
6. Primary control point, which shall be referenced to the PA plane coordinate system.
7. Existing and proposed concrete monuments and iron pin markers.
8. Existing contours at a minimum of two (2) feet for land with average slope of four (4) percent or less and a maximum vertical interval of five (5) feet for slope greater than four (4) percent. Contours shall be referenced to National Geodetic Vertical Datum (NGVD).
9. Tract and lot boundary with bearing and distances. For undeveloped area in access of ten (10) acres, deed plat information may be used.
10. Name of existing and proposed public or private streets and driveways on or adjacent to the tract, right-of-way and cartway width, curb and sidewalks. Traffic regulatory signs and painted zebra crossing and directional signs on street and parking lots/areas.

11. Location of existing sanitary sewer main water supply main, fire hydrant, gas line, power line, stormwater management facilities and other significant manmade features on or adjacent to the tract or developed/disturbed area within 200 feet.
12. Location of existing building or structure(s) on the tract.
13. Location of existing and proposed easements with bearings and distances.
14. Existing natural features such as wetlands delineated in accordance with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands(January 1989), 100 years flood elevation, flood fringe and floodway, tree masses, watercourses, soil types, steep slopes, rock outcrops, contours and other features.
15. Existing and proposed protective covenants associated with the land, if any or a note stating none exist.
16. Archaeological resources, historical features, and important natural features map, as applicable.
17. Prime Agricultural Land as indicated by the Soil Conservation Service Map as “Pennsylvania prime farmland soils” and Capability Class I, II, or III
18. Minimum building setback lines for each lot.
19. First floor elevation of building.
20. Zoning classification of adjoining lots and land.
21. Clear sight triangle and sight distance at proposed street intersections and driveways.
22. Snow dump areas in the turnaround of a cul-de-sac, if applicable.
23. Typical street cross-section for proposed streets.
24. Street centerline profile for each proposed street.
25. Proposed street names approved by the Post Office.
26. Location of any proposed site improvements such as curbs, sidewalks, street trees, traffic regulatory signs, fire hydrants, snow dump areas, community mail box(s), trash dumpster(s) handicap ramps and parking facilities.
27. Preliminary design of water mains if municipal or authority owned and sanitary and storm sewer mains.
28. Preliminary Stormwater management plan and all supporting calculations.
- ~~29.~~ Traffic impact study, as required by this Ordinance.
30. Erosion and sedimentation control plan shall be prepared as required by the “Pennsylvania Clean Streams Law”, and the Pennsylvania Department of

Environmental Resources “Erosion and Sediment Pollution Control Program Manual” (April 2000): (Title 25, part I, Subpart C, Article II, Chapter 102-Erosion Control).

31. Landscaping, buffering and Screening Plan, if required, prepared by landscape architect, arborist or other qualified professional.
32. Grading and Earth Moving Plan.
33. Hydrogeologic/water Supply Study, where on-site wells are proposed as required by this Ordinance.
34. Lighting Plan for outdoor and street lighting, as applicable.
35. For on-lot water supply provide location of well.
36. For on-lot sewerage facilities provide location of perc and probe for primary and secondary sites and distance to well.
37. DEP Sewage Facilities Planning Revision Module or appropriate waiver request and approval.
38. Such other data as may be required by the planning commission,-governing body, and municipal engineer in the administration and enforcement of this ordinance.
39. Provide Legend describing various notations shown on the plan.
40. Steep Slope Report as required by this Ordinance.

***Final Plan Specifications***

- A. A final Plan which meets the requirements of the *Lot Add-On Plan Procedure* and contains all the specifications required within the *Preliminary Plan Procedures* of this ordinance , shall be prepared for submission to (*Municipality name*) and comply with the following requirements.
  1. Final plans shall be prepared by land surveyor, an engineer or landscape architect registered in the Commonwealth of Pennsylvania. Land surveyor shall prepare the bearings and distances of the tract and lots.
  2. (12) Copies of the plan will be submitted on a minimum sheet size of 18 inches by 24 inches and no larger than 24 inches by 36 inches.
  3. Final plan submissions shall include a digital file of the drawings. The digital files shall reside on a 3 1/2 inch compact disc. The digital file shall be Auto CAD or DXF compatible.
- B. The Plan shall be labeled as “Final Plan” and contain the following information.
  1. Cover Sheet information



2. Information as required in Preliminary Plan *Lot Add-On Plan Specifications*.
  3. Date of Preliminary Plan approval.
  4. List of waivers and modification of requirements, conditional uses and variances with approval dates.
  5. The approval date of State Highway Occupancy permit if applicable.
  6. Municipal Road Occupancy Permit approval for proposed subdivision and land development that abuts municipal streets for sight distance from municipal engineer.
  7. Approval date of erosion and sedimentation control plan by county conservation district.
- C. Other Requirements
1. Stormwater Management Plan, approved by (*Municipality name*) engineer.
  2. Details of stormwater management facilities along with maintenance and inspection requirements.
  3. Drainage and grading plan showing existing and proposed final contours, including swales and any stormwater facilities.
  4. Plans and profiles of proposed streets, sanitary and stormwater sewers with grade and pipe size indicated and a plan of proposed water distribution system showing pipe size and location of valves and fire hydrant and specification for construction and materials.
  5. PA Department of Environmental Protection Sewage Facilities Planning Module approval or exemption letter from PADEP in compliance with the requirements of Pennsylvania Sewage Facilities Act.
  6. Parcels of land intended to be dedicated or reserved for parks, playgrounds, parking areas, common open space or other public, semi-public or community purpose.
  7. Notification of plans to the school district if required.
  - ~~8.~~ Review of plans by fire department when a new street is proposed or a parking lot with ten (10) or more parking spaces.
  9. Copy of all the permits/approvals from utilities and government agencies.
  10. Financial security estimate for improvements.
  11. Provisions for posting any required maintenance guarantees.
  12. Provision for posting any public improvement guarantees.

13. Developer’s agreement which is acceptable to *(Municipality name)*.
14. Wetland Study, as required.
15. A copy of final deed restrictions or protective covenants.
16. A copy of the Condominium/Homeowner’s Association package, if such is proposed.
17. If water supply is to be provided by means other than private wells owned and maintained by individual lot owners within the subdivision or development, the applicant shall present evidence that the subdivision or development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or commitment or agreement to serve the area in question, whichever is appropriate is acceptable.
18. When a facility is proposed for dedication to the municipality as built drawings shall be provided to the municipality within ninety (90) days of construction completion.
19. Erosion and sedimentation plan reviewed by the County Conservation District, as applicable.
20. Description of the centerline and right-of-way for all new and existing streets, to include distances and bearings with curve segments comprised of radius, tangent, arc, and cord. The description shall not have an error of closure and greater than one (1) foot in ten thousand (10,000) feet.
21. Description of all lot lines, with accurate bearings and distances, and lot areas for all parcels. Curve segments shall be comprised of arc, cord, bearing and distance. Along existing street right-of-way, the description shall be prepared to the right-of-way lines. The description shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
22. A standard note regarding public improvements shall be added as follows: “All public improvements shown shall conform to [PennDOT Publications 408](#) and [Construction Standards Publication 72](#), current edition and with municipal construction requirements and ordinances.”
23. Such other data which may be required by the planning commission, *(Municipality name) or (governing body)* and municipal engineer in the administration and enforcement of this Ordinance.
24. Street signage and traffic regulatory sign and details.
25. Lighting Plan for outdoor and street lighting, as applicable.
26. Landscape, buffering and screening Plan, as applicable.
27. Approved Street names by U.S. Postal Service.

28. Traffic studies required by state laws to warrant traffic control devices such as stop signs, traffic signals, speed limits, turning lanes, etc.
29. Steep Slope Report, as required.

***Lot Add-On Plan Specifications***

- A. A subdivision plan which meets the criteria of *Lot Add-On Plan Specifications* within this ordinance may be prepared as a final plan for submission to *(Municipality name)* and shall comply with the following requirements.
  1. The lot add-on plan shall be prepared by a land surveyor registered in Commonwealth of Pennsylvania.
  2. Six (6) copies of the plan will be submitted on a minimum sheet size of 18 inches by 24 inches and no larger than 24 inches by 36 inches.
  3. Dimensions shall be in feet and degrees, minutes and seconds with an error of closure no greater than one foot in ten thousand feet.
- B. The plan shall contain the following information.
  1. Cover Sheet
  2. Title block
  3. Name of proposed plan, municipality, county, Pennsylvania and plan labeled “Lot Add-On Final Plan”.
  4. Name, address, email address and telephone number of the recorded owner and any equitable owner of the two effected lots.
  5. Name, address and telephone number of professional land surveyor.
  6. Reference to Instrument Number/Deed Book, Volume and Page Number and tax parcel number.
  7. A location map drawn to a scale of a minimum of one inch to two thousand feet (1” = 2000’) and north arrow.
  8. Date of plan preparation and revision date(s).
  9. Zoning data in a table form to include: Zoning district, minimum lot area, building setbacks, and lot width, density, floor area ratio, lot and building coverage, parking, open space, landscape buffer and screening.
  10. Site data in a table form to include: Area of the lots, proposed use, proposed lot numbers, lot and building coverage, density, open space area, area of public right-of-way, public or private water supply and sanitary sewer.

11. Existing and proposed protective covenants associated with the lands, if any or a note stating that none exist.
12. A statement listing any approved modification of requirements, waivers, variances, special exceptions, conditional uses and/or any non-conforming structures.
13. Statement for recordation of the plan with date, Instrument number/Deed book, volume and page number and tax parcel numbers.
14. Certification of Professional Land Surveyors with seal and signature for the accuracy of the plan survey.
15. Certification regarding presence or absence of wetland and flood plan.
16. Signature block for review of plans by *(Municipality name)* Planning Commission.
17. Signature block for approval of the plans by *(Municipal Governing Body)*.
18. Signature block for review of plan by *(County name)* Planning Commission.
19. Signature block for Municipal Engineer for review of engineering aspects of the plan.
20. A statement that “No lot created as a lot addition by this plan shall be later subdivided to create additional building lots. The lease, conveyance, sale or transfer of land shall be incorporated into existing lots by recorded deed. The newly created lot may not be used as a stand-alone lot.”
21. A statement indicating that a Non-Building Waiver Form B has been approved by the Pennsylvania Department of Environmental Protection.

C. Plan Information

1. The plan shall be drawn no smaller than 100 feet to an inch. All dimensions shall be in feet and hundredth of a foot.
2. Property plan showing the entire lot, tract or parcel to be effected by the lot add-on plan subdivision.
3. Lot area, bearings and distances and lot numbers. If the remaining acreage is in excess of ten (10) acres, its boundary and the boundary of the remaining tract shall be described by deed plotting drawn at a legible scale.
4. North arrow, graphic and written scale.
5. Name and deed reference of all adjoining land owners with abutting lot lines of both conveying and receiving lot.
6. Primary control points, which shall be referenced to the PA Plane Coordinate System.
7. Existing and proposed concrete monuments and iron pin markers.

8. Name of existing public or private streets, and driveways on or adjacent to the lot, right-of-way and cartway width, curb and sidewalk.
9. Location of easements with bearing and distances and utilities on and/or adjacent to both the conveying and receiving lot.

***Centerline Separation Plan***

- A. A subdivision plan, which meets the criteria of this ordinance for Centerline Separation Plan, may be prepared as a final plan for submission to *(Municipality name)* and shall comply with the following.
  1. The Centerline Separation Plan shall be prepared by a land surveyor registered in the Commonwealth of Pennsylvania.
  2. Six (6) copies of the plan will be submitted on a minimum sheet size of 18 inches by 24 inches and no larger than 24 inches by 36 inches.
  3. Dimensions shall be in feet and degrees, minutes and seconds with an error of closure as greater than one foot in ten thousand feet.
- B. The plan shall contain the following information.
  1. Cover Sheet
  2. Title block.
  3. Name of proposed plan, municipality, county, Pennsylvania and plan labeled “Centerline Separation Final Plan”.
  4. Name, address, e-mail address and telephone number of the recorded owner and any equitable owner.
  5. Name, address and telephone number of professional land surveyor.
  6. Reference to Instrument Number/Deed Book, Volume and Page Number and tax parcel number.
  7. A location map drawn to a scale of a minimum of one inch to two thousand feet (1” – 2000’) and north arrow.
  8. Date of plan preparation and revision date(s).
  9. Zoning data in a table form to include: Zoning district, minimum lot area, building setbacks, and lot width, density, floor area ratio, lot and building coverage, parking, open space, landscape buffer and screening.
  10. Site data in a table form to include: Area of the lots, proposed use, proposed lot numbers, lot and building coverage density, open space area, area of public right-of-way, public or private water supply and sanitary sewer.

11. Existing and proposed protective covenants associated with the lands, if any or a note stating that none exist.
12. A statement listing any approved modification of requirements, waivers, variances, special exceptions, conditional uses and/or any non-conforming structures.
13. Statement for recordation of the plan with date, instrument number/deed book, volume and page number and tax parcel numbers.
14. Certification of Professional Land Surveyors with seal and signature for the accuracy of the plan survey.
15. Certification regarding presence or absence of wetland and flood plan.
16. Signature block for review of plans by Municipal Planning Commission.
17. Signature block for approval of the plans by Municipal Governing Body.
18. Signature block for review of plan by (*County name*) Planning Commission.
19. Signature block for Municipal Engineer for review of engineering aspects of the plan.
20. A statement that a Highway Occupancy Permit (HOP) is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428) known as the “State Highway Law,” as amended by Act No. 1986-43 of May, 1986, before access to State Highway is permitted.
21. A statement regarding municipal highway occupancy permit. That: “No building permit will be issued until a Municipal Occupancy Permit has been issued”.
22. A statement indicating that a Non-Building Waiver Form B has been approved by the Pennsylvania Department of Environmental Protection.

C. Plan Information

1. The plan shall be drawn no smaller than 100 feet to an inch. All dimensions shall be in feet and hundredth of a foot.
2. Property plan showing the entire lot, tract or parcel to be effected by the subdivision lot add-on plan.
3. Lot area, bearings and distances and lot numbers. If the remaining acreage is in excess of ten (10) acres, its boundary and the boundary of the remaining tract shall be described by a deed plotting drawn at a legible scale.
4. North arrow, graphic and written scale.
5. Name and deed reference of all adjoining land owners with abutting lot lines of both lots/tracts.

6. Primary control points, which shall be referenced to the PA Plane Coordinate System.
7. Existing and proposed concrete monuments and iron pin markers.
8. Name of existing public or private streets, and driveways on or adjacent to the lot, right-of-way and cartway width, curb and sidewalk
9. Location of easements with bearings and distances and utilities on and/or adjacent to both lots/tracts.

***Digital Plan Requirements***

- A. Requirements of this section are intended to apply to final recording plan submissions only. A .pdf exhibit shall be provided for use during public meetings with all submissions.
- B. All data submitted shall be in compliance with the Manual of Practice for professional land surveyors in the Commonwealth of Pennsylvania, as amended.
- C. All digital files submitted shall be based on accurate geometric calculations,
- D. Digital submissions shall have all layers clearly and separately represented. Included with all digital submissions on a metadata file shall be included outlining the following:
  1. A list of layers used with a description of what those layers represent.
  2. A list of all point files and break lines with a description of any abbreviations.
- E. All plans must be in Pennsylvania State Plane Coordinate System South Zone utilizing the North American Vertical Datum of 1988 (NAVD88). Units shall be in US survey feet.
- F. All plans must be submitted in AutoCAD drawing (.dwg), AutoCAD interchange (.dxf), or ArcView Shape file (.shp), on CD-ROM or other agreeable format acceptable to *(Municipality name)*.
- G. Digital file layering must be established in the files that place the following elements on separate layers:
  1. Municipal boundary line
  2. Road center line
  3. Property lines
  4. Road names
  5. Parcel boundaries
  6. Utilities

- 7. Traffic signs and signals
  - 8. Stormwater management
  - 9. Floodplains
- H. Annotation submitted digitally shall be identical to the annotation submitted on the Mylar hard copy filed with the municipality. All other miscellaneous annotation and information, such as North arrow and scale, shall be put on separate layers or as misc line/misc text.
- I. Private utilities, such as gas, water, phone service, electric, etc., will be included and shall be clearly labeled and put on separate layers or as misc line/misc text.

## DESIGN AND IMPROVEMENT STANDARDS

### *Purpose*

- A. The purpose of this Article is to provide reasonable design and improvement standards for public improvements related to subdivision and land development. This Article combines design and improvement specification which complies with sound engineering and design with suitable improvement standards.

### *General*

- A. The applicant shall design and provide all improvements required by this Ordinance and any other applicable State or Federal regulation. The following design principles, standards, specifications and requirements will be applied by *(Municipality name)*, Planning Commission and Municipal Engineer in their review and evaluation of all subdivision and land development plan applications. The standards and requirements contained herein shall be considered the minimum for the promotion of the public health, safety, convenience, and general welfare.
- 1. Where literal compliance with the standards and requirements contained herein is clearly impractical, *(Municipality name)* may modify the requirements in accordance with the process set forth in this Ordinance.
  - 2. Subdivision and Land development plans shall give due consideration to the Municipal Comprehensive Plan and other "Official Plans" of *(Municipality name)* or to such parts thereof as may be approved.
  - 3. Proposed land uses shall conform to standards and requirements of *(Municipality name)* Zoning Ordinance.

### *Site Design*

- 1. The purpose of good Subdivision and Land Development design is to assist in (1) creating functional and attractive developments, (2) minimizing adverse effects and impacts of development and (3) ensuring that the project will become an asset to the community. To promote this overall purpose and meet the goals and objectives of *(Municipality name)* Comprehensive Plan, Subdivision and Land Development plans in the Township/Borough should conform to the following site design guidelines which will result in a well-planned and constructed community. These guidelines and standards are



intended to encourage improved site design without adding unnecessarily to development costs.

1. Land which is unsuitable for development due to hazards to life, safety, health or property shall not be subdivided or developed until such hazards have been eliminated or unless adequate safeguards against such hazards are provided for in the subdivision or land development plan. Unsuitable characteristics for subdivision and land development include, but may not be limited to:
  - a. Land subject to flooding;
  - b. Land, which if developed, will aggravate a flooding condition upon other land;
  - c. Land subject to subsidence;
  - d. Land containing significant slope;
  - e. Land subject to ground and water pollution; and,
  - f. Land containing wetlands
2. Before laying out lots and structures on a site, developers should make an analysis of the site that addresses issues such as site surrounding, geology and soil, topography, climate, existing vegetation, structures, road networks, visual features, and past and present use of the site.
3. The design of the development should take into consideration existing local, county and regional plans for the community.
4. Development of the site shall be based on the site analysis. To the maximum extent practicable, development shall be located to preserve natural features of the site; to avoid areas of environmental sensitivity; to minimize negative impacts and alteration of natural features; and to avoid areas unsuitable for development.
5. Development and improvements shall be designed to avoid adversely affecting ground water and water recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; and to provide adequate access to lots and sites.
6. Lot and block layout should be designed to permit the safe, efficient, and orderly movement of vehicular and pedestrian traffic into, out of, through and within the site.
7. During site preparation of an approved Subdivision and/or Land Development, stockpiles of stripped topsoil and/or excavated material shall not be located closer than one hundred (100) feet from any residential zone, use or occupancy boundary. The maximum height of topsoil and excavated material stockpiles shall be not more than ten (10) feet when stockpiles are located between one hundred (100) and one hundred fifty (150) feet from any residential zone, use or occupancy boundary. The maximum height of topsoil and excavated material stockpiles shall be not more than fifteen (15) feet when stockpiles are located more than one hundred fifty (150) feet from any residential zone, use or occupancy boundary. The maximum height of any

topsoil or excavated material stockpile in (*Municipality name*) shall not exceed fifteen (15) feet.

### ***Bicycle Facilities***

#### ***Bicycle Routes, Lanes, and Parking Facilities***

- A. Bicycle pathways and trails shall be provided in all developments as specified in the Approved Official Map and provide logical connections to other proposed, planned, or existing pathways and trails.
- B. Bicycle lanes shall be located on all new or upgraded streets classified as an Arterial or a Major Collector.
- C. Bicycle lanes shall be designed pursuant to the most current edition of the [AASHTO Guide for the Development of Bicycle Facilities.](#)

#### ***Bicycle Racks***

- A. Location
  - 1. Bicycle racks shall be located within thirty (30) feet of both the street right-of-way and at least one building entrance.
  - 2. Racks placed perpendicular to the curb should be at least forty-eight (48) inches from the curb to the center of the rack. A minimum of thirty-six (36) inches is required.
  - 3. Racks placed parallel to the curb must be at least twenty-four (24) inches from the curb to the rack; (36) inches is recommended.
  - 4. Racks must be visible to cyclists from either the sidewalk or building entrance and should be incorporated into building design and coordinated with the design of street furniture.
  - 5. All bicycle parking must be at least as well-lit as vehicle parking for security.
- B. Minimum Number
  - 1. *Non-Residential (Excluding Retail) Buildings.* Provide bicycle parking for at least 5 percent of vehicle parking spaces with a minimum of 3 spaces
  - 2. *Multi-Unit Residential Buildings:* Provide bicycle parking for at least 10 percent of vehicle parking spaces with a minimum of 3 spaces.
  - 3. *Retail Buildings.* Provide bicycle parking for at least 5 percent of vehicle parking spaces with a minimum of 3 spaces
  - 4. *Mixed-Use Buildings.* Meet the above requirements for the project’s non-residential, multi-unit residential, and retail spaces.

C. Design.

1. Bicycle racks may be installed as single units, with a capacity of locking two (2) bikes (one on each side), or as multiple units attached together, with a larger capacity.
2. Typical rack design styles shall be either an “Inverted U”, “Wave” or “Post and Ring” style racks. Custom designs and “artistic” racks may also be used, provided they are not used for product advertising.
3. All bicycle racks shall meet the following performance criteria and be approved by the municipal Engineer.
  - a. The frame and one wheel can be locked to the rack with a secure U-shaped lock (“U-lock”) without removing a wheel from the bicycle.
  - b. The frame can be supported in at least two places so it cannot be pushed over or easily fall.
  - c. The rack must be securely anchored and installed on a permanent foundation (e.g., concrete pad) to ensure stability.
  - d. The rack design must allow both bicycle wheels to be on the ground and support a variety of bicycle sizes and frame shapes.
  - e. The diameter of locking pole is between one and one-half (1-1/2) inches and two and one-half (2-1/2) inches.
  - f. Galvanized or stainless-steel racks are recommended (and required for racks on public property). Outdoor racks must also be coated with PVC or thermoplastic.
4. Bicycle racks must NOT:
  - a. Support the bicycle at only one point.
  - b. Support the bicycle only by one wheel.
  - c. Allow the bicycle to fall, which can damage the bike and block pedestrian right-of-way.
  - d. Have sharp edges that can be hazardous to the visually impaired.



### ***Bicycle Paths***

- A. A separate bicycle path shall be required when such paths are required as part of an adopted municipal plan or recommended by the planning commission/recreation board.
  - 1. The bicycle path should have a minimum right-of-way / easement width of ten (10) feet within the development to insure public use.
  - 2. The surface material shall be either bituminous mixes, concrete, limestone dust or an equivalent stabilized material depending on the intensity of development and shall be approved by the planning commission.
  - 3. The grade of bicycle paths shall not exceed five percent (5%), except for short distance the grade shall not exceed fifteen percent (15%).
  - 4. The radius of curvature shall be based on the grade of the path entering the curve. The radius shall be determined as below.
- B. Design consideration shall consider the intersection of bicycle path and a street to provide maximum safety
- C. Design consideration should be made for connection to adjacent bicycle paths and bicycle paths identified in the municipal Recreation Plan.

### ***Blocks***

- A. The length, width, shape, and design of blocks shall be based on the site analysis and the intended use proposed for the site.
- B. Blocks shall not exceed one thousand six hundred (1600) feet in length and shall not be less than five hundred (500) feet in length. Blocks along collector or arterial streets shall not be less than one thousand (1,000) feet in length unless it can be proven to not be in the best interest of *(Municipality name)*.
- C. Depth of a block shall equal the depth of two approved lots which share the same rear lot line. However, the block depth may vary from the requirement in cases where parallel roads are utilized or where topographic limitations exist.

- D. Interior pedestrian walks shall be required in blocks exceeding six hundred (600) feet in length to provide for pedestrian circulation or access to community facilities and other portions of the development as required in this ordinance for Sidewalks. Crosswalks or interior pedestrian walks shall be required in blocks exceeding one thousand (1,000) feet in length to provide for pedestrian circulation or access to community facilities.
- E. Blocks shall be designed to reflect natural features that may constrain subdivision and land development. Unless a watercourse is located along the rear of lots in the block, drainage should be away from the interior of the block toward the abutting streets.
- F. Where blocks are longer than twelve hundred (1,200) feet, direct pedestrian access to commercial, institutional, or open space/recreation areas as determined by *(Municipality name)*, walkways shall be designed into the block area. The walkways are to extend straight from one street to the other on an easement or public right-of-way at least fifteen (15) feet in width.

**Common Facilities**

**A. Ownership Standards**

- 1. Facilities to be held in common, such as central community water supply, stormwater management facilities, or community sewage service systems shall be held using one of the following methods of ownership, subject to the approval of the *(Municipality name)*.
  - a. Homeowners Association - The facilities may be held in common ownership by a Homeowners Association which is formed and operated in accordance with the provisions of this Ordinance.
  - b. Condominium. The facilities may be held as common element under a condominium agreement. Such agreement shall be in conformance with the Pennsylvania Uniform Condominium Act as amended.

**B. Homeowners Association**

- 1. Homeowners Associations will be governed in accordance with any applicable laws of the Commonwealth of Pennsylvania. Where required, the organizational framework of the homeowners association shall be described in a report forwarded to *(Municipality name)* for review by the *(Governing Body)* and Municipal Solicitor. At a minimum, the following information and standards shall be met prior to final approval of the subdivision or land development:
  - a. By-laws describing the formation and duties of the association, including the responsibilities for maintenance of common open space areas, shall be defined and presented to *(Municipality name)* for review and approval as part of the final plan submission.
  - b. Membership shall be mandatory by all residents served by the common facilities. Membership and voting rights shall be defined.
  - c. Rights and duties of *(Municipality name)* and members of the association, in the event of a breach of covenants and restrictions, shall be defined.

B. The By-laws shall include a statement which grants to the Association the legal authority to place liens on the properties of members who are delinquent in the payment of their dues. The By-laws shall also grant *(Municipality name)* such power, but not the duty, to maintain the common facilities, and to assess the cost of the same as provided in the PA Municipalities Planning Code, Act 247.

C. Maintenance Standards

1. The common facility (i.e. Sanitary and storm sewage system, detention pond, community water systems, swimming pools, ponds, common ground, playgrounds, etc.) shall be operated and maintained by a professional organization specializing in the required services and approved by *(Municipality name)*. The agreement between the Association or Condominium and the professional organization shall be subject to review by the Municipal Solicitor and approved by *(Municipality name)*.
2. *(Municipality name)* shall, upon request, be given access to all records of the Association or Condominium and all records of the professional organization relating to the common facility or facilities.

D. Delinquency

1. In the event that the Association or Condominium established to own and maintain the common facility, or any successor organization, shall at any time after the establishment of the common facility, fail to maintain said facility or facilities in reasonable working order and condition in accordance with established standards, guidelines and agreements, *(Municipality name)* may serve written notice upon the Association or Condominium and/or the residents served by the common facility stating:
  - a. The manner in which the Association or Condominium has failed to maintain the common facility in reasonable condition.
  - b. A demand that such deficiencies of maintenance be corrected within thirty (30) days.
  - c. The date and place of a public hearing which shall be held within forty-five (45) days of public notice.

E. Public Hearing

1. At the said public hearing scheduled in accordance with Section 517.3.C.3, the *(Municipality name)* may amend the terms of the original notice concerning the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies or any modifications thereof were not corrected within thirty (30) days of the notice of deficiencies or within any extension, *(Municipality name)* may enter upon the common facility and maintain the same for a period of one (1) year. The said maintenance by *(Municipality name)* shall not constitute a taking of said common facility, nor vest the public any rights to use the same. Maintenance of common facilities shall include all activities related to the operation of the facility,

including, but not limited to, administration, assessing and collecting of fees, testing, and necessary improvements.

F. Burden of Proof

1. Before the expiration of said year, *(Municipality name)* shall, upon its initiative or upon request of the Homeowners Association or Condominium call a public hearing upon notice to the Association or Condominium and to the residents served by the facility. At the hearing, the Association or Condominium or the residents shall show cause as to why such maintenance by *(Municipality name)* shall not, at the option of *(Municipality name)*, continue for a succeeding year. If the municipality shall determine the Association or Condominium is prepared, willing and able to maintain such common facility in reasonable working order and condition, *(Municipality name)* shall cease to maintain said common facility at the end of said year. If the *(Governing Body)* shall determine that the Association or Condominium is not prepared, willing or able to maintain said common facility in a reasonable and working order and condition, *(Municipality name)* may, at its discretion, continue to maintain said common facility during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

G. Cost Reimbursement

1. Any and all costs *(Municipality name)* incurred as a result of maintenance of common facility and any additional penalties or fees set by *(Municipality name)* shall be paid by the Association or Condominium and the residents served by the facility. Any invoices from *(Municipality name)* for such costs which remain unpaid following a period of forty-five (45) days shall be subject to an increase of 1.5% a month (18% annually) and a lien which shall be filed against the premises of the owner or resident in the same manner as other municipal claims.

***Deed Restrictions for Rural Residential Development***

- A. Long-term protection from further development shall be provided for the remnant area of the subdivision created in the Agricultural District as Rural Residential Development. Such developments shall be required to have a deed restriction prohibiting further subdivision for the purpose of creating an additional lot or lots beyond an area constituting 10% of the initial parent tract. Further subdivision of these remnant lots shall be limited to other permitted non-residential uses in the Agricultural District. A second farm residence on a single parcel shall also be prohibited when utilizing this option.
- B. Before any lot creation under this section becomes effective, and before construction may commence, the deed restriction for the remnant tract shall be provided to the municipality for review and verification of accuracy.
- C. The deed restriction shall also be structured in such a way that, if all lots that are part of the proposed subdivision are not immediately split from the parent parcel, the ability to create the full number of approved lots is preserved.

- D. The subdivision plan creating the lots shall be incorporated into the recorded deed of the parent tract, along with any restrictions.

***Easements (Utility, Stormwater/Sanitary Sewer, Drainage, Conservation, Pedestrian)***

A. Utilities

- 1. Easements shall be provided for poles, wires, conduits, storm and sanitary sewer lines, gas, water and heat mains, and other utilities intended to serve the abutting lots and for access to facilities. The minimum width of utility easements shall be thirty (30) feet. Wherever possible such easements shall be centered on the side or rear lot lines, or along the front lot lines.

B. Storm Water, Sanitary Sewage and Clear Water Collection Systems

- 1. Where a subdivision and/or land development is traversed by storm water, sanitary sewage or clear water collection system facilities, a utility easement shall be provided. In no case shall the easement be less than thirty (30) feet in width. Additional width may be required by *(Municipality name)* depending on the purpose and use of the easements. All stormwater easements are to be dedicated to private property owners unless the easement is designed to carry stormwater away from stormwater infrastructure already owned by *(Municipality name)*.

C. Stream, Watercourse, Drainage Channel, Pond or Lake

- 1. Where a subdivision and/or land development is traversed by a watercourse, drainage way, channel or stream, there shall be provided a drainage easement conforming substantially with its location for the purpose of widening, deepening, relocating, improving or protecting such watercourses, provide proper maintenance, or for the purpose of installing a storm water or clear water system. The following standards shall apply:
  - a. Perennial Streams - Fifty (50) feet from the stream bank.
  - b. Intermittent stream, drainage way, channel or swale - Fifty (50) feet from the edge of the watercourse.
  - c. An access easement shall be provided to the drainage easement. The width of such access points shall not be less than thirty (30) feet.
- 2. In no case shall any drainage easement be less than thirty (30) feet in width and determined based on 100 year flood plain and which is greater. Any such easement shall be dedicated, if deemed appropriate by *(Municipality name)*, to private property owners or other third parties.

D. Conservation

- 1. Where environmental protection and flood plain overlay zones exist, a conservation easement shall be depicted on the plan within the overlay area.



2. In all subdivision and land developments, a fifty (50) foot conservation easement shall be provided around all delineated wetland areas to ensure minimal disturbance and encroachment in these areas.

E. Pedestrian

1. Where necessary for access to private, public or common lands, a pedestrian easement shall be provided with a width of no less than ten (10) feet. Additional width, fencing and/or planting may be required by *(Municipality name)* depending on the purpose and use of the easement.

***Environmental Features***

***Archaeological Resources***

- A. All applications involving lands identified on *(Municipality name)* Comprehensive Plan’s Natural and Cultural Features Map or by the Pennsylvania Historical and Museum Commission (PHMC) as containing a potential or known site of archaeological significance shall plot the location of the archaeological resource.

***Historic Preservation***

- A. Measures to mitigate the impact of the proposed development upon archeological and historic resources, agreed to with the Pennsylvania Historic and Museum Commission, shall be reviewed by *(Municipality name)* during the planning process, shall meet the requirements of any Municipal Ordinance and shall be subject to review and approval by *(Municipality name)*.
- B. All applications involving structures or land that:
  1. Are listed on the National Register of Historic Places.
  2. Receive a determination of eligibility from the national Register from the National Park Service.
  3. Are listed on the County Historical Society Register.
- C. Shall be designed to preserve, adapt reuse, or otherwise provide for the historic features. Modifications and exterior alterations to historic features or sites, or new construction adjacent to historic features, shall be consistent with the Secretary of the Interior’s Standards for Rehabilitation of Historic Properties, as published by the National Park Services.
- D. Subdivisions and land developments shall also be designed so that the new structures do not block historic views, or obstruct the view of the historic properties, and new construction shall be consistent with the Secretary of Interior’s Guidelines. If, because of size, construction material, or type of use a purposed subdivision or land development would jeopardize the historic value of a site or structure, such new construction shall be screened or otherwise visually buffered.

***Important Natural Habitats***

- A. All applications for lands that possess an important natural habitat, as defined herein, shall plot the location of the natural resources. Important natural habitat is defined as follows;
  - 1. Wetlands, as defined by criteria of the U.S. Department of Interior, Fish and Wildlife Service; or
  - 2. Pennsylvania Natural Diversity Inventory (PNDI) confirmed extant plant and animal species and communities that are listed as Pennsylvania Threatened or Pennsylvania Endangered; or,
  - 3. PNDI-confirmed extant plant and animal species and communities with a State Rank of S1, S2 or S2.

***Natural Features Protection***

A. General Standards

- 1. The design and development of all subdivision and land development plans shall preserve, whenever possible, natural features which will aid in providing open space for recreation and conditions generally favorable to the health, safety and welfare of the residents of *(Municipality name)*. These natural features include the natural terrain of the site, woodland areas, large trees, natural watercourses and bodies of water, wetlands, rock outcrops and scenic views.

B. Tree Preservation

- 1. Trees, with a caliper of six (6) inches or more as measured at a height of four and one-half (4 1/2) feet above existing grade, shall not be removed unless they are located within the proposed cartway, driveway, parking areas, utility easements, stormwater facilities, or sidewalk portion of the street right-of-way, or within fifteen (15) feet of the foundation area of a proposed building, or as required by the Sewage Enforcement Officer for installation of an on-lot septic system. In areas where trees are retained, the original grade level shall be maintained, if possible, so as not to disturb the trees.

C. Stream Frontage and Wetland Preservation

- 1. Stream frontage and designated wetland areas shall be preserved as open space whenever possible.

D. Topography

- 1. The existing natural terrain of the proposed subdivision and land development tract shall be retained whenever possible. Cut and fill operations shall be kept to a minimum.

E. Topsoil Preservation

1. Topsoil removal shall be minimized and, if at all possible, restricted to only the building, driveway and public improvement areas of the lot. All of the topsoil from areas where cuts and fills have been made should be stockpiled and redistributed uniformly after grading.

F. Landscaping

1. That portion of a lot not covered with impervious material and not required to be otherwise developed as part of the stormwater management facilities required by this Ordinance shall be planted and maintained by the land owner with vegetative material.

For all multi-family dwelling, office, commercial and industrial land developments, a landscaping plan shall be provided and shall propose plantings in the open space areas, which include; planting strips, perimeter screenings, formal gardens, shade trees and natural barriers.

*Steep Slope*

- A. A Steep Slope Report for all applications involving construction on lands that possess slopes exceeding twenty-five percent (25%). The Steep Slope Report shall include the following:
  1. Topographic map of the site which highlights those areas that possess slopes exceeding twenty-five percent (25%). Also reflected on this map shall be all existing and proposed site alterations and improvements (e.g., buildings, streets, access drives, driveways, parking compounds, utilities, etc.) that are located within the steep slope area.
  2. Only in those instances where construction and/or modifications is proposed to the existing topography and vegetative cover within areas of twenty-five percent (25%) or greater slope, the applicant shall provide a detailed description of the methods that are being used for:
    - a. Protection and stabilization of areas that have a high potential for soil erosion;
    - b. Accommodate storm water runoff;
    - c. Assure structural safety and minimize harm to the environment associated with construction on steep slopes;
    - d. Protection and preservation of on-site and off-site valuable natural wildlife, plant habitats, and water quality;
    - e. Protection of steep slopes on adjoining properties; and,
    - f. Assure adequate foundations for buildings and/or structures.

- B. Only in those instances where construction and/or modifications to the existing topography and vegetative cover in areas of twenty-five percent (25%) or greater slopes, the applicant shall provide a soils engineering report.
- C. A soils engineering report shall be prepared by a registered professional engineer with expertise in soil, geology and construction. The report shall include:
  - 1. The nature, types, distribution and stability of the surface and subsurface soils for load bearing, stability and compaction;
  - 2. Extent, description and location of exposed rock and bedrock;
  - 3. Erodability of surface soil; and,
  - 4. Depth to seasonal high water table.
- D. Steep slope standards shall apply to where construction and/or modifications to the existing topography or vegetative cover is located within areas which contain twenty-five percent (25%) or greater slope.
- E. Boundary Interpretation – An initial determination as to whether the steep slope conservation standards apply to a subdivision or land development plan shall be based upon the presence of twenty-five percent (25%) or greater slope, as documented in one of the following:
  - 1. The County Soil Survey, the U.S. Soil Conservation Service; or,
  - 2. The topographic survey prepared by the United States Geodetic Survey.
  - 3. Should a dispute arise concerning the boundaries of any steep slope conservation area, a topographic survey prepared by a registered land surveyor with minimum vertical intervals of five (5) feet shall be submitted. Final boundary interpretation shall be made by the municipality.
- F. Average Slope. On property which contains slopes of twenty-five percent (25%) or greater, the average slope of the lot shall be determined by the following formula and identified on the plan.

$$S = \frac{0.0023 \times I \times L}{A}$$

- 0.0023 = conversion factor of square feet to acres
- I = contour interval in feet
- L = combined length in feet of all contour lines on parcel
- A = lot area in acres
- S = average slope of ground in percent (%)

\*\*This calculation use for General Design Requirements Section 533.4.B.and not for determination of Section 533 requirements.

- G. General Design Requirements. The following requirements are based upon the average

slope of a lot. Whenever other ordinances or regulations impose more restrictive standards than those contained herein, the more restrictive shall apply.

Average Slope of Lot	Minimum Percent of Undisturbed Area (1)	Maximum Impervious Surface
25 – 30%	85%	10%
Over 30%	90%	10%

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

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

Design Information. The application shall include the information specified in this ordinance.

**Wetlands**

- A. All subdivision and land development plans shall identify the location of existing wetland as determined by the standards of either the U.S Army Corps of Engineers, U.S. Environmental Protection Agency, Pennsylvania Department of Environmental Resources, or the U.S. Soil Conservation Service. Wetland areas are not limited to those areas delineated on wetland maps prepared by the U.S. Fish and Wildlife Service. Any proposed encroachment into the wetland shall include a copy of the permit or approval from the applicable State and Federal agencies. No action by the municipality shall be relied upon in lieu of a permit issued by the appropriate agency.
- B. The applicant must determine if wetlands exist on the property in the proposed subdivision or land development. The applicant must also determine if any wetlands will be impacted off-site from the property. This determination shall be made in accordance with the current requirements of the Department of Environmental Protection (DEP) and the United States Army Corps of Engineers (USACOE).
- C. If there are no wetlands on the property and no wetlands will be impacted off-site, then the following certification note must be placed on the plan:
  - 1. “I, *(signature of consultant and date)*, hereby certify that there are no wetlands on the subject property, the proposed project will not impact off-site wetlands, and wetland permits are not required from the state or federal government.”
- D. If there are wetlands on the property and/or wetlands will be impacted off-site, then the following is required:
  - 1. A wetland study must be submitted to the Municipality prepared in accordance with the current requirements of the DEP and USCOE and the following:
  - 2. A narrative describing the site features, including:
    - a. Property address

- b. Property tax number
  - c. Property owner’s name
  - d. Location of the property in *(Municipality name)*
  - e. Date of the site survey
  - f. General conditions and findings of the site survey
  - g. Permit requirements
- E. A drawing (scale one inch equals 100 feet), on a sheet or series of sheets no larger than 17 inches by 22 inches in size, containing the following information:
- 1. The outline of the property and area being studied.
  - 2. Wetlands from the National Wetlands Inventory (NWI) and County Soil Survey, delineated.
  - 3. The extent and type of hydric soils delineated and identified using the Hydric Soils of County.
  - 4. The extent of hydrophytic plants delineated and identified.
  - 5. Streams, watercourses and floodplains delineated and the hydrology of the area.
  - 6. Wetland delineation.
  - 7. Drawing scale.
  - 8. Property tax number.
- F. A copy of any required completed permit applications such as a water obstruction and encroachment permit or general permit from the DEP and a Section 404 permit from USCOE.
- 1. Wetlands shall be verified by a site visit.
- A. The following certification notes shall be placed on the subdivision or land development plan sheet that will be recorded and the notes shall also be placed on the plan included in the wetlands study:
- 1. I, *(signature of consultant and date)*, hereby certify that a wetlands study was conducted in accordance with Municipal, state and federal wetlands.”
  - 2. “I, *(signature of applicant and date)*, hereby certify that I am in receipt and aware of the results of the wetlands study.”

- B. Any approval by *(Municipality name)* shall be contingent on full compliance with any requirements of any regulatory agency, and no action by *(Municipality name)* shall be relied on in lieu of a permit issued by the appropriate agency.

***Erosion and Sedimentation and Stormwater Management***

- A. Special precautions must be made with regards to erosion/sedimentation control and stormwater management which are related to subdivision and land development and construction activities. This Section outlines reasonable standards for erosion and sedimentation control and stormwater management in order to: (1) promote the general health, welfare and safety of residents in *(Municipality name)* ; (2) regulate the modification of the natural terrain and alteration of existing drainage from new subdivision and land developments in order to control erosion and sedimentation from soils, minimize the effect of pollution, and preserve stream channels; (3) provide design, construction and maintenance criteria for permanent on-site stormwater management facilities for the purpose of controlling stormwater, erosion and sedimentation pollution; (4) encourage recharge of groundwater and the preservation and restoration of the flood carrying capacity of streams; (5) and provide for the proper installation and maintenance of stormwater management facilities. This article does not imply that areas within or outside any identified flood-prone areas shall be free from flooding or flood damage.

- B. Erosion and Sedimentation Control Plan

- 1. General Requirements and Standards.

- a. In conjunction with the submission of a subdivision or land development plan and for any activities involving earth disturbance of more than 5,000 square feet, an Erosion and Sedimentation Control (E&S) Plan must be submitted to the *(County)* Conservation District for their approval in accordance with the requirements of the "Rules and Regulations", Chapter 102, EROSION CONTROL authorized under P. L. 1987, June 22, 1987. A copy of the E&S Plan must be provided to *(Municipality name)*.
    - b. Subsequently, an approved Erosion and Sedimentation Control Plan, together with a letter from the county Conservation District indicating whether a National Pollutant Discharge Elimination System (NPDES) Permit from the Department of Environmental Protection for earthmoving activity is required, must be provided to *(Municipality name)*.
    - c. The applicant shall be responsible to prepare and forward all applicable erosion and sedimentation control plan information and other data to the appropriate County and State Agencies.
    - d. *(Municipality name)* shall not issue a building permit to those engaged in earth moving activities requiring a Department of Environmental Protection permit or other NPDES Permits, until the Department has reviewed and issued any applicable permit.
    - e. Maintenance of Erosion and Sediment Control Measures is required by the applicant/developer. The County Conservation District and *(Municipality name)*,

as authorized by the Municipalities Planning Code, reserve the right to inspect these measures at any time before the Building Occupancy permit is issued and may issue a Notice of Violation if the installed measures are found to be in significant non-compliance. Said Notice will list the specific type, location and scope of each Violation, and a period of time during which the person(s) responsible for the earth-moving activity must correct the violations. Failure to comply with the Notice or multiple Violations may result in a Cease and Desist order issued by *(Municipality name)* to prevent or restrain building, construction or conduct of business, and to correct or abate accelerated erosion and sediment pollution to Waters of the Commonwealth.

- f. Earth disturbance activities other than those necessary for preparation of sites for building foundations, stormwater and sediment control devices and on-site sewage disposal systems, should be minimized between October 15 and February 15 of the succeeding year.
- g. In the preparation of Erosion and Sedimentation Control Plans the person preparing such plans shall consult with the County Conservation District to determine the measures needed to control erosion and sedimentation pollution. The "Erosion and Sediment Pollution Control Program Manual," prepared by the Pennsylvania Department of Environmental Protection in accordance with Chapter 102 shall be used in the preparation of such plans. Copies are available in the County Conservation District office.

C. Stormwater Management Plan.

TCRPC recommends that municipalities address stormwater issues through a separate stormwater management ordinance that is tailored to the hydrogeological conditions present across the municipality. Municipalities should seek guidance from their municipal engineer or an expert in stormwater management to best tailor the ordinance to the conditions present in the municipality.

The Dauphin County Conservation District completed a county-wide Act 167 Stormwater Management Plan in 2010 that includes a model ordinance for the County’s 40 municipalities. A link to this model ordinance is contained in the [Planning Toolkit](#). A municipality should still seek the expertise of an engineer and their solicitor if planning to use this ordinance. Municipalities outside of Dauphin County may consider the [DEP model stormwater ordinance](#) as the basis for municipal regulation.

***Fire Hydrants***

- A. Where public and central community water systems are provided for subdivision and land development, fire hydrants suitable for coupling with fire equipment serving *(Municipality name)* shall be installed as specified by the Insurance Services Offices of Pennsylvania. The fire protection system shall be designed by a Registered Professional Engineer and approved by the Municipal Engineer. The construction of the system shall be at the developer's own expense.
- B. The location performance standards for fire hydrants shall meet the following standards and shall be approved by *(Municipality name)* upon review and recommendation by the



Municipal Engineer and Municipal Fire Marshal:

2. All fire hydrants will be located on an eight (8) inch line or a looped six (6) inch line. Where a dead end line is required to contain a fire hydrant, the portion of the line between the main loop and the hydrant shall have a minimum diameter of eight (8) inches.
3. Fire hydrants shall be spaced in a development so that all proposed buildings will be no more than four hundred (400) feet from the hydrant measured along traveled ways.
4. All central community water systems must provide a minimum of 500 GPM at residential pressure of 20psi for a two (2) hour period.

***Landscaping, Buffering and Screening***

A. It is the intent of this section to provide a set of minimum standards for landscaping to improve and maintain community appearance, the environment, rural character and value of properties within (*Municipality name*) in accordance with the Comprehensive Plan. Landscaping shall subdivision.

B. Minimum Landscaping requirements

1. Nonresidential and multifamily residential land development in the residential districts shall have a minimum of 20% landscaping of the total gross lot area excluding building foot area, impervious surface.
  - a. At least 60% of all trees, shrubs, and groundcover required by this section shall be native plants, except that a minimum of 30% of the vegetation chosen for erosion control shall be native plants from the list of Vegetation Acceptable for Erosion Control Plants (listed below) chosen shall be appropriate for their intended function and location based on plant characteristics.
  - b. The required landscaped area shall include a minimum of 12 deciduous or evergreen trees for each one acre with a minimum of 2. ½ inch caliper at time of planting. As an alternative, six trees for each one acre shall be required if deciduous trees are four inches in caliper or greater at the time of planting, and evergreen trees are nine feet in height or greater at the time of planting. A combination of tree sizes is permitted where at least one of larger sized trees may be substituted for two smaller sized trees.
  - c. Five deciduous shrubs or hedges may be substituted for one deciduous tree for a maximum of 20% of the tree requirement.
  - d. The preservation of existing deciduous or evergreen trees of four inch caliper or greater within the net lot area may be substituted for 50% of the tree requirement. (Net lot area for this section shall be total gross lot area minimum building floor area, impervious surface and sensitive environmental features as defined in the comprehensive plan). The number of existing trees must meet or exceed 50% of the number of trees required in subsection A (1), above

- e. The remaining area required to be landscaped shall be ground cover
- f. Cost estimate for posting of securities in accordance with this chapter

<b>Tree Spread at Maturity</b>	<b>Planting Interval</b>
Large-- more than 50 feet	40 to 80 on center
Medium-- 31 to 50 feet	25 to 55 on center
Small-- less than 30 feet	15 to 35 on center

- g. All trees, shrubs, hedges, or ground cover that die or are destroyed shall be replaced within 6 months.

C. Street Trees

1. Reasonable effort shall be made by the applicant to preserve existing shade trees and in addition, deciduous hardwood trees with a minimum caliper of 1 ½ inches shall be provided in accordance with conditions as recommended by the planning commission, parks and recreation board. And agreed upon by (*Municipality name*), and, if necessary, the municipal Authority and/ or appropriate public utility. Shade trees shall be required along with all existing and new streets within a subdivision land development. Where provided, such trees shall be planted between the sidewalk and the building setback line at least five feet from the sidewalk, provided the planting strip is a minimum of six feet wide.
2. Location: Street trees shall be installed along the street frontage or both sides of the street, where applicable. Street trees shall be planted along the street frontage within five feet of the right of way line. Where trees are planted along streets, spacing shall depend on the tree spread at maturity as follows:
3. When the spacing interval exceeds 40 feet, small ornamental trees may be placed between the large trees. If a street canopy effect is desired, trees may be planted closer together following the recommendations of a landscape architect.
4. Street trees shall be planted as not to interfere with utilities, roadways, sidewalks, streetlights, clear sight triangles and safe light distance.

D. Minimum planting specifications at the time of planting, except as specified in the screening section of this ordinance

1. Deciduous trees shall have a minimum caliper measurement of 2 ½ inches, measured a minimum of six inches above the soil line.
2. Coniferous trees shall have a minimum height of six feet
3. Evergreen shrubs, except for those used as low ground cover, shall have an average height of 20 inches
4. Deciduous shrubs shall have an average height of 30 inches

5. Trees with less than three inches in caliper shall be properly staked or trees with more than three inches in caliper shall be guyed and be properly protected for a period of one year from the planting date.
6. Any nylon rope used in balling the tree must be cut and removed from the root ball.
7. Trees and shrubs shall be hardy, not prone to disease or pests and suitable for use as a screening hedge including dense foliage.
8. Shrubs to be used on slopes steeper than 3:1 shall be chosen from the list of vegetation acceptable for erosion control plants (listed below). Ground cover to be used on slopes steeper than 3:1 shall be chosen from the list titled “Vegetation acceptable for erosion control”, except that no more than 50% of berm area may be composed of ornamental grass or legume mixture
9. Mulch for grass seed mix must be straw mulched as specified in PennDOT Publication Number 408, except slopes steeper than 3:1 shall receive erosion control blankets/mats as specified in PennDOT Publication Number 408. Mulch shall be placed around trees, shrubs, and groundcover. Mulch shall be shredded bark or other organic mulch, if approved by (*Municipality name*), in continuous beds surrounding vegetation. Mulch shall not be the sole cover but shall be used in conjunction with vegetation groundcover which shall cover 95% of the area within two years of planting. A system of staking, matting and/or netting shall be installed on slope/mound areas steeper than 3:1 to be mulched, but that will not inhibit vegetative growth and that will not be visible two years after planting.
10. Stabilization measures shall include erosion control blankets or mats as specified in PennDOT Publication Number 408 for slopes steeper than 3:1

E. Landscape Plan

1. All landscaping shall be drawn to scale on a site development plan and submitted to the zoning officer prior to the issuance of a zoning permit or with the land development or major preliminary or final subdivision application. The landscape plan shall be prepared and certified by a landscape architect licensed by the Commonwealth of Pennsylvania. The landscape plan shall contain the following data as a minimum:
  - a. An on-site inventory identifying type, size and heights of existing plant materials
  - b. A plant schedule describing plant materials, including names (common and botanical) location, qualities, caliper sizes, heights, spread, and spacing at installation.
  - c. Location, height, and type of plant material proposed for buffer yards, screening and fencing
  - d. The manner in which trees and shrubs are to be planted shall be indicated on a tree and shrub planting detail.

- e. The manner in which lawn areas and ground cover are to be planted shall be indicated on a ground cover detail.
- f. A description of how existing healthy trees are proposed to be retained and protected from damage during construction should be described in the construction detail
- g. Size, height, location and material of proposed seating, lighting planters, sculptures and water features.
- h. Location and dimension of clear sight triangle

F. Native Plant Requirements

- A. The use of species native to Pennsylvania that benefit land developers by reducing landscape maintenance costs will benefit the community and the environment by reestablishing a native community.

B. Maintenance Plan

- 1. Landscaping required in this section shall be maintained in a healthy, growing condition at all times. It shall be the responsibility of the property owner of record or his delegated representative to properly maintain and care for any landscape screen or other treatment as approved by the Governing Body. In order to insure proper maintenance of landscaping, a maintenance plan, addressing the following, shall be required:
  - a. The maintenance plan shall be prepared and certified by a landscape architect. Registered and licensed in the Commonwealth of Pennsylvania
  - b. Project Narrative
  - c. Description of short term maintenance procedures for the first year following the date of planting
  - d. Long term lawn and planting maintenance
  - e. One year contractors warranty of all lawn and plant materials

C. Buffering

- 1. Buffer yards required by this section are intended to separate different land uses from each other and are intended to eliminate and/or minimize nuisances such as dirt, litter, noise, glare, signs, unsightly buildings, or parking areas, and to provide spacing to reduce adverse impacts on noise, light, odor, or danger from fire and explosions.
- 2. In Buffer yards 1) space trees and shrubs randomly, 2) Avoid trees in a single row, 3) Group trees and shrubs to simulate a natural appearance, and 4) create interest by combining canopy trees, intermediate trees, shrubs, vines, and ground covers.

3. For walls 1) Use undulating, concerting, and piers to increase structural stability and reduce wall sections and 2) use varying types of wall material such as rough cut, ledge, flagstone, formed concrete, stacked block, tile, or precast units. Buffer yards shall meet the following requirements:
  - a. A buffer yard shall be located at the perimeter of the lot for any given use and shall not be located in any portion of public right-of-way or proposed right-of-way.
  - b. Permitted uses in a buffer yard: stormwater management facilities, underground utility facilities, picnic areas, greenways or pedestrian walkways. Buildings or storage of any kind shall not be permitted in a buffer yard.
  - c. A buffer yard and screening shall be provided between districts and used as follows:
    - (1) A buffer yard of 50 feet shall be required between residential uses or districts and nonresidential uses or districts. Level three screening shall be required within the buffer yard.
    - (2) A buffer yard of 25 feet shall be required between multifamily residential use or district and single-family/two-family residential uses or districts. Level one screening shall be required within the buffer yard.
    - (3) A buffer yard of 50 feet shall be required between residential uses or districts and industrial uses and districts. Level three screening (see Section 522.3-Screening) shall be required within the buffer yard.
    - (4) A buffer yard of 25 feet shall be required between commercial uses or district and industrial uses or district. Level two screening (see Section 522.3-Screening) shall be required within the buffer yard.
    - (5) A buffer yard of 50 feet shall be provided where residential uses or districts are adjacent to minor arterial streets; in this case Level one screening (see Section 522.3-Screening) shall be required. A buffer yard of 100 feet shall be provided where residential uses or districts are adjacent to interstate highways; in this case Level three screening (see Screening) shall be required.
  4. Parking lots shall not encroach into a buffer yard. Buffer yards shall not be used for parking.
  5. A buffer yard shall not be required in front yards except as required in this Subsection C (5) of this section

#### D. Screening.

1. Screening shall be provided as required. The purpose of screening is provide an effective visual barrier and to protect property against traffic, trespass, noise, heat, glare, dust, unsightly or distracting activity, to preserve property values, and assure compatibility of uses.

2. The following list describes various levels of screening

a. Level One

- (1) This buffer shall contain screening materials which, at maturity, provide intermittent visual obstruction from the ground to a height of four feet as well as intermittent visual obstruction from a height of four feet to a height of 30 feet. Vegetative screening materials within intermittent visual obstruction areas shall contain horizontal openings no greater than 20 feet in width upon the plant's maturity. Grouping of plant materials is encouraged to achieve a more natural appearance.
- (2) Evergreen trees: minimum five-foot planting height
- (3) Deciduous trees: minimum two-inch caliper and six-foot planting height
- (4) Shrubs: eighteen-inch planting height, reaching a minimum of 30 inches within two years. All shrubs (deciduous or evergreen) must have a minimum spread of 12 to 15 inches when planted.
- (5) Minimum planting width: 10 feet

b. Level Two

- (1) This buffer shall contain screening materials which, at maturity, provide semi-opacity from the ground to a height of six feet and intermittent visual obstruction from a height of six feet to a height of 30 feet. Vegetative screening materials within intermittent visual obstruction areas shall contain horizontal openings no greater than 20 feet in width; and vegetative screening material within semi-opaque areas shall contain openings no greater than 15 feet in width upon the plant's maturity. Grouping of plant material is encouraged to achieve a more natural appearance.
- (2) Evergreen trees: minimum five foot planting height
- (3) Deciduous trees: minimum two-inch caliper and six foot planting height
- (4) Shrubs: minimum eighteen-inch planting height, reaching a minimum of 30 inches with two years. All shrubs (deciduous and evergreen) must have a minimum spread of 12 to 15 inches when planted.
- (5) Minimum planting width: 10 feet

c. Level 3

- (2) This buffer shall contain screening materials which, at maturity, provide opacity from the ground to a height of 30 feet. Vegetative screening materials within opaque areas shall contain no horizontal openings upon the plant's maturity. Trees within this buffer shall consist primarily of Eastern white

pine and Norway spruce grouped to achieve a desired opacity. Screening shall consist of a combination, in longitudinal series, of at least two of the following options.

(3) Option A: Fence Screen

- i. Minimum six foot high freestanding/ retaining wall or solid fence
- ii. Evergreen trees: minimum five foot tree planting height.
- iii. Minimum planting width: 12 feet

(4) Option B: Evergreen tree screen

- i. Evergreen trees: minimum eight- foot tree planting height
- ii. Composition adequate to achieve a solid screen from zero to six feet in height two years after planting.
- iii. Minimum planting width: 12 feet

(5) Option 3: Berm Screen

- i. Berm: minimum six foot height, and berm slopes 3:1 and less steep, and eight foot minimum top width.
- ii. Lawn, groundcover, shrubs and trees: minimum six foot tree planting height and adequate to provide a continuous bed of vegetative groundcover over at least 95% of the berm area within two years of planting.

(6) Option D: Steep berm screen

- i. Steep berm: minimum six-foot tree planting height, composed of lightly compacted soil with stability measures adequate to retain stable soil structure and prevent erosion, with slopes greater than 3:1 up to 2:1 maximum slope, and eight-foot minimum top width.
- ii. Groundcover, shrubs and trees: adequate to achieve a continuous bed of vegetative cover over at least 95% of the berm within two years of planting, groundcover and shrubs to be chosen from the listing titled Vegetation Acceptable for Erosion Control, and composition adequate to achieve a solid screen from zero-foot to six-foot height two years after planting considering the expected plant size two years after planting.

E. Uses

- 1. The following specific uses or features shall be screened with a Level three screening from adjacent properties and from public view from a street
  - a. Dumpster and trash handling areas
  - b. Loading docks or spaces

- c. Outdoor storage or any material stocks, or equipment, including but not limited to motor vehicles, farm or construction equipment, including but not limited to motor vehicles, farm or construction equipment or other similar items.
- d. Rooftop equipment shall be visually screened with a wall, fence, or permanent enclosure
- e. Service entrances and utility facilities
- f. Natural and/or man made swales, basins, and stormwater management facilities

F. Maintenance

- 1. All required plantings shall comply with this ordinance. All required fences or walls shall be permanently maintained in good condition and whenever necessary repaired and replaced.

G. Perimeter Landscaping

- 1. When a parking lot abuts a street, a landscaped strip shall be provided along the entire street line. This landscaping strip may be located within any other landscape strip required to be located along a street.
- 2. The following lists the required width of landscape strips:

Number of Spaces in Parking lot including Joint use Facilities	Landscape Strip Width in Feet	
	Side and Rear Yard	Street R.O.W. Line
Less than 100	10	20
100 to 250	10	25
Over 250	10	30

- 2. Vegetative ground cover alone is not sufficient to meet this requirement. A mixture of deciduous and evergreen trees, shrubs, or other approved material shall be provided. At least one (1) shade tree shall be provided for each seventy-five (75) linear feet of landscaping area. These trees shall have a clear trunk at least five (5) feet above finished-grade level.

**\*List of plants provided by PA Natural Heritage Program is provided in Appendix-6**

***Lighting***

- A. These lighting requirements provide appropriate standards to ensure adequate night time safety and security while minimizing the spillover of light and glare on operators of motor vehicles, pedestrians and land uses near the light source. It is the safety, welfare, nuisance, and hazardous aspects of lighting that form the basis of these regulations.
  - 1. Lighting shall be required in subdivisions and land developments



2. Street lights shall be provided with the construction of all new streets. A plan for street lights approved by the local utility company, shall be provided by the applicant upon submission of final subdivision or land development plans
3. Street lights shall be provided at locations designated by the local utility company

Zoning District	Maximum Permitted Illumination (foot candles)	Maximum Permitted Height at Illumination (feet)
Residential	1.5 to 2.0	25
Residential Multi Family	2.0	35
Commercial	3.0	40
Manufacturing/ Industrial	5.0	60

consistent with current policy at all street intersections and all other locations considered necessary for safety reasons as approved by (*Municipality name*)

4. Requirements: Exterior lighting shall be provided in parking areas, pedestrian sidewalks and walkways, and nonresidential driveway intersections in accordance with the following standards. Lighting used for security purposes shall also conform to the following standards. These regulations permit an option of providing a lower light post for luminaries with a no cutoff design or a higher pole, up to 60 feet, for

Maximum Permitted Illumination (footcandles)	Maximum Permitted Height of Luminaire (feet)
Residential Equals 0.2	10 Feet
Residential Equals 0.3	20 Feet

luminaries that totally cut off light spillover at a cutoff angle smaller than 90 degrees. The maximum height of a light post permitted shall be dependent upon the amount of cutoff provided. Exterior lighting shall meet one of the following Standards

- B. When the Light source or luminaire has no cutoff
- C. When a luminaire has a total cutoff angle greater than 90 degrees, the maximum illumination and the maximum permitted luminaire height shall be:
- D. When a luminaire has a total cutoff of light at an angle less than 90 degrees and is located so that the bare light bulb, lamp or light source is completely shielded from the direct view of an observer 5 feet above the ground at the point where the cutoff angle intersects the ground, then the maximum permitted illumination and maximum permitted height at all luminaire shall be:
- E. Exception for specified uses.
  1. Because of their unique requirements for nighttime visibility and their limited hours of operation, public, and private recreational uses such as ball diamonds, playing fields, tennis courts, and, volleyball courts are exempt from the above requirements.

2. Outdoor public and private recreational uses specified above shall not exceed a maximum permitted post height of 80 feet.
3. Outdoor public and private recreational uses may exceed a total cutoff angle of 90 degrees, provided that the luminaire is shielded to prevent light and glare spill over to adjacent residential uses. The maximum permitted illumination at the interior buffer yard line shall not exceed two foot candles.
4. Low level pedestrian lighting for sidewalks shall be provided as necessary for safety. Low level sidewalk illumination for non-residential uses shall be between 0.5 to 0.1 foot candles. Low level sidewalk illumination for residential uses shall be between 0.2 to 0.13 foot candles.

F. Additional requirements

1. Flickering or flashing lights shall be prohibited
2. Light sources or luminaries shall not be located within buffer yard areas except for pedestrian walkways.
3. The location and type of lighting required by this chapter shall be shown on the site plan submitted for development.
4. Low level pedestrian lighting for sidewalks shall be provided as necessary for safety. Low level sidewalk illumination for non-residential uses shall be between 0.5 to 1.0 foot candle. Low level sidewalk illumination for residential uses shall be between 0.2 and 0.3 foot candle.

***Lots***

A. General Standards

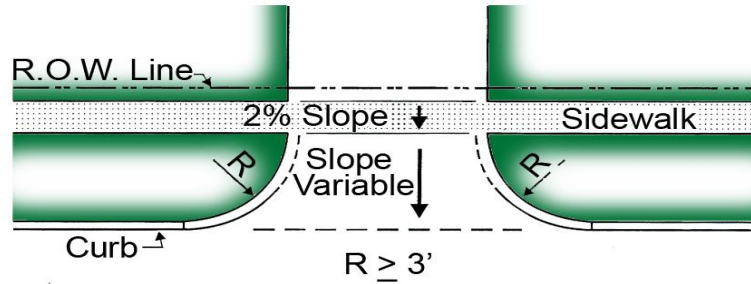
1. The size, shape and orientation of lots shall be appropriate to the type of development, topography, natural features and land use contemplated.

<b>Zoning District</b>	<b>Maximum Permitted Illumination (foot candles)</b>	<b>Maximum Permitted Height at Illumination (feet)</b>
Residential	0.75	25
Residential Multi-family	1	30
Commercial	1.5	35
Manufacturing/ Industrial	2	40

2. Lot lines shall be at right angles to straight street lines or radial to curved street lines.
3. Where feasible, lot lines should follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.
4. If small or substandard remnant parcels of land exist after subdivision, these parcels shall be incorporated into existing or proposed lots, or dedicated for public use, if

acceptable to *(Municipality name)*. Agreements for dedicating remnant parcels of land shall be approved by *(Municipality name)* Solicitor prior to acceptance.

5. All remnants of land (areas remaining after subdivision) shall conform to the lot area and configuration requirements.
  6. All lots shall be designed to provide sufficient building area based upon building setbacks, easements, floodplains, etc.
  7. Lot Size and / or intensity shall conform to the prevailing Municipal Zoning Ordinance.
  8. Environmental Self Sufficiency
    - a. Each new lot created in *(Municipality name)* shall be designed in such a manner to be individually self-sufficient for both water supply and sewage disposal, or be connected to available public or private water and sewer facilities.
- B. Lot Frontage
1. All lots shall abut an existing or proposed public street except:
    - a. Private streets are permitted in developments where the ownership arrangements are set up as a condominium or homeowners association.
    - b. A Private access drive is permitted to provide an access to not more than three (3) residential dwellings. The width of the private access drive /easement/ right-of-way shall be not less than fifty (50) feet. Maintenance arrangement of the access drive shall be provided to *(Municipality name)*. Any additional lot(s) created on the access drive shall require construction of a public street.
    - c. Driveways to Single-family Dwellings, Duplex Dwellings, or Apartments Five Units or Fewer:
    - d. Joint driveways. Joint or common driveways serving no more than three (3) single-family dwellings are permitted and shall be designed in accordance with the standards of this section.
    - e. Curb Cuts. The minimum curb cut or driveway width at the cartway edge shall be 10 ft. The maximum curb cut or driveway width at the cartway edge shall be 20 ft.
    - f. Curb return entrance. A curb return entrance is illustrated in Figure 5.1. When curb return entrances are used, the curb shall have a minimum 3-foot radius. However, any driveway entering into PennDOT right-of way shall be designed in accordance with PA Code Title 67, Chapter 441.

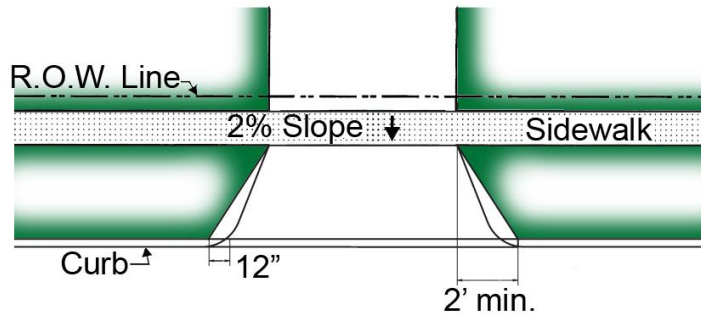


**Figure 5.1. Typical Curb Return Entrance**

Note: for driveways entering into PennDOT ROW, design shall be in accordance with standards in PA Code Title 67, Chapter 441. Modified from Source: AASHTO

(Source: Pennsylvania Standards for Residential Site Development, 2007)

- g. Flared entrances: When flared driveway entrances are used, a minimum 2-foot flair shall be provided. A typical flared entrance is illustrated in Figure 5.2

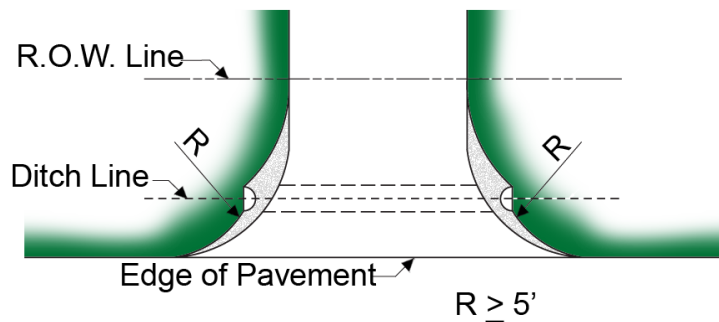


**Figure 5.2. Typical Flared Driveway Entrance**

Modified from Source: AASHTO

(Source: Pennsylvania Standards for Residential Site Development, 2007)

- h. Non-curbed entrance: Non-curbed driveway entrances shall have a minimum edge-of-pavement radius of 5 feet as illustrated in Figure 5.3



**Figure 5.3 Typical Non-curbed Driveway Entrance**

Modified from Source: AASHTO

(Source: Pennsylvania Standards for Residential Site Development, 2007)

- i. Driveway Profile: Driveway profiles shall provide efficient access to the abutting residential street, allow for low-speed 90-degree turns into the driveway, and provide safe access to the residential garage or parking area. The following standards shall apply:
  - (1). The algebraic change in grade between the street cross slope and the driveway approach apron shall be less than or equal to 8%.
  - (2). When the algebraic change in grade at any point along the driveway exceeds 10%, a vertical curve having a length specified in Table 5.1 shall be used.

**Table 5.1 Length of Vertical Curves for Extreme Changes in Driveway Grade**

	Algebraic Change in Grade (%)	Length of Vertical Curve	
		Sag	Crest
	10	25	10
	15	35	20
	20	45	30
	25	55	40

- (3). Driveway grades shall not exceed 10% for the first 18 feet from the street edge of pavement. In addition, the driveway grade shall not exceed 10% in any area used for designated parking along the driveway, or within 20 feet of garage entrances.
  - (4). Driveways serving residential dwellings should they generally be less than 15%, but in no case should exceed 20%.
- 2. Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or industrial or commercial development; or to overcome specific disadvantages of topography or orientation.
  - 3. No residential lots shall be created which front upon a limited access highway. Furthermore, no lots within a major subdivision shall be created which front upon an arterial street.

**C. Dimension and Areas of Lots**

- 1. The dimensions and areas of lots shall conform to the standards and requirements of the *(Municipality name)* Zoning Ordinance.

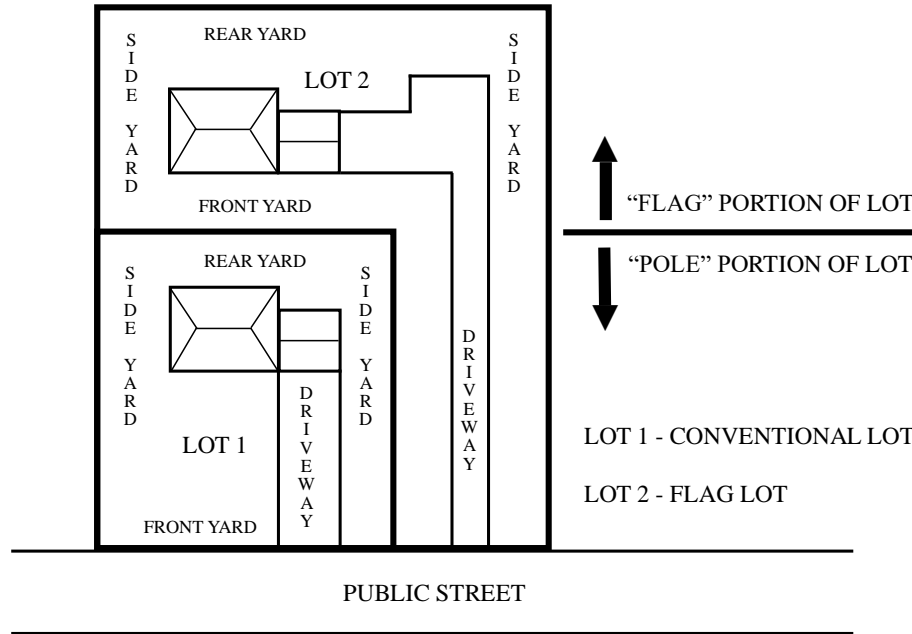
**D. Building Setback Lines**

- 1. The minimum setback line shall be in accordance with the *(Municipality name)* Zoning Ordinance and the applicable sections of this Ordinance.

**Lots-Flag**

- A. Flag-lots shall only be permitted where specifically provided for within (*Municipality name*) Zoning Ordinance, and in compliance with the following:

**Figure 5.4 Flag-Lot**



- B. For the purposes of this Section a flag-lot shall be described as containing two parts: (1) The "flag" shall include that portion of the lot that is the location of the principal and accessory buildings. (2) The "pole" shall be considered that portion of the site that is used for vehicular access between the site and its adjoining road.

C. Requirements for the Flag

1. The minimum lot area and lot width requirements of (*Municipality name*) Zoning Ordinance shall be measured exclusively upon the flag.
2. For purposes of determining required yards and setbacks, the following shall apply:
  - a. Front yard: The area between the principal structure and that lot line of the flag which is most parallel to the street providing vehicular access to the site. Additionally, all areas of the pole shall be considered to be within the front Yard;
  - b. Rear yard: The area between the principal structure and that lot line of the flag that is directly opposite the front yard, as described above; and,
  - c. Side yards: The area between the principal structure and that one (1) outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure. (See the preceding Flag-Lot Figure 5.4. for a graphic depiction of the yard locations);

3. The flag-lot shall contain adequate driveway dimension for vehicular backup so that ingress to, and egress from, the lot is in the forward direction.

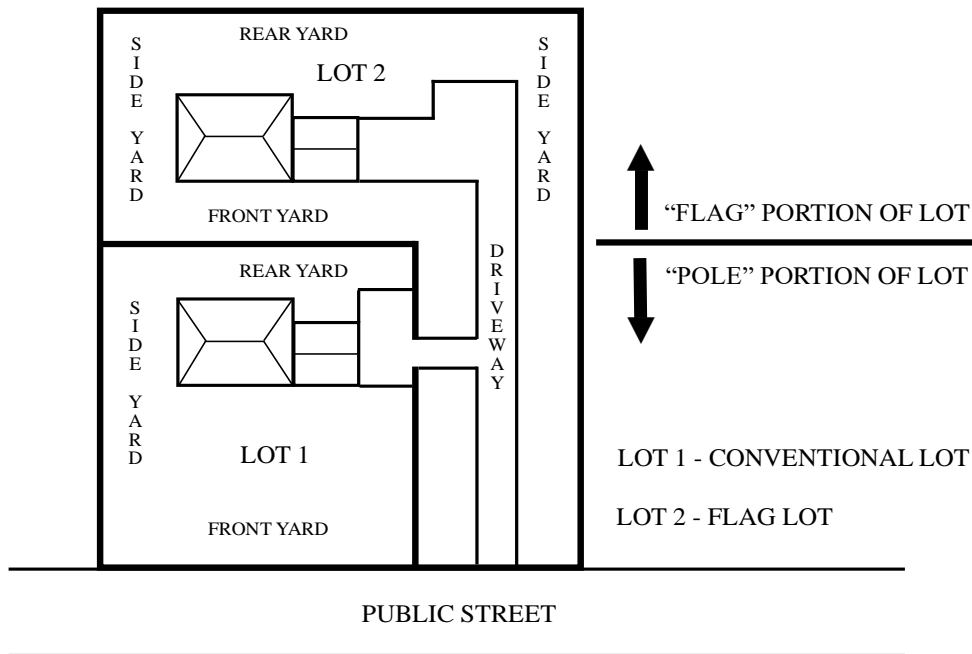
D. Requirements for the “pole” portion of a Flag lot

1. The pole shall maintain a minimum width of twenty-five (25) feet.
2. The pole shall not exceed six hundred (600) feet in length, unless additional length is needed to avoid the disturbance of productive farmlands or some other significant natural or cultural feature.
3. No part of the pole shall be used for any portion of an on- lot sewage disposal system, well, nor any other improvement except a driveway and other permitted improvements such as landscaping, fencing, utility connections to off- site facilities, mailboxes, and signs.
4. The cartway contained on the pole shall be located at least five (5) feet from any adjoining property line, and twenty (20) feet from any existing structures on the site or any adjoining property.
5. No pole shall be located within two hundred (200) feet of another on the same side of the street, unless a joint-use driveway is utilized as regulated as follows:

E. Joint-Use Driveways, Private Street, Access Easement, and Right-of-Way

1. When more than one flag lot is proposed, such lots may rely upon a joint-use driveway for vehicular access.
2. Joint-use driveway must serve at least one flag-lot, but may also serve conventional lots up to a maximum of three total lots.
3. All joint-use driveways shall have a minimum cartway width of ten (10) feet, and a right-of-way/easement width of fifty (50) feet.
4. Cross access easements/right-of-way shall be required to ensure common use of, access to, and maintenance of, joint-use driveways; such easements shall be recorded in language acceptable to the Municipal Solicitor, and depicted on the subdivision plan.
5. Any additional lots created after three (3) lots on the access driveway shall require construction of a public street.

**Figure 5.5 Joint-Use Driveway**



**Monuments and Markers**

A. Monuments and markers must be placed by a Registered Professional Engineer or Professional Land Surveyor so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the finished grade of the surrounding ground. Monuments must be marked on top with a copper or brass plate or dowel set in the concrete.

Percent Grade	Minimum Radius
0-5%	70 Feet
5-15%	125 Feet

B. Location of Monuments

2. At least two (2) corners of the boundary of the original tract of the development or subdivision shall be monumented.
3. A minimum of two (2) monuments shall be set on the street right-of-way lines of each street. Monuments shall be set on the same street right-of-way line.
4. On the street right-of-way lines, monuments may be set at the following locations:
  - a. At the intersection of street right-of-way lines.
  - b. At the intersection of a street right-of-way line and the side line of an interior lot.
  - c. At either or both ends of curved street right-of-way lines.



- d. At such other points along the street right-of-way lines as may be determined by the Municipal Engineer so that any street may be readily defined in the future.
- 5. A monument shall be set at the Primary Control Point determined for the development or subdivision.

C. Construction of Monuments and Markers

- 1. Monuments and markers shall be the following sizes and made of the following materials:
  - a. Monuments shall be six (6) inches square or four (4) inches in diameter and shall be thirty (30) inches long. Monuments shall be made of concrete, stone or by setting a four (4) inch cast iron or steel pipe filled with concrete.
  - b. Markers shall be three quarters (3/4) of an inch square or three quarters (3/4) of an inch in diameter and twenty-four (24) inches long. Markers shall be made of iron pipes or iron or steel bars.

D. Bonding and Inspection

- 1. Monuments required by this Ordinance to be set at locations shown on the approved Final Plan shall be bonded in accordance with Article 6 herein at the rate determined by an Engineering estimate but at a minimum of two hundred fifty (250) dollars per monument to be set. Monument placement shall be inspected by the Municipal Engineer prior to releasing the bond.

E. Replacement

- 1. Any monuments or markers that are discovered to have been removed must be replaced by a Professional Land Surveyor at the expense of the Developer and/ or Owner.

***Notification to School District***

- A. When more than three (3) dwelling units are proposed, written evidence that the school district in which the project is located has been informed of the proposal.

***Parks & Recreation & Open Space***

***Park and Recreation***

- A. A Park and Recreation Report for residential development of fifty (50) or more unit shall be prepared. The report shall include the following minimum requirements.
  - 1. Description of the total projected number of residents and their respective age group.
  - 2. Description of existing public recreation facilities located within a one –half mile radius of the site.

3. Description of the adequacy of existing recreation facilities to serve the residents, taking into consideration current usage.
  4. Discussion of potential for any recreation facilities to be provided by the developer to accommodate new residents and/or compensate for any anticipated deficiencies of *(Municipality name)* recreation facilities.
  5. Description of any recreation facilities to be provided by the developer.
  6. Discussion on the relationship of the proposal to the prevailing Municipal Park and Recreation Study.
  7. Description of responsibility for maintenance of any recreational facilities to be provided by the developer.
  8. Description of accessibility of the proposed facilities to the general Municipal residents.
  9. Description of any contributions in accordance with this ordinance that the developer plans to make for Municipal recreation to compensate for expected impact.
  10. Source of standards used in the data presented.
- B. The Park and Recreation Report shall be provided to the Planning Commission and *(Municipality name)* Recreation Advisory Board/Parks and Recreation Board if any.

***Contribution for Recreation Purposes***

- A. It is the policy of *(Municipality name)* to provide recreational facilities for all the residents of the municipality in accordance with the adopted Recreation Plan. Centralized facilities are preferred over local neighborhood facilities. New and additional facilities at the centralized location are required in direct proportion to increases in the population of *(Municipality name)*. Developers causing increases in the population of *(Municipality name)* by adding new residential dwelling units must share in the cost of providing additional recreation facilities.
- B. *(Municipality name)* may require land to be dedicated, and if agreeable to the developer, require the construction of recreational facilities, or payment of a fee in-lieu thereof.
- C. A contribution for recreational purposes shall be made at the rate set or amended by resolution of the *(Municipality name)* from time to time, payable upon and as a condition of making application for a building permit pursuant to the ordinances of this Municipality.
- D. The requirements this ordinance shall be noted upon the Final Subdivision and Land Development Plan which notation shall be deemed not to constitute a lien or encumbrance on the title of the land.
- E. All fees paid to the municipality for this purpose shall be deposited in a capital reserve fund established as provided by law. Fees in such fund may be combined for investment

purposes, if permitted by law, but shall be used only for the acquisition of land or capital improvements for open space, park and recreation purposes.

***Open Space***

A. Open space preserved in fulfillment of the requirements of this Article shall be in accordance with the following standards and principles.

1. Applicants shall provide open space, including appropriate recreation facilities and trails pursuant to all municipal planning documents and guidelines. This includes and not limited to the Municipal Comprehensive Recreation and Parks Plan, Comprehensive Plan, and Township/Borough Official Map as adopted and amended by the *(governing body)*. The *(governing body)* shall review the consistency of the proposed open space with the recommendation of both the Municipal Planning Commission and any advisory landscaping committee.
2. Open space shall connect to permanently preserved land on abutting property, if possible, including provisions for access ways for public use to permit residents safe and easy access to open space.
3. Open space areas shall be contiguous, except that two or more separate open space parcels may be connected by other legal public access means.
4. Open space shall have frontage on a public or private road or easement capable of providing suitable grade for access to the open space from the roads for maintenance vehicles and equipment traffic.
5. Open space may include land within utility corridors only if the utility companies having legal rights to these corridors do not prohibit their use for such purposes.
6. Open space shall have the physical characteristics capable of serving the purposes intended for such areas, including recreational use.
7. Open space shall be visible from dwelling units and roadways.
8. Open space shall protect environmentally sensitive and/or aesthetic features and be landscaped to provide sufficient screening or buffer areas to minimize any negative impacts from or upon adjacent development.

B. Conservation of Natural Resources in Open Space.

1. Environmentally sensitive features shall be conserved based on the minimum requirements specified in the table below:

<b>Environmentally Sensitive Feature</b>	<b>Minimum % to be Preserved</b>
Flood Plains and Watercourses	100%
Wetlands	100%
Ponds	100%

Steep Slopes (15-25%)	70%
Very Steep Slopes (>25%)	80%
Woodlands	50%

2. Where features overlap, the greater percentage shall be conserved. The percentage of each feature is the extent that it shall not be altered, re-graded, filled, or built upon. The land shall be permanently restricted by an easement preventing further development. The deed restrictions shall be in a form acceptable to *(Municipality name)*

C. Open Space Designation.

1. All land held for open space shall be so designated on the applicant’s land development plans. The plans shall contain the following statement for applicable lands specified in categories listed below: *“Open space land may not be separately sold, nor shall such land be further developed or subdivided.”* All plans shall further designate the use of open space, the type of maintenance to be provided, and a planting plan or schedule. In designating use and maintenance, the following classes may be used.
  - a. Natural Area. Land which is left predominately in a natural condition and managed to protect significant natural resources in accordance with a natural areas management plan.
  - b. Farmland. Land which will be used to grow agricultural crops or for the pasturing of farm animals maintained in accordance with the Agricultural Erosion and Sediment Control / Whole Farm Conservation Plan as approved by the Dauphin County Conservation District.
  - c. Lawn. A grass area with or without trees that may be used by the residents for a variety of informal purposes and shall be mowed regularly to ensure a neat and orderly appearance.
  - d. Recreation Area. An area designated for specific recreational use(s) including, but not limited to, tennis, athletic fields, and tot lots. Such areas shall be maintained so as to avoid creating a hazard or nuisance and shall perpetuate the proposed use.
  - e. Garden Area. An area designated for community vegetable plots.
  - f. Stormwater Management. Stormwater management structures may not be counted toward required open space.
  - g. Park. A small area designated for use for a variety of outdoor activities. It may include lawn areas, decorative plantings, seating areas, or walking paths.
  - h. Public Plaza. An area in an urban or village center designated as a meeting place for community residents. May include gazebos, information stands, seating areas, decorative plantings, fountains, or other similar elements.

D. Open Space Ownership and Perpetuation.

1. The final subdivision and or land development plan shall clearly indicate the manner in which open space will be owned and administered. Following Final Plan approval, the open space ownership shall be established as outlined below. Written notice of any proposed transfer of open space shall be given to *(Municipality name)* for approval no less than thirty (30) days prior to such event.
2. *(Municipality name)* may, but is not required to, accept fee simple dedication of recreation land portions of open space in accordance with other provisions of this Chapter.
3. There shall be no cost of acquisition except for transfer costs mutually agreed upon by *(Municipality name)*.
4. *(Municipality name)* shall agree to maintain the open space.
5. The open space shall be in an acceptable condition to *(Municipality name)* at the time of its dedication with regard to size, shape, location, and that any improvements are certified as satisfactory by the Municipal Engineer.
6. The applicant shall prepare, at no expense to *(Municipality name)*, the legal description, with metes and bounds, of the land being offered for dedication.
7. *(Municipality name)* shall accept the dedication by means of a signed municipal resolution to which a property description, deed, and plan of dedication area or areas shall be attached.
8. All dedications in fee simple shall be free and clear of any liens or encumbrances.
9. An agreement citing all applicant obligations serving as a condition to plan approval shall be approved by the *(Governing Body)* and recorded with the plan at the same time as the plan is approved.
10. A public agency acceptable to *(Municipality name)* including county, state, or federal government or municipal authority may, but shall not be required to, accept the fee simple dedication of open space, provided that *(Municipality name)* approves a maintenance plan whereby the grantee agrees to and has access to maintain the open space.
11. Open space may remain or be placed in the ownership of the individual property owners and shall be restricted from further subdivision and/or land development by deed restriction, provided that:
  - a. The *(governing body)* shall agree to the boundaries of the open space that shall be held in private ownership.
  - b. Restrictions providing for the protection and continuance of the open space which meets Municipality specifications shall be placed in the deed for each property that has the open space area within its boundaries.
  - c. A maintenance agreement suitable to *(Municipality name)* shall be established, and the deeds to the properties that are located within the deed-restricted open space

areas shall clearly state that the maintenance responsibility for the open space lies with the individual property owner.

12. A private, non-profit conservation organization, among whose purposes is to conserve open space land and/or natural features, may, but shall not be required to accept the conveyance of fee simple or less-than-fee simple interests in any portion of the open space, provided that:
  - a. Any private, non-profit conservation organization intended to be the grantee of a conveyance shall be acceptable to *(Municipality name)* as a bona fide conservation organization with perpetual existence.
  - b. Any conveyance shall contain appropriate provisions for proper reverter or retransfer in the event that the grantee becomes unwilling or unable to continue carrying out its function.
  - c. A maintenance agreement acceptable to *(Municipality name)* shall be established between the owner and the conservation organization.
  
13. Open space may be controlled with condominium agreements that shall be approved by *(Municipality name)* and be in conformance with the Pennsylvania Uniform Condominium Act (68 Pa. C.S. §§ 3101 to. 3414). All open space land and facilities shall be held as a common element.
  
14. Open space may be held in common ownership by a homeowners' association pursuant to the Pennsylvania Uniform Planned Community Act (68 Pa. C.S. §§ 5101 to 5414). In addition, the homeowners' association shall be governed according to the following:
  - a. The owner or applicant shall provide to *(Municipality name)* a description of the organization, including its by-laws, and all documents governing maintenance requirements and use restrictions for open space. The homeowners' association agreement shall be recorded.
  - b. The organization shall be established (with financial support by the applicant if necessary) before any lot in the subdivision or building in the development is sold.
  - c. Membership in the organization and fees shall be mandatory for all purchasers of property therein and their successors.
  - d. The organization shall be responsible for the maintenance of suitable insurance on the open space.
  - e. The members of the organization shall share equitably in the costs of maintaining, insuring, and operating the open space.
  - f. The applicant proposing any plan containing open space shall arrange with the County Board of Assessment a method of assessment of the common facilities which will allocate to each tax parcel in the development a share of the total assessment for such open space. Where this alternative is not utilized, the organization shall be responsible for applicable real estate taxes on common facilities.

- g. The organization shall have or hire adequate staff, as necessary, to administer, maintain, and operate the open space.
- h. The organization shall have the power to compel fees from property owners therein to cover their proportionate shares of the initial cost and costs associated with the maintenance and upkeep of the open space.

E. Open Space Restrictions.

1. Every property proposed for open space shall be restricted in the following manner:
2. The property deed shall contain the following deed restriction:
  - a. *This property was established as permanent open space through the approval of the [subdivision or land development name] and recorded in Deed Book \_\_\_\_ and Page \_\_\_\_ (or Instrument No.), and shall be maintained as open space in accordance with the approved plan. No change of use, transfer of ownership, or sale of this property shall occur without the written consent of the (Governing Body name). This restriction shall have the effect of a covenant running with the land, and shall otherwise be binding upon the Grantee, and shall be enforceable only by (Municipality name), its residents, or former owners of the property.*
3. (Municipality name) is authorized to make random inspections of any open space property created through municipal actions to ensure that the owner and any successors duly perform, abide by, and complete any duties, obligations, or requirements as set forth in the Final Plan and/or deed restrictions.
4. (Municipality name) may require financial security to ensure appropriate long-term maintenance of the open space depending upon the ultimate owner of the open space. The amount of financial security shall be established necessary to reimburse the municipality for its expense of performing remedial measures if not performed by the owner.
5. In the event that the entity charged with maintenance responsibilities, or any successor thereto, fails to maintain all or any portion of the open space in reasonable order and condition in accordance with the development plan and all applicable laws, rules, and regulations, (Municipality name) may serve written notice upon such entity, upon the residents and owners of the uses relating thereto, setting forth the manner in which the entity has failed to maintain the open space in reasonable condition.
6. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of their responsibilities, in which case (Municipality name) may enter the premises and take corrective action.
7. The financial security funds in the applicant's escrow account, if any, may be forfeited, and any permits may be revoked or suspended. If the funds of the escrow account are insufficient to pay the costs of remedial maintenance, the costs of corrective action by (Municipality name) shall be assessed ratably, in accordance with tax assessments,

against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. *(Municipality name)*, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the (appropriate County office) upon the properties affected by such lien.

***Sewage Service Facilities***

- A. Each new dwelling created in *(Municipality name)* shall be self-sufficient for sewage disposal and the sewage disposal system shall be public, community or individually owned, maintained and operated.
- B. All plan submissions must be accompanied by the appropriate Sewage Facilities Planning Module for subdivision land development provided by the PA Department of Environmental Protection (DEP). All planning module reviews shall conform to the Pennsylvania Sewage Facilities Act of 1965, P.L. 1535, No. 537, as amended; DEP's Chapter 71 regulations, Administration of Sewage Facilities; the Municipality's Act 537 Plan; and this and any other Municipal Ordinances.
- C. Individual (On-lot) Sewage Disposal
  - 1. Where public sanitary sewers are not feasible, the use of on-lot sewage disposal systems shall be permitted. The use of such on-lot systems is governed by regulations of the PA Department of Environmental Protection (DEP) and enforced by the municipal Sewage Enforcement Officer (SEO).
  - 2. Prior to approval of any plan depicting on-lot sewage disposal systems, the developer shall have had soils testing performed on each lot to determine the suitability for such systems, and shall have secured the approval of the municipal SEO and/or DEP through the use of a Planning Module for Land Development. Each on-lot sewage disposal system must be approved by the municipal SEO and/or DEP.
  - 3. An individual sewage disposal system shall be located on the lot which it serves, or within adjacent open space that is designated for that purpose.
- D. Public Sewage Systems
  - 3. Unless precluded by provisions of the applicable plumbing Code and regulations, where a public sanitary sewage system exists within six hundred (600) feet of the development site, the Applicant must install a complete sanitary sewerage system within the development as required to connect the site to the available sanitary sewage system.
  - 4. Where a public sanitary sewage system does not currently exist within six hundred feet (600) of the development site, but is identified in the municipal 537 plan and in the opinion of the *(Municipality name)* will become available within five (5) years, the Applicant shall install a complete sanitary sewage collection system in accordance with the following requirements:
    - a. A collector main installed in the street or approved right-of-way;



- b. Lateral installations to the right-of-way lines of streets, lot or parcel property lines or sewer easement right-of-way lines, whichever pertains to the individual situation;
- c. All termini shall be capped in a manner that will insure that all collector mains, laterals, and house connections shall be watertight pending connections with the public sanitary sewage system.

E. Design and Construction

- 1. The construction of the system, including all service connections, pumping stations and interceptors shall be constructed at the developer's expense and shall not commence until written authorization to proceed with construction has been obtained from *(Municipality name)* and DEP.
- 2. The system shall be designed by a Registered Professional Engineer and approved by the Municipal Engineer.
- 3. When a public sanitary sewage system is installed and capped by the Applicant, the Applicant may also install temporary on-site sewage disposal facilities provided that the system is designed to provide connection to the public sewer when it becomes operable. At that time the temporary on-site system shall be disconnected.
- 4. Sanitary sewers and sewage disposal systems shall not be combined with storm water sewers, and shall not be constructed to receive effluent from any storm water collection system.
- 5. Pipe sizes for sanitary sewer mains and sewer laterals and locations for manholes shall meet *(Municipality name)* "Standard Material and Construction Specifications for Public Improvements." if established otherwise with PennDOT Publications 408 and 72 Standards. The Municipal Engineer shall inspect the sewer line before it is backfilled.

F. Central Community Sanitary Sewage Facilities

- 1. A central community sanitary sewage facility shall be permitted if it can be shown that such an approach would provide more reliable and effective treatment of waste than individual on-lot systems or if a central community system is required as part of cluster or open space development.
- 2. The design and installation of a central community sanitary sewage facility shall be subject to the approval of *(Municipality name)* and the DEP.
- 3. The system shall be designed by a Registered Professional Engineer and approved by the Municipal Engineer. The construction of the system, including all pumping stations, interceptors, drainage fields and treatment plants, shall be at the developer's own expense.
- 4. All suitable agreements, including financial guarantees, shall be established for the ownership and maintenance of the system. Ownership and maintenance of the

central community sanitary sewage system shall be the responsibility of an organization formed and operated in accordance with this Ordinance.

5. Central community sanitary sewage facilities shall be located on a separate lot under the ownership of an organization approved by *(Municipality name)*. The lot shall be used solely for the central community sanitary sewage facility. The area of the lot shall be of sufficient size to accommodate the system, the required area for a complete alternate or replacement system, and all required setbacks.

*(Municipality name)* shall have the right to inspect and test community service systems at any time. *(Municipality name)* may require the owner to provide the results of regular professional testing of the system when *(Municipality name)* deems necessary. The cost of inspections and testing shall be the responsibility of the owner.

### ***Street System Design and Construction***

#### **A. General Design Guidelines**

1. The general arrangement, character, extent, and location of all streets proposed shall conform to *(Municipality name)* Comprehensive Plan and shall be considered in their relation to existing or proposed streets, topographical conditions, the public convenience and safety, and the proposed uses of land to be served by such streets. The arrangement, width, grade and other design standards of streets shall conform to the provisions found herein. Further, proposed streets shall be properly related to County, Regional or State transportation plans as have been prepared and adopted.
2. Proposed street arrangements shall make provisions for the continuation of existing streets in adjoining areas; the proper projection of streets into adjoining undeveloped or unplanned areas; and the continuation of proposed streets to the boundaries of the tract being subdivided.
3. When a new subdivision adjoins unsubdivided land appropriate for subdivision, the new streets shall be carried to the boundaries of the tract to be subdivided.
4. Streets shall be laid out to facilitate the use for which they are intended. Local access streets shall be laid out to discourage their use by through traffic and, where possible, collector and arterial streets shall be designed for use by through traffic.
5. Streets shall be related to the topography so as to establish usable lots and satisfactory street grades.
6. Proposed private service access for purposes of providing a secondary means of access to a lot are permitted as deemed appropriate by *(Municipality name)* and Municipal Engineer.
7. The design and construction standards stipulated herein are intended primarily for residential development and use. Where industrial, commercial or other uses would generate significant truck traffic or high traffic volumes stricter standards may be required.
8. When the development is in the Highway Access Management District, as defined by

*(Municipality name)* Zoning Ordinance, all street and access design shall be in accordance with EXHIBIT 5-1 HIGHWAY ACCESS MANAGEMENT OVERLAY STANDARDS.

9. In a residential subdivision/land development of sixteen (16) or more dwelling units shall provide for at least two street connections to existing public streets.
10. In non-residential subdivision or land development, the *(Municipality name)* may require at least two street connections, or if the land is to be accessed by driveways, two driveway connections to existing public streets where necessary to ensure safe and efficient traffic flow.

### ***Driveways and Service Drives***

- A. The following standards shall apply to driveway construction within the public right-of-way in any subdivision and land development:
  1. Private driveways on corner lots shall be located at least forty (40) feet from the point of intersection of the nearest street right-of-way lines. Private driveways shall be setback a minimum of five (5) feet from side property lines unless a joint use driveway is proposed.
  2. In order to provide a safe and convenient means of access, grades on private driveways shall be so designed to allow for the unimpeded flow of storm water runoff. In addition, driveways must be stabilized to their full width to prevent erosion. Entrances shall be rounded at a minimum radius of ten (10) feet, or shall have a flare construction that is equivalent to the radius at the point of intersection with the cartway edge (curb line). The maximum width of a residential driveway shall not be more than twenty-five (25) feet measured at the cartway edge or curb line. (Refer to Pennsylvania Department of Transportation, Guidelines for Design of Local Roads and Streets Publication No. 70M, as revised.).
  3. All driveways shall be located, designed and constructed in such a manner as not to interfere or be inconsistent with the design and maintenance and drainage of streets or the safe and convenient passage of traffic.
  4. All driveways on a State Highway must have a valid highway occupancy permit from the PA Department of Transportation.
  5. Direct access from residential lots to an arterial or minor arterial shall be avoided. Where such direct access cannot be avoided, adequate maneuvering and turnaround space shall be provided behind the right-of-way line.
  7. The grades on service drives or driveways shall not be less than 0.5% and shall not exceed the following:
    - a. Eight (8) percent when access is to a Collector Street;
    - b. Ten (10) percent when access is to a Local Street.

B. Driveway Entrances

2. Driveway entrances or aprons within the street right-of-way shall be surfaced to their full width. In no case shall the driveway entrance be more than ten (10) feet wider than the driveway. The type of surface may be either concrete or asphalt, constructed following the specifications in PennDOT Publication RC-25M Type 6 Shoulder (asphalt) or Type 2 Shoulder (concrete). Where sidewalks are installed, the required driveway surfacing shall end at the street side of the sidewalk.
3. Driveway entrances along streets where curbs are not required shall be constructed to provide proper drainage along the streets and from the streets by the continuation of gutters, swales or ditches. Such continuation may be provided by having an approved pipe of not less than eighteen (18) inches in diameter across such driveway entrances.
4. Driveway entrances along streets, where curbs are not required, shall be constructed so that the driveway meets the edge of the cartway as a continuation of at least the slope from the crown of the street for not less than five (5) feet.
5. Sidewalks across driveway entrances, where required, shall be constructed in accordance with the requirements in Section 507 herein.
6. Driveways serving single family residences shall intersect streets at angles of no less than seventy-five (75) degrees. All other driveways or service drives shall intersect streets at right angles.

C. Sight Distance

1. The clear sight distance for driveways shall be in accordance with Street Construction and EXHIBIT 5-2: Clear Sight Triangle

***Road/Street Classification***

- A. Three (3) functional classifications of streets and roads, as classified by the (*Municipality name*) Planning Commission in consultation with the Municipality and the Pennsylvania Department of Transportation, or as determined in the (*Municipality name*) Comprehensive Plan are established as follows:

1. Arterial (Interstates, Principal Arterial)
  - a. This classification includes highways which provide intra-county or inter-municipal traffic of substantial volumes. Generally, these highways should accommodate operating speeds of 55 miles per hour.
2. Collector
  - b. This classification is intended to include those highways which connect minor streets to arterial highways and generally serve intra-county and intra-municipal traffic. They may serve as traffic corridors connecting residential areas with industrial, shopping and other services. They may penetrate residential areas. Generally, these highways should accommodate operating speeds of 35 to 55 miles per hour or less.

3. Local Roads

- c. This classification is intended to include streets and roads that provide direct access to abutting land and connections to higher classes of roadways. Traffic volumes will be low and travel distances generally short. These streets and roads should be designed for operating speeds of 25 to 35 miles per hour or less.

B. Street Right-of-Way Widths

- 1. Minimum street right-of-way and cartway widths shall be required as follows:

<b>Right of Way, Shoulder and Cartway Widths</b>			
<b>Street Type</b>	<b>Right of Way Widths</b>	<b>Right of Way Shoulders</b>	<b>Right of Way Cartway</b>
Arterial	As Determined by ( <i>Municipality name</i> ) and Planning Commission after consultation with the Township/Borough Traffic Engineer and Pennsylvania Department of Transportation		
Collector/ Shoulder	60 Feet	16 Feet (8 Feet each side)	24 Feet (W/ Shoulders) 36 Feet (Curbed)
Local Roads	50 Feet	10 Feet (5 Feet each Side)	24 Feet (W/ Shoulders) 36 Feet (Curbed)
Cul-de-Sac	50 Feet	10 Feet (5 Feet each Side)	24 Feet (W/ Shoulders) 36 Feet (Curbed)
Circular turnaround of Cul-de-Sac without center islands and without parking		55 Feet Radius (R/W)	45 Feet Paved Radius
Circular turnaround of Cul-de-Sac without center islands and with parking		65 Feet Radius (R/W)	55 Feet Paved Radius

Circular turnaround of Cul-de-Sac without center islands and without parking when fire hydrant is located		58 Feet Radius (R/W)	48 Feet paved Radius
Circular turnaround of Cul-de-Sac without center islands with fire hydrant and parking		68 Feet Radius (R/W)	58 Feet Paved Radius
<p>For circular turnaround with island the minimum radii for circular turnarounds with center islands are the same as for circular turnarounds without center island as above. For centered island, the minimum allowed travel lane width shall be 24 feet. To minimize pavement within the circular turnaround, the travel lane can be offset with a 20-foot travel lane at the front and a 24 foot travel lane at the rear. If parking is to be accommodated on turnaround, an 8-foot lane parking lane shall be added adjacent to the travel lane. The minimum right-of-way for circular turnaround shall be 10 feet beyond the edge of pavement</p>			

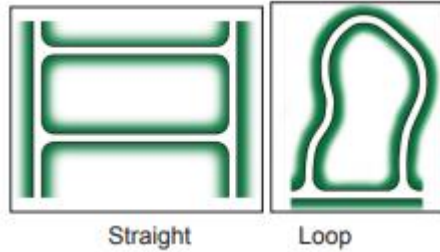
<i><b>Right of Way</b></i>			
<b>Street Type</b>	<b>Width</b>	<b>Shoulders</b>	<b>Cartway</b>
Joint Use Driveway/ Access Easement	50 Feet	8 Feet (4 Feet one Side)	16 Feet (w/ shoulders) 26 Feet (Curbed)
Alley or Service Drive	20 Feet		20 Feet

(For additional information on Cul-de-sac geometry see Pennsylvania Standards for Residential Site Development, 2007)

C. Traffic Volume -- Residential Access Street

1. Limiting traffic volumes for each residential access street class are tabulated in Table 5.2 Traffic volumes shall be computed using trip generation rates provided in most recent data published by the Institute of Traffic Engineers (Ref. 10) for propose use or housing type.

**Table 5.2 Residential Access Street Limiting Traffic Volumes**



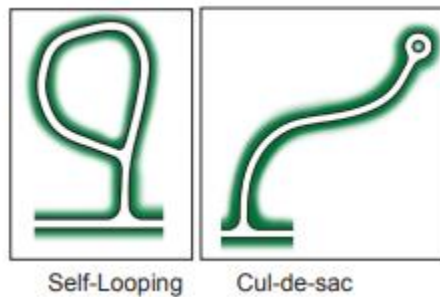
(Source: Pennsylvania Standards for Residential Site Development, 2007)

Streets connected at both ends are “through streets” (Figure 5.6).

**Figure 5.6 Through Streets**

Modified from Source: Bucks County Planning Commission

(Source: Pennsylvania Standards for Residential Site Development, 2007)



- Single access streets (self-looping streets and cul-de-sacs) are a sub-classification of residential access streets that have only one access point. Self-looping streets and cul-de-sacs are limited to an average daily traffic volume (ADT) of 300 trips per day. See

Street Class	Limiting Traffic Volume (ADT)
RA-A	
Single Access	300
Multiple Access	800
RA-B	1600

Figure 5.7

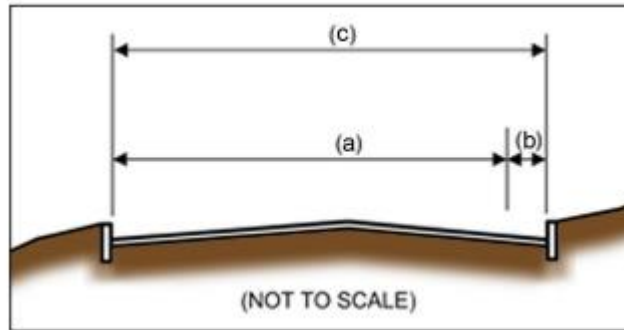
**Figure 5.7 Single Access Streets**

Modified from Source: Bucks County Planning Commission

(Source: Pennsylvania Standards for Residential Site Development, 2007)

D. Design Standards for Residential Access Streets (RA)

1. Residential access streets (RA) are classified as Type A (RA-A), and Type B (RA-B).



Design standards for each class follow.

- a. Design Speed
  - (1) Type A -20 mph
  - (2) Type B- 25 mph
- b. Street Width

Tables 5.3 through 5.6 provide design matrices for use in establishing street width

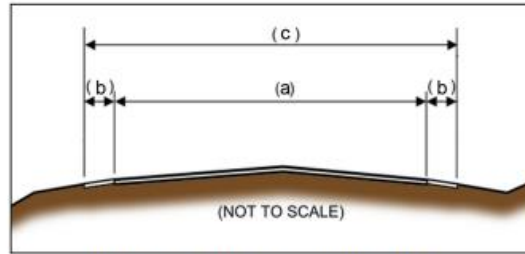
**Figure 5.8:** Cross Section Profile –Curbed Residential Access Street

**Table 5.3:** Residential Access Type A – Curbed

Traffic Pattern	Parking Type	(a) Travelway Width* (ft.)	(b) Parking Lane Width (ft.)	(c) Street Width (curb to curb)
Yield**	One Side or Alternating Sides	10	8	18
Slow	Alternating Sides	18	8	26
Free	No Parking	18	n/a	18
Free	One Side	18	8	26
* All Travelway widths are for two-way streets; for one way use 1/2 of travelway width except for "yeild" traffic pattern				
** Use only when ADT less than or equal to 300				

**Table 5.4** Residential Access Type B -- Curbed





**Figure 2.29. Cross-Section Profile -- Residential Access Street with Reinforced Shoulder**

The first 2-feet of a "reinforced shoulder" shall be gravel in accordance with PennDOT standards for gravel shoulders. The remaining width of reinforced shoulder may be either a continuation of a gravel shoulder, stabilized grass, or a combination of both. Stabilized grass shoulders shall be constructed using a soil stabilizing geo-fabric or grid under a grass surface which will support occasional parking.

**Figure 5.9 Cross Section Profile: Residential Access Street with Reinforced shoulder**

**Table 5.5: Residential Access Type A – Reinforced Shoulder**

Traffic Pattern	Parking Type	(a) Travelway Width* (ft.)	(b) Parking Lane Width (ft.)	(c) Street Width (curb to curb)
Slow	Alternating Sides	20	8	28
Free	No Parking	20	n/a	20
Free	One Side	20	8	28
Free	Two Sides	20	8 each side	36

\* All Travelway widths are for tw-way streets; for one way use 1/2 of travelway width

Traffic Pattern	Parking Type	(a) Travelway Width* (ft.)	(b) Shoulder Width (each side) (ft.)	(c) Street Width (Shoulder to Shoulder)
Free	No Parking	18	2 each	22
Free	One Side	18	2 on one side, 8 on parking side	28
Free	No Parking	18	8 each	34

\* All Travelway widths are for two-way streets; for one way use 1/2 of travelway width

**Figure 5.6: Residential Access Type B – Reinforced Shoulder**

(Source: Pennsylvania Standards for Residential Site Development, 2007)

c. Right-of-way Width

(1) Rights-of-way shall be set aside to provide adequate space for the construction and maintenance of streets, shoulders, curbs, street gutters, and cross-drainage pipes and culverts. They may also accommodate sidewalks, snow storage, sight triangles, slope maintenance areas, and utilities such as water, sewer, storm drainage, electrical service, cable TV, and gas lines where appropriate.

- E. Where a proposed subdivision abuts or contains an existing public street or road having a right-of-way width which is less than would be required by this Ordinance, sufficient additional right-of-way width shall be provided and dedicated to meet the current standards.
- F. In the case of a subdivision or land development plan fronting on an existing or proposed street, the applicant/developer shall improve the portion of the roadway on which the proposed development fronts to meet the minimum standard as specified in this Ordinance. Road improvements shall include pavement, shoulders, embankments, gutters, berms, sidewalks and/or curbing and turning lane(s).
- G. Provision for increased street width (right-of-way width) may be required when determined to be necessary by the *(Municipality name)* in specific cases for:
  - 1. Public safety and convenience;
  - 2. Parking and/or travel in commercial and industrial areas and in areas of high density development;

Traffic Pattern	Parking Type	(a) Travelway Width* (ft.)	(b) Shoulder Width (each side) (ft.)	(c) Street Width (Shoulder to Shoulder)
Free	No Parking	20	2 each side	24
Free	One Side	20	2 on one side, 8 on parking side	30
Free	Two Sides	20	8 each side	36
* All Travelway widths are for two-way streets; for one way use 1/2 of travelway width				

- 3. Widening of existing streets (right-of-way) where the width does not meet with the requirements of the preceding paragraphs;
- 4. Installation of utilities;

5. Ponding of stormwater runoff;
  6. Storage of plowed snow;
  7. Emergency parking;
  8. Temporary roadway adjustments during maintenance or traffic accident situations;
  9. Future improvements.
- H. When a subdivision and land development is proposed which fronts on an existing Municipal street, the required additional right-of-way shall be dedicated for only the lots and land development proposed. Right-of-way width dedication shall not be required for the remaining portion of the property, except (1) where the remaining road frontage is less than the required lot width of a lot, and (2) where a traffic impact study warrants additional right-of-way width due to the impacts of the development to that portion of the road system.

***Sidewalks and Core Circulation Trail***

**B. Sidewalks**

1. Sidewalks shall be required in all subdivision or land developments on both sides of all proposed streets.
2. In residential developments sidewalks shall be provided where lot sizes is less than or equal to 22,000 square feet (1/2 acre). Sidewalks shall be located on both sides of the street having average lot frontages (width at the front setback line) equals to or less than 100 feet. Where average lot frontages are greater than 100 feet but less than 125 feet, sidewalks shall be located along at least one side of the street.
3. Sidewalks shall also be provided along both sides of all collector roadways. In addition, sidewalks or accessible pathways should be considered along all residential collector roadways to enhance pedestrian connectivity among neighborhoods, commercial centers, and other pedestrian destinations.
4. The sidewalks shall be designed and constructed in accordance with the following additional requirements:
  - a. Sidewalks shall be located within the right-of-way of the street and shall extend in width from the right-of-way line toward the curb line.
  - b. Sidewalks must be at least four (4) feet wide. In the vicinity of shopping centers, schools, recreation areas and other high pedestrian traffic areas, sidewalks must be at least five (5) feet wide.
  - c. Sidewalks must be constructed in accordance with *(Municipality name)* "Standard Material and Construction Specifications for Public Improvements," if established, otherwise with PennDOT Publications 408 and 72 Standards.
  - d. In order to provide for the drainage of surface water, sidewalks shall slope from

the right-of-way line toward the curb. Such slope shall be one fourth (1/4) inch per foot.

- e. Sidewalks shall be boxed out around light standards, fire hydrants, signs, etc., with a pre-molded expansion joint, one quarter (1/4) inch in thickness.
- f. Where a sidewalk abuts a curb, wall, building or any other structure, a pre-molded expansion joint of one-quarter (1/4) inch of thickness, shall be placed between the sidewalk and said structure for the full length of said structure.
- g. Sidewalks shall be inspected by the municipal Engineer or his designated agent after the forms have been placed, just prior to the pouring of concrete and after completion of all work.
- h. Any stabilized pedestrian walks proposed in addition to required sidewalks shall be approved by the municipal Engineer. Interior pedestrian walks within blocks shall be located in easements not less than ten (10) feet in width, or as required by Section 520.5

#### C. Core Circulation Trails

- 1. Core circulation trails are paved multi-purpose facilities whose primary function is to provide pedestrian interconnectivity between neighborhoods and other destinations. They are used primarily for walking and biking. These trails have the heaviest use. These trails can also be used for emergency access.
- 2. The core circulation trails should be located to provide pedestrian circulation through and between neighborhoods, and to other recreational and commercial destinations. Core circulation trails can also be used as a substitution for sidewalks to provide circulation routes parallel to residential collector streets. Core circulation trails shall be located within public rights-of-way or easements to which access is not restricted.

Any trail identified on the official map of (*Municipality name*) that crosses over or adjacent to the land included within the development proposal shall be designed and installed as a part of the infrastructure improvement for the development. (*Municipality name*) may waive this requirement at their discretion.

#### D. Crosswalks

- 1. Where a pedestrian crossing can be legally established, crosswalks shall be designed pursuant to PennDOT Publication 111, Traffic Control – Pavement Markings and Signing Standards, TC-8600.
- 2. Crosswalk pavement markings must conform to statutory and regulatory requirements outlined in the Pennsylvania Vehicle Code (Title 75) and PennDOT Publication 212, Official Traffic-Control Devices.

### ***Street and Intersection Design***

#### A. Horizontal Curves and Vertical Curves

B. In order to provide adequate sight distance, facilitate traffic mobility and ensure proper alignment of streets, horizontal and vertical curve design shall be in accordance with the Pennsylvania Department of Transportation, Guidelines for Design of Local Roads and Streets -Publication No. 70M, as revised.

1. Vertical Curves shall be used at all changes of grade and shall be designed for maximum visibility. All intersections and streets shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment in accordance with A Policy on Geometric Design of Highways and Streets, AASHTO, current edition.

a. Where tangent street lines deflect from each other at any one point, lines must be connected with a true, circular curve. The minimum radius of the center line for the curve must be as follows:

<u>Type of Street</u>	<u>Minimum Radius</u>
Arterial	500 Feet
Collector	300 Feet
Local Road, Private Street, R/W	150 Feet

b. Straight portions of the street must be tangent to the beginning or end of curves. Except for Local Roads, there must be a tangent of at least one hundred (100) feet between curves.

C. Extensions

1. Short extensions of existing streets with lesser right-of-way and/or cartway widths than above may be permitted by the *(Municipality name)*, provided that no section of the new right-of-way shall be permitted which is less than forty (40) feet in width.

D. Grades

1. The grades of streets shall not be less than the minimum or more than the maximum requirements listed below:

E. Intersection Design

<b>Minimum and Maximum Grades</b>		
<b>Type of Street</b>	<b>Minimum Grade</b>	<b>Maximum Grade</b>
Arterial	As Determined by <i>(Municipality name)</i> and Planning Commission after consultation with the Township/Borough Traffic Engineer and Pennsylvania Department of Transportation	
Collector	1%	7%
Local Road	1%	10%
Alley	1%	12%
Other	1%	10%

1. Intersection Angle.
  - a. Intersections must be nearly right angles wherever possible. However, no street shall intersect another at an angle of less than seventy-five (75) degrees.
  
2. Intersection Leveling Area and Grades.
  - a. Intersections shall be approached on all sides by a straight leveling area. Such leveling area shall have a minimum of fifty (50) feet (measured from the intersection of the center lines) within which no grade shall exceed a maximum of four (4) percent.
  
3. Intersection Separation Distance
  - a. Any street terminating at an existing or proposed street will do so in one of the two following ways: (1) directly across from the pre-existing or other newly proposed street as to create a four-way intersection, or (2) at least one hundred fifty (150) feet from any other intersection, existing or proposed. Offset intersections shall not be created by new streets
  - b. Intersections with an Arterial street shall be located not less than six hundred (600) feet apart, measured from centerline to centerline, along the centerline of the street.
  
4. Multiple Intersections.
  - a. Intersections involving the junction of more than two (2) streets/driveways are prohibited.
  
5. Intersection Curb Radii.
  - a. At intersection of streets the curbs or edge of pavement radii shall not be less than the following:

<b>Minimum Simple Curve Radii</b>	
<b>Intersection</b>	<b>of curb or edge of paving</b>
Arterial with Collector	35'
Collector with Local Road, Private Street	25'
Local Road with Local Road	15'
Radius corners or diagonal cutoffs must be provided on the property lines substantially concentric with or parallel to the chord of the curb radius corners	

6. Intersection Sight Distance and Clear sight Triangle
  - a. Proper sight lines must be maintained at all street intersections. Adequate sight distances shall be provided at all intersections of streets, and for driveways intersecting a street. Sight distance must be provided with respect to both horizontal and vertical alignment. Sight distance shall be measured along the

center line three and one-half (3.5) feet above grade, and ten (10) feet back from the edge of the pavement for driveways in accordance with the following:

<b>Minimum Clear Sight Triangles</b>	
Street Type	Clear Sight Triangles
Arterial	150'
Collector, Local, Private Street	75'
Driveway	10'

- b. No building or obstruction higher than thirty (30) inches above the centerline grade of the street shall be permitted in the site triangle. No signs other than traffic control signs and devices shall be permitted in the clear sight triangle.
- c. The Municipal Engineer reserves the right to use posted speed limits or actual speed, determined by traffic study, and road grades to modify the calculation of the required sight triangles.

***Street Cartway/Pavement Construction Standards***

A. Local streets shall be designed in accordance with this Article and shall be surfaced to the grades and dimensions drawn on the plans, profiles, and cross-sections submitted by the Applicant and approved by *(Municipality name)*. Before paving the street surface, the Applicant shall install the required utilities and provide adequate underdrains and stormwater drainage for the streets, as deemed acceptable to *(Municipality name)* and the Municipal Engineer. The pavement base and wearing surface must be constructed according to the following specifications.

B. General

- 1. Streets must be constructed to the grades and dimensions depicted on the plans, profiles, and cross sections submitted by the applicant and approved by the Municipal Engineer/ *(Municipality name)*.
- 2. Before any street construction can begin, the applicant must install the required utilities and provide, where necessary, adequate stormwater drainage from the street.
- 3. Pipe underdrain and pavement base drain shall be installed according to the specifications set forth in Section 610 of the current edition of the Pennsylvania Department of Transportation Specifications, Publication 408, at such locations and in such quantities as determined necessary by the Municipal Engineer. Field conditions may cause underdrain and pavement base drain to be installed at locations not depicted on approved drawings.

C. Inspections

- 1. All street construction shall be subject to inspection at any time by *(Municipality name)* or its agent.
- 2. A preconstruction meeting shall be held at the start of a project with a representative of *(Municipality name)* to determine what inspections will be required.

3. At a minimum, the following inspections and approval shall be made:
  - a. Inspection and approval of the subgrade immediately prior to the installation of the sub base.
  - b. Inspection and approval of the sub base immediately prior to the installation of the base course.
  - c. Inspection and approval of the base course immediately prior to the installation of the wearing course.
  - d. Final inspection of the completed street and related improvements in conformance with Article V, Section 510 of the Pennsylvania Municipalities Planning Code, Article 247 of 1968, as amended.
4. The developer shall notify (*Municipality name*) a minimum of 24 hours in advance of each required inspection.
5. Copies of all stone and material delivery slips shall be kept on file and be made available for inspection until final approval by (*Municipality name*) is received.

D. Specifications.

1. The subgrade, sub base, base course, binder course, and wearing course of new, reconstructed, or resurfaced streets shall be designed using the DARWin Pavement Design and Analysis System or an acceptable alternate procedure that meets the requirements of the 1993 American Association of State Highway and Transportation Officials (AASHTO) Pavement Design procedures or the minimum depths indicated for each classification of street, whichever is greater, and constructed according to the following specifications:
  - a. Arterial Streets.
    - (1.) The developer shall consult with (*Municipality name*) in the matter of a Municipal-owned arterial street, and shall consult with the Pennsylvania Department of Transportation in the matter of Pennsylvania-owned arterial streets. The street specification shall be governed by whichever entity owns or will own the street. Unless special conditions exist, it shall be the Township/Borough policy to follow the construction standards of the Pennsylvania Department of Transportation.
  - b. Collector Streets.
    - (1). Subgrade. Prior to the installation of the sub base, the subgrade shall be prepared according to the specifications set forth in Section 210 of the current edition of the Pennsylvania Department of Transportation Specifications, Publication 408.
    - (2). Sub base. The sub base shall consist of 8 (eight) inches of compacted 2A aggregate constructed in accordance with the specifications set forth in



Section 350 and Section 703 of the current edition of the Pennsylvania Department of Transportation Specifications, Publication 408.

- (3) Base course. The base course shall consist of 5 (five) inches of compacted Hot Mix Asphalt Superpave Base Course, PG64-22, 25mm mix, 3.0 to 10.0 million ESALs, conforming to Section 309 of the current edition of the Pennsylvania Department of Transportation Specifications, Publication 408.
- (4) Wearing course. The wearing course shall consist of 1 ½ (one and one half) inches of compacted Hot Mix Asphalt Superpave Wearing Course, PG64-22, 9.5 mm mix, 3.0 to 10.0 million ESALs, SRL-G, conforming to Section 409 of the current edition of the Pennsylvania Department of Transportation Specifications, Publication 408.

c. Minor Streets

- (1) Subgrade. Prior to the installation of the sub base, the subgrade shall be prepared according to the specifications set forth in Section 210 of the current edition of the Pennsylvania Department of Transportation Specifications, Publication 408.
- (2) Sub base. The sub base shall consist of 8 (eight) inches of compacted 2A aggregate constructed in accordance with the specifications set forth in Section 350 and Section 703 of the current edition of the Pennsylvania Department of Transportation Specifications, Publication 408.
- (3) Base course. The base course shall consist of 3 (three) inches of compacted Hot Mix Asphalt Superpave Base Course, PG64-22, 25mm mix, .3 to 3.0 million ESALs, conforming to Section 309 of the current edition of the Pennsylvania Department of Transportation specifications, Publication 408.
- (4) Wearing course. The wearing course shall consist of 1 ½ (one and one half) inches of compacted Hot Mix Asphalt Superpave Wearing Course, PG64-22, 9.5 mm mix, .3 to 3.0 million ESALs, SRL-M, conforming to Section 409 of the current edition of the Pennsylvania Department of Transportation Specifications, Publication 408.

d. Additional paving items that may be required for each street classification are as follows:

- (1) Binder course. Superpave Asphalt Mixture Design, HMA Binder Course. This course shall conform to Section 409 of the current edition of the Pennsylvania Department of Transportation Specifications, Publication 408.
- (2) Binder leveling course. Superpave Asphalt Mixture Design, HMA Wearing Course (Scratch). This course shall conform to Section 409 of the current edition of the Pennsylvania Department of Transportation Specifications, Publication 408.
- (3) Scratch course. Superpave Asphalt Mixture Design, HMA Wearing Course (Scratch). This course shall conform to Section 409 of the current edition of

the Pennsylvania Department of Transportation Specifications, Publication 408.

- (4) Bituminous Tack Coat. This tack coat shall conform to Section 460 of the current edition of the Pennsylvania Department of Transportation Specifications, Publication 408.
- e. Alleys. Alleys shall be constructed to the same specifications as minor streets.
- f. Skid Resistance Level (SRL): All new construction, overlays, and resurfacing work shall use the following guidelines to determine the appropriate SRL for the coarse aggregate used in the bituminous wearing course:
  - g. Street crown and curbs.
    - (1) A street must be designed to provide for the discharge of surface water from its cartway and right-of-way.
    - (2) The slope of the crown on a street shall be not less than 1/8 of an inch per foot and not more than 3/8 of an inch per foot measured perpendicularly from the centerline of the street, unless special designs, such as super elevation, required alternate slope designs which shall be reviewed on an individual basis by *(Municipality name)*
- h. General

<b>Initial or Current Two Way ADT*</b>	<b>SRL Designation</b>
Above 20,000	E
5,001 to 20,000	H
3,001 to 5,000	G
1,001 to 3,000	M
1 to 1,000	L

\* When all traffic for the street travels in one direction, divide the ADT (Average Daily Traffic) values shown above by 2 to determine the required SRL

- (1) Superpave Asphalt Mixture Design, HMA Binder Course or Superpave Asphalt Mixture Design, HMA Wearing Course (Scratch) shall be used to provide proper crown on resurfaced sections of streets when directed by *(Municipality name)*.
- (2) Existing sections of streets to be resurfaced will be prepared with Bituminous Tack Coat prior to resurfacing.
- (3) Paving of bituminous pavement courses will not be allowed between the dates of October 15 and April 15 without the expressed written permission of the Municipal Engineer.

i. Shoulders

- (1) Shoulders shall be provided where curbing is not required and shall conform to PennDOT Type 6 Shoulders as shown on PennDOT RC-25M.

j. Curbs

- (1) Curbs shall be installed in all subdivision and land developments in order to control stormwater runoff, prevent erosion, prevent the deterioration of public streets and provide a contained area for vehicular movements. *(Municipality name)*, upon the recommendation of the Planning Commission may waive the requirements of curbs through the modification of requirements procedures in this ordinance. In cases where curbs are not provided, stabilized/ reinforced shoulders of six (6) to eight (8) feet width shall be provided.
- (2) Curbs shall be constructed on both sides of the interior streets and on the side of any street that bounds the development.
- (3) Curbs shall be constructed of concrete and designed as vertical or slant type. The height of vertical curbs shall be eighteen (18) inches. The width of vertical curbs shall be eight (8) inches. The height of slant curbs shall be twelve (12) inches at the face and sixteen (16) inches at the back of the curb. The width of slant curbs shall not be less than fourteen (14) inches.
- (4) Curbs shall be inspected by the municipal Engineer after the forms or grade pins and string lines for slip forming have been placed, and after completion of all work.
- (5) Terminal concrete curb ends shall have an exposed face of two inches (2) and be tapered two feet (2).
- (6) Backfill must be placed within forty-eight (48) hours after slip forming or removal of curb forms and the backfill shall be compacted in place along the rear face of the curb within six (6) of the top of the curb.
- (7) When curbing is to be removed to construct a driveway or access drive, the length of curbing to be removed shall be carried to the nearest expansion joint or saw cut if the joint is located less than five feet (5) from the end of the curb removal.
- (8) Vertical curb height at driveway entrances may be reduced to a minimum of one and one half (1 1/2) inches for driveway entrances along streets where curbs are required.
- (9) No partial breakout of the curb shall be permitted. No cutting of the curb shall be permitted without approval by the municipal Engineer.
- (10) Curb ramps must be installed in accordance with ADA requirements.

k. Underdrains

- (1) Underdrains shall be required in low points on the street at a distance equal to the length of the vertical curve, and as necessary to address springs, spring like conditions or spongy areas under the road. Underdrains required shall be constructed in accordance with the specifications as set forth in the Pennsylvania Department of Transportation, Publication 408/2003, as amended, and as detailed on the Roadway Construction Standard Drawings (RC-30)
- (2) Combination storm sewer, clear water and underdrains shall be constructed in accordance with the specifications as set forth in the Pennsylvania Department of Transportation, Publication 408/2003, as amended, and as detailed on the Roadway Construction Standard Drawings (RC-30).
- (3) Where required, underdrains shall be constructed prior to base course construction.
- (4) Underdrain shall be inspected by the municipal Engineer or his designated agent after completion of all work, just prior to the base course application.

l. Street Trees

- (1) Trees shall be permitted within the public right-of-way of streets.
- (2) Such trees shall be 2 inch to 2.5 inch in diameter, measured at chest height, when planted, and shall be spaced at the intervals no greater than forty feet along both sides of each street or determined from the anticipated crown width of the tree at maturity. The planting strip area between the curb and sidewalk shall be seeded.
- (3) All trees with branches overhanging sidewalks and/or streets shall be kept trimmed to a height of eight (8) feet over sidewalks and to a height of twelve (12) feet over streets from curb to curb or between edges of pavement.

m. Species shall be selected according to the following criteria:

- (1) Cast moderate to shade to dense shade in summer.
- (2) Long-lived (over 60 years).
- (3) Mature height of at least 50 feet.
- (4) Be tolerant of pollution and direct or reflected heat.
- (5) Require little maintenance, by being mechanically strong (not brittle) and insect and disease-resistant.
- (6) Be able to survive two years with no irrigation after establishment.
- (7) Be of native origin.

- n. Plans for new street trees and/or replacement of existing street trees shall be submitted to *(Municipality name)* Environmental Advisory Council/Parks and Recreation Board, if any, and the Planning Commission for review, and recommendations to the *(Municipality name)*. Viable alternative plans not meeting these standards for street trees may be considered. Acceptable street trees included but are not limited to the following list:

- (1) Sycamore or London Plane, Sweet gum, Red maple, Green ash, Shademaster golden locust, Little leaf linden and Village green zelkova. (For further information refer to Street Trees Factsheets, Henry Gershold, Editor, School of Forest Resources, Pennsylvania State University, 1989.). Additional information is provided in Section 522 Landscaping, Buffering and Screening.

### ***Street Construction***

#### **A. General Requirements**

1. All street materials, construction procedures and testing requirements shall conform to the current editions of PennDOT Publication 408/2003; Publication-213; Publication 72M, Standards for Roadway Construction, Series RC-1M to 100M Publication 111M, Standards for Traffic Control Signing, Series 7700 and 7800, current edition, including all supplemental specifications, circular letters and amendments. All streets and related features shall be constructed to the line, grade and dimension shown on the plans, profiles and cross sections and typical sections as approved on the final land development plan.

#### **B. Stake Out**

1. Prior to rough cut, all streets shall be laid out in accordance with the approved design plans using hubs and stakes set at fifty (50) foot intervals to provide both horizontal and vertical control.
2. All existing property pins or monuments will be clearly marked four (4) foot high stakes before the beginning of construction.

#### **C. Excavation**

1. This work shall include excavation for roadways, shoulders, ditches, drainage structures and stream channels.
2. All suitable excavated materials, as determined by the municipal Engineer, may be used for the construction and preparation of roadway embankments, subgrades, shoulders, driveway approaches, ditches, structures, stream channels and required backfilling.
3. During construction, excavation shall be graded to drain in accordance with the approved Erosion and Sediment Pollution Control Plan and/or stormwater management ordinance.

4. During site preparation of an approved Subdivision or Land Development, stockpiles of stripped topsoil and/or excavated material shall not be located closer than one hundred (100) feet from any residential zone, use or occupancy boundary. The maximum height of topsoil and excavated material stockpiles shall be not more than ten (10) feet when stockpiles are located between one hundred (100) and one hundred fifty (150) feet from any residential zone, use or occupancy boundary. The maximum height of topsoil and excavated material stockpiles shall be not more than fifteen (15) feet when stockpiles are located more than one hundred fifty (150) feet from any residential zone, use or occupancy boundary. The maximum height of any topsoil or excavated material stockpile in the *(Municipality name)* shall not exceed fifteen (15) feet.

**D. Embankment and Slopes Adjacent to Streets**

1. Material for the construction of embankment shall consist of all excavation on the project except such materials as may be determined to be unsuitable under PennDOT Publication 408/2003, current edition, and when required will include borrowed excavation.
2. Placement of embankment shall be in layers not to exceed 8 inches prior to compaction.
3. Slope of embankment(s) along streets measured perpendicular to the street center line shall be no steeper than the following:
  - a. One (1) foot of vertical measurement for three (3) feet of horizontal measurement for fills.
  - b. One (1) foot of vertical measurement for two (2) feet of horizontal measurement for cuts.

***Street Signs, Names and Numbering***

- A. Where signs are required in conjunction with a subdivision and or land development plan, it shall be the responsibility of the applicant/developer to provide street name signs and traffic control signs for the development in accordance with the approved signage plan and *(Municipality name)* specifications if provided or meet the following standards.
  1. The design and placement of traffic control and other street signs placed in a public right-of-way shall follow the requirements specified in the most current edition of the FHWA Manual of Uniform Traffic Control Devices for Streets and Highways.
  2. On non-public streets, all traffic control signs must be designed in accordance with the most recent version of the Manual of Uniform Traffic Control Devices for Streets and Highways. Non-traffic control signs on non-public streets do not have to meet these standards.
  3. At least one street-name sign pole shall be placed at each intersection identifying all crossing street names. Signs shall be placed so that they do not obstruct sight distances, and shall be under light standards if present. The design of street-name

signs shall be consistent, of a style appropriate to the community, of a uniform size and color, and erected in accordance with any municipal standards.

4. At signalized intersections, street signs shall be located on the overhead arm supporting the traffic signal, otherwise suitably suspended over the intersection. Street clearance shall be a minimum of 16 feet and 6 inches from the bottom of any sign or supporting equipment and the top of the paved surface.
5. Names of new streets shall not duplicate or display similarities in sound or spelling with respect to existing or planned street names, or approximate such names by the use of suffixes such as "lane", "way", "drive", "court", "avenue". In approving the names of streets, cognizance should be given to existing or planned street names within the postal delivery district served by the local post office and emergency service providers. New streets shall bear the same name or number of any continuation of alignment with an existing or planned street.
6. In order to ensure efficient identification and location of homes and residences by emergency response units, a systematic approach to residence numbering is desired. Building Numbers for residential and commercial subdivisions on existing and future Municipal streets shall be coordinated with existing residence address ranges where possible.

***Other Street Designs and Standards***

**A. Dead End Streets and Temporary Cul-de-Sacs**

1. Dead end streets shall be prohibited, except when the developer designs and constructs temporary cul-de-sac streets on the developer’s own land in order to permit future street extensions into adjoining properties. Temporary cul-de-sacs, upon approval of the municipal Engineer, may be constructed without asphalt base or wearing course. The developer may be exempt from providing curbing at the terminus of temporary cul-de-sacs, unless curbs are required for drainage control. A temporary cul-de-sac shall be removed by the developer and replaced with the permanent street upon extension of the existing street.

**B. Cul-de-Sacs and Self-Looping Single Access Streets**

1. Cul-de-sac shall not be approved wherever a through street or loop is practicable, except where the cul-de-sac is clearly the only practical design for the subdivision or land development.
2. Permanent cul-de-sacs and self-looping single access streets are limited to an average daily traffic volume (ADT) of 150 trips a day which equals 15 Single Family Dwellings based on a trip generation rate of 10 trips per day cul-de-sac street, and 300 trips a day which equals 30 Single Family for self-looping single access street. The length of cul-de-sac shall not exceed six hundred (600) feet in length. The turnaround at the end of a cul-de-sac shall be designed for proper movements of emergency and fire truck apparatus. In developments with more than fifteen dwellings only twenty percent (20%) of the dwelling units in a development shall be served by streets terminating in cul-de-sacs. In a self-looping single access street, the number of single family dwellings may be increased when the access from the street

to the intersection to the loop is provided by a boulevard street with a median. An emergency access connected to the public street system should be considered which is usable by emergency vehicles and fire truck apparatus during all season.

3. The minimum cul-de-sac length shall be two hundred fifty (250) feet.
  4. Where the turnaround right-of-way of a cul-de-sac street approaches or abuts the tract boundary, a fifty (50) foot right-of-way shall be extended to the adjacent property to permit future extension of the street at full width, unless future extension is not possible.
  5. Cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided with a snow removal easement with a width of twenty (20) feet located at the terminus of the cul-de-sac street for plowed snow during the winter months.
  6. Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end it shall be conducted away in an underground storm sewer.
  7. Turnaround radius at the end of cul-de-sacs shall comply with *Other Street Designs and Standards* of this Ordinance.
- C. Snow Dump Areas in Turnaround of a Cul-de-sac
1. In permanent turnaround, a snow dump area shall be provided within the turnaround right-of-way and delineated on the subdivision and land development plan.
  2. Snow dump area shall be a minimum of thirty (30) feet in width and shall extend to the full depth of the cul-de-sac right-of-way from the curb or edge of cartway.
  3. Snow dump area shall not encroach on driveways, trees, fire hydrant, water or gas shutoff valves, mail box, street light, utility pole or similar encroachments.
- D. Partial and Half Streets
2. New half or partial streets shall not be permitted, except where the Applicant justifies to (*Municipality name*) that it is essential to the reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations, and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be obtained.
  3. Whenever there is an existing half street adjacent to a parcel to be developed, then the other half of the street shall be platted and dedicated within such parcel, unless otherwise determined by the (*Municipality name*).
  4. Hammerheads
    - a. Streets less than 250 feet and serving six (6) lots or fewer may be designed as symmetrical “hammerheads,” in accordance with standards contained in Residential Streets (latest edition), coauthored by the American Society of Civil Engineers, as amended. Such hammerheads shall be designed to facilitate three-point turns. The minimum dimensions of hammerheads shall be 30 feet by 85 feet with curbing of 30 feet by 85 feet which includes four-foot shoulders. The



right-of-way diameter for the hammerhead shall be 10 feet greater than the edge of curb or shoulder

***Time Limitations***

- A. All improvements shall be installed according to the time schedule which has been approved by *(Municipality name)*.

***Traffic Impact Study***

- A. TCRPC recommends that municipalities address Traffic Impact studies by referring to the [PennDOT Publication , Highway Occupancy Permit Operations Manual Appendix A: Policies and Procedures for Transportation Impact Studies Related to Highway Occupancy Permit](#)

***Transit Bus Shelters***

***General Provisions***

- B. The applicant shall notify and coordinate with the transit agency to determine if a bus stop is appropriate when the proposed subdivision or land development meets any one of the following criteria:
  - 2. Located within three-quarters of a mile of an existing or planned fixed route public transit service.
  - 3. Has a character, magnitude, or location that will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality and could be considered a development of regional significance and impact, such as regional shopping centers, industrial or commercial parks, warehouses, residential developments, regional entertainment or recreation centers, hospitals or medical care facilities, and educational institutions. Proposed land development that meets any one of the following characteristics, which are consistent with Transportation Impact Study warrants included in PennDOT’s Transportation Impact Study Guidelines (Publication 282):
    - a. Site is expected to generate 3,000 or more average daily trips or 1,500 vehicles per day.
    - b. During any one hour time period of any day of the week, the development is expected to generate 100 or more vehicle trips entering the development or 100 or more vehicle trips exiting the development.
    - c. For existing sites being redeveloped, the site is expected to generate 100 or more additional trips entering or exiting the development during any one hour time period of any day of the week.

- d. In the opinion of the municipality, the development or redevelopment is expected to have a significant impact on the transportation system, even if the above warrants are not met.
3. The location and design of a bus stop shall be reviewed and approved by the transit agency. The transit agency shall provide written documentation certifying that a location is an existing or potential future bus stop.
4. The location and design of a bus stop, including conformance with other approved municipal ordinances and construction standards, shall be reviewed and approved by the municipality.
5. On-street parking and loading zones shall be prohibited or limited at the bus stop to avoid obstructing the curbside in the area of the bus stop and provide sufficient space for the bus to pull to the ADA loading pad and/or curb. The no parking zone shall be based on the location and configuration of the bus stop, designated with signs or pavement markings, and reviewed by the municipality and/or government entity responsible for the public right-of-way.
6. Bus stop infrastructure for fixed route bus stops shall be designed and constructed in accordance with ADA requirements, including Section 810 of the United States Department of Transportation’s ADA Standards for Transportation Facilities (2006), and the Pennsylvania Public Transportation Association’s Building Better Bus Stops Resource Guide.
7. There shall be a written and legally binding agreement by a responsible entity to properly maintain a stand-alone ADA loading pad, bus passenger bench, and/or bus shelter in good condition and remove the bench and/or shelter if the transit agency determines it is not needed or it is not properly maintained. No bus passenger benches and/or bus shelters shall be removed without the mutual and written approval by the municipality and transit agency.
8. ADA loading pads that are integrated with the adjacent sidewalk shall be maintained in compliance with requirements for the maintenance of adjacent sidewalk as specified in within this ordinance.
9. Bus stop infrastructure must comply with all provisions of the municipal Zoning Ordinance.

***ADA Loading Pads***

- A. A level loading pad shall be provided adjacent to the curb or roadway edge where the front doors of a fixed route bus service open to receive and discharge passengers at a designated bus stop. A second loading pad located at the rear door of the bus may be required.
- B. All ADA loading pads shall be provided at curb-height to accommodate bus wheelchair lifts and/or ramps. A Street-level ADA loading pad may be provided as an alternative with approval from the transit agency and municipality.
- C. All ADA loading pads shall be connected via an ADA accessible route to adjacent pedestrian infrastructure, such as a sidewalk, path, or multi-use trail. ADA loading pads

- may be integrated with the sidewalk or other pedestrian infrastructure. A stand-alone ADA loading pad with an ADA accessible route to the nearest roadway or public right-of-way may be provided as an alternative with approval from the transit agency and municipality.
- D. Utility poles, fire hydrants, street furniture, overhangs, trees, shrubs, and similar obstacles shall not obstruct the minimum clear area of the ADA pad for boarding and alighting, which is five (5) feet measured parallel to the roadway and eight (8) feet measured perpendicular to the roadway.

***Dimensions***

- A. The minimum clear width of five (5) feet shall be provided for the loading pad, measured parallel to the roadway.
- B. The minimum clear length of eight (8) feet shall be provided for the loading pad, measured perpendicular to the curb or roadway edge.
- C. A longer and/or wider loading pad is desirable and shall be provided if directed by the transit agency or municipality.

***Slope***

- A. Parallel to the roadway, the slope of the loading pad shall be the same as the roadway, to the maximum extent practicable. Perpendicular to the roadway, the slope of the loading pad shall not be steeper than 1:48.

***Minimum construction standards.***

- A. The ADA loading pad shall have a firm, stable, and slip resistant surface, preferably concrete built consistent with the minimum construction standards for sidewalks as specified within this ordinance or asphalt consistent with the minimum construction standards for paths and multi-use trails as specified within this ordinance.

***Bus Shelters***

- A. All aspects of the bus shelter shall comply with ADA requirements, including but not limited to access points, clearance and circulation within the shelter, and seating
- B. The bus shelter shall be integrated with the ADA loading pad or connected to the ADA loading pad via an ADA accessible route.
- C. A bus shelter includes a roof or canopy and may be enclosed on up to three sides with partial enclosure of a fourth side permitted for protection against wind or other weather elements. A bus shelter may be integrated with the structure of an adjacent building or externally attached.
- D. For security and safety purposes, the majority of the side and rear panels of the shelter shall be constructed of a clear, shatter resistant material.

- E. Bus stop passenger information signs may be provided within or on a bus shelter and shall be considered exempt from municipal sign ordinance requirements.
- F. All advertising within or on a bus shelter must comply with municipal sign regulations. If included, advertising panels shall be placed on the interior or exterior of the side shelter panel farthest from oncoming traffic and perpendicular to the road. Advertising panels shall not obstruct sight lines for pedestrians, transit vehicles, or other road users.
- G. Any lighting for a bus shelter shall be installed in such a manner to provide adequate visibility during darkness for patrons of the transportation system. The lighting shall be installed in such a way so that the source of light shall be shielded from all abutting residential properties and traffic along the roadway where the shelters are located. The lighting shall not conflict with any traffic control devices.
- H. Bus shelters shall be installed according to the manufacturer’s design specifications.

***Location***

- A. The shelter shall be located near the front end of the bus stop zone to minimize the distance to access and board the bus.
- B. The shelter shall not obstruct the required minimum clear area of the ADA loading pad for boarding and alighting, which is five (5) feet measured parallel to the roadway and eight (8) feet measured perpendicular to the roadway.
- C. The shelter shall be within fifty (50) feet of the ADA loading pad.
- D. The location of a bus shelter shall not interfere with horizontal clearance for access and maintenance, including pedestrian traffic along a sidewalk or curb ramps. A minimum clearance of four (4) feet shall be maintained around the shelter, but may be reduced to two (2) feet for the distance between the back of the shelter and a building face, wall, or similar vertical barrier.
- E. The shelter, including roof or panels, shall be located a minimum of four (4) feet from the curb or roadway edge.
- F. The location of the bus shelter shall conform to clear sight triangles and other minimum sight distance requirements for driveways and intersections.
- G. The shelter shall provide a clear view of the roadway and approaching bus.

***Dimensions***

- A. The minimum clear floor area of thirty (30) inches by forty-eight (48) inches shall be provided within the perimeter of the shelter.
- B. The minimum shelter opening of thirty-six (36) inches shall be provided.

***Foundation.***

- A. The bus shelter shall be anchored and attached to a concrete foundation with a slope that is not greater than 1:48.
- B. Specifications for the bus shelter and foundation shall be consistent with the manufacturer’s specifications (if applicable) and approved by the transit agency and municipality.

***Bus Stop Street Furniture***

- A. Bus stop street furniture may include, but is not limited to, bus passenger benches, leaning rails, waste receptacles, and bicycle racks.
- B. Bus stop street furniture shall not obstruct the required minimum clear area of the ADA loading pad for boarding and alighting, which is five (5) feet measured parallel to the roadway and eight (8) feet measured perpendicular to the roadway.
- C. The location of bus stop street furniture shall not interfere with horizontal clearance for access and maintenance, including pedestrian traffic along a sidewalk.
- D. The location of street furniture shall conform to clear sight triangles and other minimum sight distance requirements for driveways and intersections.
- E. Furniture shall be anchored securely to prevent unauthorized movement, but must be able to be relocated or replaced by those authorized to maintain the furniture.

***Bus Stop Passenger Benches***

- A. Benches shall be ADA compliant in terms of dimensions and construction.
- B. Benches shall be placed facing the roadway and outside of boarding and alighting areas and pedestrian routes.
- C. Benches shall be installed on a firm, stable, and slip resistant surface.
- D. Benches shall be located a minimum of four (4) feet from the curb or roadway edge.

***Bus Stop Signs***

- A. Bus stop signs, including bus stop location signs and bus stop passenger information signs, installed and maintained by the transit agency shall be permitted within the public right-of-way and on private property and shall be considered a governmental sign.
- B. All advertising signs posted at a bus stop or integrated with bus stop infrastructure shall comply with municipal sign regulations.

***Bus Stop Location Signs***

- A. Bus stop location signs shall be placed to clearly identify the location where passenger’s access fixed route public transit service. The bus stop sign shall be located in close proximity, but not within the ADA loading pad.
- B. The sign post shall be located a minimum of two (2) feet from the curb or roadway edge.
- C. The minimum and maximum vertical clearance from the ground to the bottom of the sign shall be seven (7) feet and eight (8) feet, respectively.
- D. The sign shall be visible to approaching buses and other traffic, as well as pedestrians on the sidewalk. It shall not be blocked by trees, signs, or other obstacles.
- E. Bus stop location signs shall be mounted on either their own post or on another existing pole or bus shelter to minimize clutter or conflicts. Bus stop location signs shall not be mounted on the same pole as a traffic control device.

***Bus Stop Passenger Information Signs***

- A. Bus stop information signs shall not obstruct pedestrian access routes or the required minimum clear area of the ADA loading pad for boarding and alighting, which is five (5) feet measured parallel to the roadway and eight (8) feet measured perpendicular to the roadway.
- B. Bus stop information signs shall be either mounted on the same post or pole as the bus stop signs or shall be integrated with the bus shelters.

***Utilities***

- A. Telephone, electric, gas, TV cable and such other utilities shall be installed underground and shall be provided with easements to be dedicated for such utilities and in accordance with plans approved by *(Municipality name)* and the applicable utility company.
  - 1. Lots which abut existing easements or public rights-of-way where above ground utility lines have been previously installed may be supplied with electric and telephone service from those overhead lines, but service connections from the utilities’ overhead lines shall be installed underground.
  - 2. Where road widening and other conditions resulting from subdivision and land development necessitate replacement or relocation of overhead utility lines, new facilities shall be installed underground. Costs of any relocation of public utilities shall be the responsibility of the developer.
  - 3. Underground installation of the utility distribution and service lines shall meet the prevailing standards and practices of the company providing the service and shall be completed prior to street paving and gutter, curbing and sidewalk installation
  - 4. Where overhead lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen their visual impact.

B. Underground Utility Notifications

1. In accordance with the provisions of PA Act 38, as amended, the applicant shall contact all applicable utilities and accurately determine and show the location and depths of all underground utilities within the boundaries of the tract proposed for development and in the vicinity of any proposed off-site improvement, prior to excavation.

**Water Supply**

- A. Each new dwelling created in (*Municipality name*) shall be individually self-sufficient for water supply and the water supply system. The Applicant shall provide an adequate and potable water supply and distribution system to service the proposed subdivision or land development which shall be: (1) individual, (2) public, or (3) private community and maintained and operated in accordance with the PA Department of Environmental Protection (DEP). The purpose of these provisions are to ensure that each dwelling unit and each commercial and industrial building in all subdivisions hereafter granted approval shall have an adequate supply of potable water for domestic use and for fire protection.

B. Hydrogeologic/Water Supply Study

1. Hydrogeologic/Water Supply Study for ground water supply shall be required for greater than twenty-five (25) residential dwellings (single or cumulative), or commercial , industrial or recreational uses which propose the single or cumulative groundwater system greater than seven thousand five hundred (7500) gallons per day in or near the proposed subdivision or land development.
2. The Hydrogeologic/Water Supply Study shall be prepared by a Professional Engineer or Hydrogeologist experienced in the field and procedures involved. Two (2) copies of the report shall be submitted in conjunction with Preliminary and Final Plans for review by the municipal Engineer.
3. The Hydrogeologic/ Water Supply Study shall be prepared as a written report and shall include the following basic data in textual and tabular form:
  - a. A project narrative describing the overall project.
  - b. Study Area - The Study shall focus on the development site and an area of 1/4 mile buffer surrounding the site.
  - c. Study shall consist of an examination of the possible use of on-site water supply systems and the impact of such systems on ground water supply, connection to an existing water supply system or the construction of a central community system.
  - d. The study shall include a complete geologic profile and plan and a discussion of the effect of the proposed development and construction activity on the ground water supply.
  - e. The study shall also include a statement and justifiable analysis by the professional firm as to the sufficiency of the subsurface aquifers to support on-lot

water systems for the proposed development, verified by well testing and other appropriate means, as well as analyzing the impact on existing sources.

- f. The study shall describe the distance from the nearest public water supply system and the capacity of the system to accommodate the proposed subdivision and/or land development.
- g. Where a central community water system is proposed, the report shall provide evidence that the system will have an adequate supply of potable water for domestic or other proposed use and that each unit or building will have adequate supply for the purpose of fire protection.

#### C. On-lot Water Supply

- 1. Where there is no existing public water supply and the Hydrogeologic/Water Facilities Study indicates that connection to a public water supply system or central community system is not feasible, each lot in the development must be provided with an individual on-lot water supply system in accordance with the standards required by the Pennsylvania Department of Environmental Protection (DEP). (*Municipality name*) shall approve the use of individual on-lot water supply systems (wells) when:
  - a. The Hydrogeologic/ Water Feasibility Study indicate that justification of the project necessitates the use of this type of water supply;
  - b. The anticipated water supply yield is adequate for the type of development proposed;
  - c. The installation of an on-lot system(s) will not endanger or decrease the groundwater supplies to adjacent properties.
  - d. Construction of wells for individual small water supplies shall conform to DEP's Construction Standards for Individual Water Supplies, as revised.

#### D. Public Water Supply

- 1. Where there is an existing public water supply system within one-thousand (1,000) feet from a proposed subdivision and development and such system has adequate planned capacity and is willing to serve that subdivision or land development, a complete water supply system connected to the existing water supply system must be provided and fire hydrants shall be installed in accordance with this Ordinance.
  - a. Where plans approved by a public water supplier provide for the installation of such public water supply system within four (4) years, the developer shall provide a complete water system for connection to the planned water main supply system.
  - b. Where connection to a public water supply is possible or feasible, the plan for the installation of such water supply system must be prepared for the development with cooperation of the appropriate water utility company and reviewed by the Municipal Engineer.



- c. Where a public water supply system is not feasible for the proposed development as evidenced in the Hydrogeology/Water Facilities Study, developer shall provide information related to the construction and installation of a central community water supply system.

E. Central Community Water Supply System

- 1. The design and installation of a central community water supply system shall be subject to the approval of (*Municipality name*) and the PA Department of Environmental Protection (DEP).
- 2. Standards and materials for the construction of any central community water supply system shall meet or exceed those requirements described in the Public Water Supply Manual of the Pennsylvania Department of Environmental Protection (DEP) and shall be subject to approval by the municipal Engineer. Where a permit is required by DEP, it shall be presented as evidence of such review and approval before construction of the system will commence.
- 3. Where the central community water supply system is proposed under the jurisdiction of the Pennsylvania Public Utilities Commission (P.U.C.), the water supply study shall also incorporate those items of information required by the P.U.C.
- 4. The central community water system shall be designed to furnish an adequate supply of water to each lot, with adequate water main sizes and fire hydrant locations to meet the specifications of the Middle States Department Association of Fire Underwriters. A technical study shall be submitted to (*Municipality name*) for review by the municipal Engineer and Fire Marshal. Fire hydrants shall be placed and constructed in accordance with this Ordinance.
- 5. All suitable agreements, including financial guarantees shall be established for the ownership and maintenance of the system. Ownership and maintenance of the central community water system shall be the responsibility of an organization formed and operated in accordance with this Ordinance. Such a system shall be designed and constructed in a manner that would permit adequate connection to a public water supply system in the future.
- 6. All water systems located in flood-prone areas, whether public or private, shall be flood proofed to a point one and one-half (1-1/2) feet above the one hundred (100) year flood elevation.

F. Ground Water for Central Community Water Systems

- 1. Ground water for community water systems must conform to the Pennsylvania Department of Environmental Protection requirements and standards. A minimum of two (2) sources of ground water must be provided for each community water system. Each ground water source shall be capable of supplying the average daily demand of the proposed dwelling units.

## IMPROVEMENT AND MAINTENANCE GUARANTEES

### *General Statement*

- A. No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be required by the subdivision and land development ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by the subdivision and land development ordinance have been installed in accordance with such ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees required pursuant in this ordinance. The subdivision and land development ordinance shall provide for the deposit with the municipality of financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required. The applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to Section 420 of the act of June 1, 1945 (P.L. 1242, No. 428) known as the “State Highway Law.”
- B. If water mains and/or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from (*Municipality name*), financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
- C. No Final Plan shall be signed by the (*Governing Body*) for recording in the Office of the County Recorder of Deeds unless:
1. Financial security in accordance with the requirements within this ordinance is accepted by (*Municipality name*), and/or;
  2. The improvements required by this Ordinance have been properly guaranteed or completed in accordance with this ordinance.

***Financial Security for Improvement Guarantee***

A. General

1. The administration of the financial security shall comply with the provisions of Article V, Section 509 the PA Municipalities Planning Code, Act 247, as amended, and other applicable laws of the Commonwealth of Pennsylvania.
2. Such financial security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or in the Developer's Agreement for completion of the improvements. (See Appendix No.2)

B. Submission of Improvements Guarantee

1. Final plan applications that include public improvements that have not been installed shall include an improvement guarantee in the form of financial security.

C. Type of Financial Security

1. Without limitation as to other types of financial security which (*Municipality name*) may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
2. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
3. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

D. Amount of Financial Security

1. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred and ten (110) percent of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, (*Municipality name*) 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 which have been completed and the estimated cost for the completion of the remaining improvements as of the

expiration of the 90<sup>th</sup> day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, *(Municipality name)* may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection.

2. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by the Applicant prepared by a professional engineer licensed as such in Pennsylvania and certified by such engineer to be a fair and reasonable estimate of such cost. The estimate submitted to *(Municipality name)* shall be organized and itemized to provide a detailed line by line estimate of costs of all public improvements required. Upon the recommendation of the Municipal Engineer, *(Municipality name)* may refuse to accept such estimate for good cause shown. If the Applicant and *(Municipality name)* are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in Pennsylvania and chosen mutually by the Municipality and the Applicant. The estimate certified by the third (3rd) engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third (3rd) engineer is so chosen, fees for the services of said engineer shall be paid equally by *(Municipality name)* and the Applicant.
  
3. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date from posting of financial security, or to an amount not exceeding one hundred and ten (110) percent of the cost of completing the remaining required improvements as reestablished on or about the expiration of the preceding one-year period.
  
4. In the case where development is projected over a period of years, *(Municipality name)* may authorize submission of final plans by section or stages of development subject to such requirements or guarantees as to improvements in future section or stages of development as it finds essential for the protection of any finally approved section of the development.

#### E. Developer's Agreement

1. The applicant shall declare the intent to provide an improvement guarantee by executing the Developer's Agreement included in this Ordinance. The Developer's Agreement shall be executed prior to the recordation of the final plan.

F. Plan Approval Conditioned Upon Financial Security

1. When requested by the developer, in order to facilitate financing, the *(governing body)* or the planning agency, if designated, shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security. The final plan or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the governing body; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

G. Release of Financial Security

1. As the work of installing the required improvements proceeds, the party posting the financial security may request *(Municipality name)* to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Governing Body, and the Governing Body shall have forty-five (45) day from receipt of such request within which to allow the Municipal Engineer to certify, in writing, to the Governing Body that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification the Governing Body shall authorize release by the bonding company or lending institution of an amount as estimated by the Municipal Engineer fairly representing the value of the improvements completed or, if the Governing Body fails to act within said forty-five (45) days period, the Governing Body shall be deemed to have approved the release of funds as requested. The Governing Body shall always, prior to final release at the time of completion and certification by the Municipal Engineer, require retention of a minimum of ten (10) percent of the estimated cost of the aforesaid improvements. Such funds will be released only after certification by the Municipal Engineer that all required public improvements so guaranteed have been completed satisfactorily.
2. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify *(Municipality name)*, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the municipal engineer. *(Municipality name)* shall, within ten days after receipt of such notice, direct and authorize the municipal engineer to inspect all of the aforesaid improvements. The municipal engineer shall, thereupon, file a report, in writing, with the municipal governing body, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the municipal engineer of the aforesaid

authorization from the governing body; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the municipal engineer, said report shall contain a statement of reasons for such no approval or rejection.

3. *(Municipality name)* shall notify the Applicant, within fifteen (15) days of receipt of the Municipal Engineer's report, in writing by certified or registered mail of the action of said Governing Body with relation thereto.
4. If the *(Governing Body)* or the Municipal Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the Applicant shall be released from all liability, pursuant to this performance guaranty bond or other security agreement.
5. If any portions of the said improvements are not approved or are rejected by the Governing Body, the Applicant shall proceed to complete the same with the required corrections and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
  - a. Upon satisfactory completion of all required improvements, after consultation with the Municipal Manager and the Municipal Engineer, the Governing Body may release to the applicant any remaining financial security, including by not limited to, the withheld ten (10) percent minimum.
6. Nothing herein shall be construed as a limitation of the Applicant's right to contest or question by legal proceedings or otherwise, any determination of the Governing Body or the Municipal Engineer.

#### H. Remedies to Effect Completion of Improvements

1. In the event that any improvements which may be required have not been installed as provided within this ordinance or in accordance with the approved final plan, *(Municipality name)* is hereby granted the power to enforce any financial security by appropriate legal and equitable remedies. If proceeds of the financial security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Governing Body may, at its option, install all or part of such improvements and may institute appropriate legal or equitable action to recover the funds necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the applicant, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

I. Other Effects of Financial Security

1. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plan as set forth in this Section, *(Municipality name)* shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plan upon actual completion of the improvements depicted upon the approved final plan. Moreover, if said financial security has been provided, occupancy permits for any building or buildings shall not be withheld following: (1) the application of the asphalt binder course the streets providing access to and from existing public roads to such building or buildings as well as (2) the completion of all other improvements as depicted upon the approved plan, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

*Inspection of Improvements during Construction*

- A. Prior to the initiation of construction, the developer shall notify *(Municipality name)* in order to coordinate an inspection schedule with the construction schedule. Additionally, the Municipal Engineer shall be notified four (4) working days in advance of any intended date of construction. The provisions stated herein shall be construed as mandating periodic inspections and the undertaking of periodic inspections shall not be construed as an acceptance of the work during construction or as a final inspection of the construction.
- B. Reimbursement for Inspections
  1. The Applicant shall reimburse *(Municipality name)* for the reasonable and necessary expense incurred for the inspection or improvements according to a schedule of fees adopted by resolution of the Governing Body and as amended from time to time.
  2. In the event the Applicant disputes the amount of any such expense in connection with the inspection of improvements, the Applicant shall, within ten (10) working days of the date of billing, notify *(Municipality name)* that such expenses are disputed as unreasonable or unnecessary, in which case *(Municipality name)* shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed Municipal Engineer expenses.
  3. If, within forty-five (45) days from the date of billing, *(Municipality name)* and the Applicant cannot agree on the amount of expenses which are reasonable and necessary, then the Applicant and municipality shall jointly, by mutual agreement, appoint another professional engineer licensed as such in

Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.

4. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The Applicant shall be required to pay the entire amount determined in the decision immediately.
5. In the event that *(Municipality name)* and Applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Municipality is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Municipal Engineer nor any professional engineer who has been retained by, or performed services for *(Municipality name)* or the applicant within the preceding five (5) years.
6. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the Applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one-thousand (\$1,000) dollars or more, *(Municipality name)* shall pay the fee of the professional engineer, but otherwise the Municipality and the Applicant shall each pay one-half (1/2) of the fee of the appointed professional engineer.

***Dedication of Improvements***

- A. All improvements shall be deemed to be private improvements and only for the specific project until such time as the same have been offered for dedication and formally accepted by the Governing Body. No responsibility of any kind with respect to improvements of the Final Plan shall be transferred until the improvements have been formally accepted. No improvements shall be accepted for dedication except upon submission of as-built drawings by the developer and inspection of the final construction by *(Municipality name)* in accordance with the provisions of this Ordinance.

***As Built Plans***

- A. Within ninety (90) of construction completion of all required improvements including facilities proposed for dedication to the municipality and prior to final inspection by *(Municipality name)* of all improvements and site grading for which an improvement guarantee has been posted, the developer shall submit a plan labeled "As- Built Plan," which shall depict the actual location, dimensions and elevations of all existing improvements and site grading. In addition, the plan



shall indicate that the existing grading, drainage structures and/or drainage systems and erosion and sediment control practices, including vegetative measures, are in substantial conformance with the previously approved drawings and required specifications. The plan shall note all deviations from the previously approved drawings. The applicant’s engineer shall certify that the construction of the storm water management facility was completed in accordance with the plans and specifications as originally submitted and approved by *(Municipality name)*. Three copies of the As- Built Plan (two paper and one transparency) shall be submitted to the Municipality, which shall distribute a paper copy to the Municipal engineer and retain two (2) copies for Municipal files for future reference.

***Maintenance Guarantee***

- A. Where the *(Governing Body)* accepts dedication of all or some of the required improvements following completion, *(Municipality name)* may require the posting of financial security to secure the structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this Section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15%) percent of the actual cost of installation of said improvements.
- B. If water mains or sanitary sewer lines, or both, along with appurtenances or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from *(Municipality name)*, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Ordinance.

**MANUFACTURED HOME PARKS**

***Grant of Power***

- A. Individual Manufactured Homes. Individual manufactured homes, as defined in Part 7 of this Chapter, may be erected on any lot where the use is permitted in compliance with the: (1) Municipal Zoning Ordinance, (2) all sections of this Chapter which apply to subdivisions and development of Single Family Detached Dwellings, and (3) applicable local or federal building codes.
- B. Provisions regulating Manufactured home parks shall be set forth in separate and distinct articles of any subdivision and land development ordinance adopted pursuant to the "Pennsylvania Municipalities Planning Code" Act 247, as reenacted and amended, Article V, §501, as reenacted and amended.

***Purpose, Authority, and Jurisdiction***

- A. The purpose, authority, and jurisdiction for land development as a Manufactured home park are the same as contained in this ordinance.

**Plat Requirements and Processing Procedure**

- A. The plat requirements and processing procedure for land development as a Manufactured Home park shall be in accordance with the requirements contained in of this Ordinance.

***Design Standards***

- A. The following site design standards shall apply to Manufactured Home Parks:
  1. Arrangement of Structures and Facilities. The tract, including Manufactured Home sites, patios, other dwellings and structures, and all tract improvements, shall be organized in relation to topography, the shape of the property, and common facilities. Special attention shall be given to new Manufactured Home designs and to common appurtenances that are available.
  2. Adaptation to Property Assets. Each Manufactured Home unit or other dwelling or structure shall be fitted to the terrain with a minimum disturbance of the land and a minimum elevation difference between the floor level of the unit and the ground elevation under it. Existing trees and shrubs, rock formations, streams, floodplains, steep slopes, and other natural features of the property shall be preserved to the maximum extent practical.
  3. Courts and Spaces. Groups or clusters of units shall be placed to create interior spaces and courtyards.
  4. Orientation. Manufactured homes shall be arranged in a variety of orientations so that many units face the street with their long sides rather than their ends, in order to provide variety and interest.
  5. Street Layout. Street patterns should relate to the topography.
- B. Roadways.
  1. Standards. All municipal standards for the construction of streets contained in this Ordinance shall be adhered to for all public streets in and abutting a Manufactured Home Park. In those parks where streets are to be maintained by the Manufactured Home Park owner or owned and maintained in common by the residents/ owners of the individual lots, the following standards shall apply:

- a. **Right-of-Way.** There shall be an equivalent right-of-way reserved along streets which are designed to function as major or minor collector streets, and which connect exterior roadways, form major internal loops, traverse the majority of the development, or provide access to adjoining parcels of land. No equivalent rights-of-way are required on other streets. On those streets where an equivalent right-of-way is required, parallel parking may be permitted, but perpendicular or angled parking is not permitted.
- b. **Pavement.** Pavement or cartway width of all residential streets serving as access to Manufactured Home lots shall be not less than twenty-six (26) feet. Pavement may be reduced to no be less than twenty (20) feet on a street serving as access to not greater than ten (10) Manufactured Home lots where parking is prohibited along the road and off-street visitor parking is provided in common areas within at least 300 feet of all dwelling units. One off-street parking space is required for each three (3) Manufactured Homes.
- c. **Grades.** Gradients on all residential streets shall not exceed ten (10) percent.
- d. **Cul-de-Sac Streets.** A paved turnaround area with a minimum radius of forty (40) feet shall be provided at the closed end of any cul-de-sac street serving as a sole access to four (4) or more Manufactured Home lots. No permanently-closed cul-de-sac street shall exceed six-hundred (600) feet in length or serve as the only access to more than twenty (20) Manufactured Home lots.
- e. **Access Limitations.** Manufactured home lots may have direct access only onto streets internal to the development. Direct access from a Manufactured Home lot shall not be permitted onto the streets surrounding the Manufactured Home Park.
- f. **Conversions.** Any road built as a private road, and later proposed for conversion to a public road, shall be brought up to the applicable standards for public streets prior to being dedicated as a public way, unless this requirement is waived by the Township Board of Commissioners subsequent to determining that compliance with the requirement would have a negative effect on the Manufactured Home Park.

C. Pedestrian Circulation.

- 1. **General Requirements.** All Manufactured Home Parks shall provide safe, convenient, all-season pedestrian walkways of adequate width for intended use, durable, and convenient by connecting individual Manufactured Homes, other Manufactured Home Park features, all community facilities provided for the residents, and offsite facilities, such as schools, bus stops, commercial

centers, etc. These pedestrian walkways may parallel vehicular roadways, where they shall be required on one side, or they may form a separate but coordinated system away from streets. Walkways must be provided wherever pedestrian traffic is concentrated and where school children congregate, but may be waived elsewhere if the applicant successfully demonstrates a lack of need.

2. **Common Walk System.** Where a common walk system is provided and maintained between locations, such common walks shall have a minimum width of five (5) feet. Where these walks parallel roadways they shall be separated from the road pavement by a distance of at least four (4) feet.
3. **Individual Walks.** Walkways from all dwellings shall be connected to common walkways, or to streets, or to driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two (2) feet.

D. **Parking.**

1. **Spaces Required.** Two (2) paved off-street parking spaces shall be provided for each dwelling on the same lot. Parking for any commercial or other nonresidential use shall follow the requirements otherwise applicable for such uses.
2. **Common Parking Areas.** All common parking areas shall conform with the dimensional requirements in this ordinance

E. **Manufactured Home Parks in Floodplain Areas**

1. Within any identified floodplain area, all Manufactured homes and any additions thereto shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse (Floodway).
2. Where permitted within any identified floodplain area, all Manufactured Homes and additions thereto shall be:
  - a. anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974 ANSI A119.3-1975) as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following:
  - b. over-the-top ties shall be provided at each of the four (4) corners of the Manufactured home, with two (2) additional ties per side at intermediate-locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.
  - c. frame ties shall be provided at each corner of the Manufacture home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.

- d. All components of the anchoring system shall be capable of carrying a force of four thousand, eight hundred (4800) pounds.
3. Elevated in accordance with the following requirements:
- a. The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the Manufactured home will be one and one-half (1.5) feet or more above the elevation of the one hundred (100) year flood.
  - b. Adequate surface drainage is provided.
  - c. Adequate access for a hauler is provided.
  - d. where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.
4. An evacuation plan indicating alternative vehicular access and escape routes shall be filed with the Municipal official.

F. Lots

- 1. Minimum lot widths and areas shall conform to applicable provisions of the municipal zoning ordinance.

OR

- 2. Manufactured home lots shall be not be less than sixty (60) feet wide measured at the minimum required setback line nor less than seventy-two hundred (7,200) square feet in area, per Manufactured home unit exclusive of streets and other public areas.

***Common Open Space***

- A. In addition to any requirements of the Zoning Ordinance, the following regulations shall also apply:
- B. Open Space System.
  - 1. Arrangement. The common space shall be designed as a contiguous area unless the applicant demonstrates to the satisfaction of the *(Governing Body)* that two (2) or more separate areas would be preferable. The open space shall also have easily identifiable pedestrian and visual accessibility for all residents of the Manufactured Home Park, although all units do not have to abut the common open space.
  - 2. Recreation. Recreation areas and facilities shall be provided to meet the anticipated needs of the residents of the Manufactured Home Park. Not less than twenty-five (25) percent of the required open space area exclusive of lands within the required buffers, shall be devoted to recreation use. Recreation areas should be of a size, shape, and

topography that is conducive to active and passive recreation, in compliance with applicable zoning requirements.

- C. Buffers.
  - A. General Requirements. A permanent buffer shall be provided along all exterior property boundary lines pursuant to the requirements of this ordinance
  - B. Existing Buffers. In cases where the property line of a Manufactured Home Park occurs along natural features which function as buffers, including but not limited to mature vegetation, significant grade changes or stream valleys which are likely to be permanently preserved, buffering may be waived along that property line with approval by *(Municipality name)*.
  - C. Buffer Landscape Plan. A landscaping plan shall be submitted in accordance with the provisions §22-332 Buffering and Screening.

***Common Elements***

- A. Ownership. Common open space and roadways shall be offered for dedication to *(Municipality name)* or open for public use through easements or other appropriate means in any Manufactured Home Park where all lots will be sold, or where the Governing Body determines those areas to be key elements in the open space and/or circulation systems of *(Municipality name)*. In all other cases, these and other common elements may be retained in private ownership or may be owned jointly by the residents of the development.
- B. Maintenance. Prior to development plan approval, provisions acceptable to the *(Governing Body)* after a review by the Municipal Solicitor for the maintenance of all common elements which will not be owned and maintained by a governmental agency shall be established.
- C. Service Building. The structure or structures containing the management office and other common facilities shall be conveniently located for the use intended

***Utilities***

- A. Water Supply.
  - 1. General Requirements. An adequate water supply and distribution system for domestic, auxiliary, and firefighting uses shall be provided throughout the Manufactured Home Park, including service buildings and accessory facilities, in accordance with the requirements of this ordinance.
- B. Individual Water-Riser Pipes and Connection.
  - 1. Individual water-riser pipes shall be located within the confined areas of the Manufactured Home sites at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.

2. The water-riser pipe shall have a minimum inside diameter consistent with the standards of the servicing public utility, or in lack thereof, of the Municipal Engineer, and terminate at least four (4) inches above the ground surface. The water outlet shall be provided with a cap when a Manufactured Home does not occupy the lot.
3. Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
4. Fire Protection. All Manufactured Home Parks shall be provided with fire hydrants to meet the specifications of the National Fire Protection Association. In addition, those hydrants shall be in sufficient numbers to be within six-hundred (600) feet of all existing and proposed Manufactured Homes and other dwellings and structures, measured by way of accessible streets or common areas.

C. Sewage Disposal.

1. General Requirements

- a. An adequate and safe sewerage system shall be provided throughout the Manufactured Home Park for conveying and disposing of sewage from dwellings, service buildings, and accessory facilities in accordance with the state requirements.

2. Sewer System

- a. All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the water supply system. The system shall be constructed and maintained in accordance with all state regulations, as well as those of the servicing utility.

3. Individual Connections.

- a. Each Manufactured Home shall be have a sewer riser pipe consistent with the standards or the servicing utility or Municipal Plumbing Code. The sewer riser pipe shall be located on each stand to connect vertically with the Manufactured Home.
- b. The connection shall have an insider diameter and slope as required by the servicing utility or Municipal Plumbing Code. All joints shall be watertight.
- c. All material used for sewer connections shall be semi-rigid, corrosive resistant, nonabsorbent, and durable. The inner surface shall be smooth.
- d. Provision shall be made for plugging the sewer riser pipe when a Manufactured Home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least half inch above ground elevation.

4. Underground Utilities.
  - a. All electric, natural gas, telephone, cable television and any other utility lines shall be placed underground in all Manufactured Home Parks and each shall have the necessary shut-off valves and other safety requirements normally associated with safe operations. All utility connections shall be appropriately capped for safety purposes whenever a Manufactured Home site is not occupied.

***Additional Requirements***

- A. **Manufactured Home Foundations and Support Systems.** A concrete Manufactured Home pad shall be properly graded, placed, and compacted so as to be durable and adequate for the support of the maximum anticipated loads during all seasons.
- B. **Anchoring.** Every Manufactured Home placed within a Manufactured Home Park shall be anchored to the Manufactured Home site where it is located prior to the unit being occupied or used in any other way, or the expiration of seven (7) days from the date that it was delivered to the site, whichever occurs first. The anchoring system shall be designed to resist a minimum wind velocity of ninety (90) miles per hour.
- C. **Stability.** All Manufactured Homes placed within a Manufactured Home Park shall, prior to occupancy or other use, be affixed to their Manufactured Home site in such a way so as to prevent tilting of the unit. No Manufactured Home shall permanently rest on the wheels used to transport the unit.
- D. **Skirts.** The manufactured home shall be enclosed with skirting at the perimeter to meet the following requirements:
  1. Individual manufactured homes shall be skirted around the perimeter of the home to conceal the underbody from view in a manner compatible with the appearance and construction of the manufactured home.
  2. Skirting shall be vented and be manufactured of certified fire-resistant material.
  3. Skirting shall be installed in a manner to resist damage under normal weather conditions and shall be properly maintained.
  4. All skirting shall be installed before the issuance of a certificate of occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed ninety (90) days.
- E. **Hitch.** The hitch or tow bar attached to a Manufactured Home for transport purposes shall be removed and remain removed from the Manufactured Home when it is placed on its Manufactured Home site.
- F. **Installation.** Manufactured homes are to be installed in accordance with the Manufactured Housing Improvement Act (35 P.S. §§ 1658.1 – 1658.6). Note that federal and state law requires homes to be installed in a manner consistent with the manufacturer’s specifications, and Municipal building code officials are to inspect the installations based on those specific specifications and requirements.



*Alternation of Requirements*

- A. The application for an alteration of any requirements shall be in accordance with the provisions of this Ordinance.

*Enforcement, Penalties, Violations, Appeals, Severability, and Amendments*

The enforcement, penalties, severability and amendments shall be in accordance with the provisions of ARTICLE 10 of this Ordinance.

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## FEES

### *Filing Fee*

- A. At the time of filing, all plats shall be accompanied by a check payable to *(Municipality name)*, in the amount specified herein, to defray the cost of reviewing the proposed plats and required data.

### *Administrative Fee Schedule*

- A. The fee schedule is established and may be amended periodically by resolution of the *(Municipal Governing Body)*. Said fee schedule includes but is not limited to:
1. The fee for filing a Preliminary Subdivision Plat and a Final Subdivision Plat shall be as posted in Appendix 15 of this Ordinance.
  2. The fee for filing a Preliminary Land Development Plat and a Final Land Development Plat shall be as posted *APPENDIX 15: SAMPLE (MUNICIPALITY NAME) SUBDIVISION AND LAND DEVELOPMENT FEE SCHEDULE* of this Ordinance.
  3. When *(municipality name)* is granted an extension of the review time by the applicant, *(municipality name)* may in turn charge a supplemental administrative fee as posted *APPENDIX 15: SAMPLE (MUNICIPALITY NAME) SUBDIVISION AND LAND DEVELOPMENT FEE SCHEDULE* of this Ordinance.

### *Municipal Engineer Review Fee*

- A. As costs are incurred, the Applicant shall pay by a check, payable to *(Municipality name)* an amount established and may be amended periodically by resolution of the Municipal governing body. Said fee should be determined or approved by the Municipal Engineer and sufficient to cover the costs of:
1. Reviewing the plat's engineering details.
  2. Inspecting the site layout for conformance with the plat.
  3. Reviewing cost estimates of required improvements (as applicable).
  4. Inspecting required improvements during installation.
  5. Final inspection on completion of installation of the required improvements.
  6. Other engineering verifications required by this Ordinance.
- B. The engineering fees required to be paid by this section shall be promptly paid to *(Municipality name)* by the Applicant, as such fees are billed to *(Municipality name)*

*name*) or Municipal Authority by its or their engineers. The applicant is required to pay said bill within 30-days of receipt.

***Recording Fee (Optional)***

- A. A recording fee may be collected at the time application is made for final plat approval. Said fee shall be based on the current recording fee schedule set by the *(Municipal Governing Body)* Register and Recorder's Office.

***Other Fees***

- A. Fees for all other permits required for and by *(Municipality Name)* for opening roads, connecting to municipal sewers, building construction, etc. shall also be paid by a check payable to the Municipal Governing Body or Municipal Authority.
- B. The Applicant at the time of application shall agree to cover the cost of advertising the Ordinance accepting the deed of dedication of applicable required improvements and its recording costs.
- C. At the time of filing, all plats shall be accompanied by a check payable to the *(Municipal Governing Body or Municipal Planning Commission)*, in the amount specified by the County, to cover the costs of County Planning Commission review and County Planning report.

## MODIFICATION OF REQUIREMENTS

### *Application of Modification Provisions*

- A. Were, owing to special conditions, a literal enforcement of the provisions of these regulations will result in unreasonable hardship, the *(Governing Body)*, on recommendation of the Planning Commission, may make such reasonable modification thereto as will not be contrary to the public interest and so that the spirit of these regulations shall be observed and substantial justice done.

### *Request for Modification*

- A. Applications for a modification of requirements shall be submitted in writing by the applicant at the time the Preliminary Plat or Final Plat is filed with the Planning Commission.
- B. The written modification request shall include the following:
1. The section number(s) for which the modification(s) is/are being requested.
  2. The written request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based. The request is required to cite the particular conditions associated with the land in question.
  3. An explanation of how this constitutes the minimum modification necessary and how the modification is not contrary to the public interest.

### *Granting of Modification*

- A. In granting any alteration of requirements, the *(Governing Body)* shall record its action in its meeting minutes and the grounds for granting any modification to the applicant.

### *Denial of Modification*

Whenever a request for a modification of requirements is denied, the *(Governing Body)* shall record its action and the grounds for such denial in its minutes. The *(Governing Body)* shall transmit a copy of its action and the grounds for such denial of any modification to the applicant.

### *Displaying of Plans*

- A. All subdivision or land development plans must display all granted modifications prior to their approval.

## APPENDICES

APPENDIX 1: Sample Developer’s Agreement for Completion of Improvements

**THIS AGREEMENT**, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between *(Municipality name)*, Commonwealth of Pennsylvania, herein after referred to as the “MUNICIPALITY” and \_\_\_\_\_ hereinafter referred to as "DEVELOPER"

**WHEREAS**, DEVELOPER is the owner of a certain parcel of land situate within *(Municipality name)*, said parcel of land being more particularly described in Exhibit "A attached hereto; and

**WHEREAS**, DEVELOPER is desirous of developing said lands under a Subdivision and Land Development Plan captioned

\_\_\_\_\_ and dated \_\_\_\_\_, 20\_\_\_\_, hereafter "Plan", as the same was approved by the *(Governing Body)* of *(Municipality name)* on \_\_\_\_\_, copies of which plan are marked Exhibit "B" and attached hereto; and

**WHEREAS**, in the application to *(Municipality name)* for approval of the Plan the DEVELOPER indicated his intention to construct at his sole cost and expense, including but not limited to engineering, inspection and legal expenses incurred by *(Municipality name)* in connection with the Plan, all those improvements required by the Plan or by any conditions attached thereto, more particularly described in Appendix No. 3 attached hereto; and

**WHEREAS**, the DEVELOPER has agreed to deliver to the *(Municipality name)* a renewable Irrevocable Letter of Credit, or other forms of security such as a performance bond or cash (in form and substance to be approved by *(Municipality name)* from an institution licensed to do business in Pennsylvania in the amount of \$\_\_\_\_\_ to guarantee the installation of the improvements and reimbursement to *(Municipality name)* for expenditures directly incurred in connection with the improvements.

**NOW, THEREFORE, IT IS AGREED:**

- A. The DEVELOPER covenants, promises and agrees to build, construct and install all improvements in accordance with the specifications of *(Municipality name)* and in the manner provided and approved by *(Municipality name)*, on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, time being of the essence of this agreement.
- B. The DEVELOPER shall enter into contract(s) with such person or persons necessary to construct the improvements. The DEVELOPER shall notify *(Municipality name)* promptly thereafter (a) that it has contracted for the construction of improvements, (b) specify an improvement construction schedule, (c) provide a schedule of job site meetings (no less than monthly), and (d) the name and address of the contractor and the supervisor of the work for the

- contractor. The contract between the DEVELOPER and his contractor shall contain a provision that the construction or installation is subject to the inspection and approval of *(Municipality name)*
- C. The DEVELOPER concurrently delivers to *(Municipality name)* its Irrevocable Letter of Credit, in the amount of \$ \_\_\_\_\_. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by the DEVELOPER and prepared by a Professional Engineer licensed as such in Pennsylvania and certified by such Engineer to be a fair and reasonable estimate of such cost. *(Municipality name)*, upon the recommendation of the Municipal Engineer may refuse to accept such estimate for good cause shown.
- D. The Letter of Credit shall be posted as security for performance of this agreement, including the construction of the improvements in a manner approved by *(Municipality name)*. The term of such Letter of Credit shall be for the period agreed upon for the completion of construction of the improvements and, if required by *(Municipality name)*, will include an "evergreen" clause which will allow for an automatic extension of term to cover any extended period of construction.
- E. In the event the DEVELOPER shall fail to construct the improvements in a manner acceptable to *(Municipality name)*, *(Municipality name)* may, at its option, construct said improvements at the Developer's expense, in which event the funds represented by and posted through said Letter of Credit shall be used to reimburse *(Municipality name)* for the costs of such construction and its reasonable necessary ancillary expenses. In the event the funds secured by said Letter of Credit shall not be sufficient to satisfactorily construct the improvements or reimburse *(Municipality name)* for its cost and expense to construct the same, *(Municipality name)* may file an appropriate legal action against the DEVELOPER based upon this agreement for the balance of the funds required to so construct the improvements or reimburse *(Municipality name)* for the same.
- F. As the work of installing the required improvements proceeds, the party posting the financial security may request that *(Municipality name)* release or authorize the release, from time to time, such portions of the financial security necessary for the payment to the contractor or contractors performing the work. Any such request shall be in writing addressed to the Municipal Engineer, and the Municipal Engineer shall have 45 days from receipt of such request within which to allow the Municipal Engineer to certify in writing to the *(Governing Body)* that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Municipal Engineer shall authorize a reduction in the Letter of Credit by the lending institution by an amount as estimated by the Municipal Engineer fairly representing the value of the improvements completed or, if the *(Governing Body)* fails to act within said 45 day period, the *(Governing Body)* shall be deemed to

- have approved the release of funds as requested. The *(Governing Body)* may, prior to final release at the time of completion and certification by its Engineer, require retention of 10% of the estimated cost of the aforesaid improvements.
- G. The DEVELOPER will cause electric, telephone and cable utilities to be installed as underground facilities and not aerial.
- H. *(Municipality name)* shall designate an Engineer to review development plans and specifications for the improvements. If necessary, an escrow account shall be established by the DEVELOPER as provided for in the Subdivision and Land Development Ordinance and as adopted by the *(Governing Body)* from time to time.
- I. During construction, *(Municipality name)* shall designate an inspector to determine whether the improvements are being made in accordance with the plans and capital improvement specifications. It shall be the duty of the DEVELOPER to request scheduling two (2) working days prior to the desired inspection. Lack of inspection does not constitute approval. *(Municipality name)* shall do all things necessary to assure the timely arrival of its inspector at the site of the improvements following notice by the DEVELOPER. Inspections required shall include, as a minimum, the following:
1. Erosion and sedimentation control, prior to any other earth moving activity occurring.
  2. Inlet boxes must be inspected for full concrete connections with piping and inlet tops. (Both outside and inside the box prior to C. below). Flushing of all storm sewers may be required by the Municipal Engineer should, in his/her sole judgment, the necessity exists.
  3. Road inspections (for roads to be dedicated to the MUNICIPALITY):
    - a. Road sub-base shall be inspected prior to the base (stone) being installed. Contractor shall provide a loaded tri-axle for proof roll.
    - b. Road base shall be inspected prior to the surface coat being installed.
    - c. Road binder shall be inspected prior to the wearing surface being installed.
  4. Sidewalks and curbs must be inspected prior to acceptance by *(Municipality name)*
  5. All construction shall be in accordance with the construction plans and the Municipal Ordinances. If a conflict exists between the plans and ordinances, the stricter of the two will be used. The DEVELOPER is responsible, at his/her own



- expense, to correct any unforeseen conditions that are caused by this development.
6. All erosion and sedimentation controls shall be installed in accordance with the approved plan and the Subdivision and Land Development Ordinance prior to any other construction activity occurring at the site. The erosion and sedimentation controls will be properly maintained until all disturbed areas have become stabilized. This shall include all stormwater conveyance controls (such as detention ponds, swales, piping, etc). It is the Developers' responsibility to stabilize the swales and detention facilities.
  7. The DEVELOPER shall convey to *(Municipality name)* by Deed of Dedication all streets, alleys, roads, courts, avenues, drives, public ways and park areas as these facilities are indicated and described on the Plan.
  8. The DEVELOPER shall grant and convey, to third parties if appropriate, by Deed of Dedication easements for rights-of-way (including maintenance) for all sewer and water lines and telephone and electric facilities, bikeways and drainage ways. In the event easements are required from third parties, it shall be the duty of the DEVELOPER to obtain them at his sole cost and expense.
  9. Upon completion of the improvements and before acceptance by *(Municipality name)*, the DEVELOPER shall deposit with *(Municipality name)* a maintenance escrow, in terms acceptable to *(Municipality name)*, equal to 15% of the total cost of improvements to ensure repair of defective conditions appearing in said improvements within and for a period of eighteen (18) months from the date of acceptance thereof by *(Municipality name)*, in form and with sufficient surety acceptable to *(Municipality name)*, conditioned that if said improvements are in satisfactory condition by *(Municipality name)* standards at the end of said maintenance period (18 months), then said escrow will be returned to the DEVELOPER, otherwise to remain in full force and effect until all defective conditions are remedied to the Municipality's specifications.
  10. Upon the satisfactory completion and final inspection of the improvements, delivery of the appropriate Deeds of Dedication, their recording fees and the delivery of Maintenance Escrow, *(Municipality name)* agrees to accept the improvements and to operate and/or maintain them. A stop work order may be issued by *(Municipality name)* whenever any provision of this agreement is broken.
  11. The DEVELOPER shall cause its contractors or subcontractors to obtain and maintain liability ,workers' compensation and other insurance coverage, as may be required by law, and furnish certificates of such insurance as required by *(Municipality name)*.

- J. In addition to the aforesaid requirements, the DEVELOPER agrees that it will at his/her own expense:
  - 1. Pay to *(Municipality name)* any fees required by outside/third party agencies for entering into the development plan and for fees and other expenses such as, but not limited to, the payment for Engineers, applications and approvals, as may be required by the ordinances and regulations of *(Municipality name)* or other government entities.
  - 2. Connect any underground springs or other waters encountered during construction to the proposed storm sewers or to a proper outlet as designated by the Municipal Engineer.
  
- K. During construction, the DEVELOPER shall police the construction area daily, keeping it free and clear of all rubbish, refuse, brush and debris; the DEVELOPER will accumulate said material and deposit the same in an area specified by the Municipality’s representative until such time as the accumulated matter is removed from the site by the DEVELOPER; he shall contain such matter so that it will not become wind-blown spread, or otherwise become a nuisance. All soil washed or carried onto public streets during construction shall be cleaned up each day. Upon completion of the construction, the DEVELOPER shall remove from the site and dispose of all brush, rubbish, refuse and debris, leaving the area free and clear of same.
  
- L. Remove all temporary buildings or structures within one month after completion of the Improvements.

**THIS AGREEMENT** shall be binding upon the heirs, executors, administrators, successors and assigns of the DEVELOPER and *(Municipality name)*.

**ATTEST:**

***(NAME OF MUNICIPALITY)***

\_\_\_\_\_

\_\_\_\_\_  
Signature of chief elected official

**ATTEST**

***(NAME OF DEVELOPER)***

\_\_\_\_\_

\_\_\_\_\_

## Appendix 2: LIST OF SITE IMPROVEMENTS ITEMS FOR DEVELOPER'S AGREEMENT

1. Storm Sewers
2. Detention Ponds
3. Swales
4. Sanitary Sewers
5. Water Supply
6. Fire Hydrants
7. Streets
8. Curbs
9. Sidewalks
10. Survey Monuments and Iron Pins

**APPENDIX 3: SAMPLE STORMWATER FACILITIES AND BEST MANAGEMENT PRACTICES (BMP) MAINTENANCE AND MONITORING AGREEMENT**

**THIS AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between \_\_\_\_\_, (hereinafter the “Owner”), and \_\_\_\_\_, (*Name of County*) County; Pennsylvania, (hereinafter “*Municipality name*”);

**WITNESSETH**

**WHEREAS**, the Owner is the owner of certain real property identified as (*address*) \_\_\_\_\_, Tax Parcel Number \_\_\_\_\_, (hereinafter “Property”).

**WHEREAS**, the Owner is proposing to make improvements to the Property; and

**WHEREAS**, the Drainage Plan (hereinafter “Plan”) for the Property which is expressly made a part hereof, as approved or to be approved by (*Municipality name*), provides for detention, retention, infiltration and/or treatment of stormwater within the confines of the Property; and

**WHEREAS**, (*Municipality name*) and the Owner, successors, heirs and assigns agree that the health, safety, and welfare of the public require that on-site stormwater management facilities and BMPs be constructed and maintained on the Property: and

**WHEREAS**, (*Municipality name*) requires, through the implementation of its Stormwater Management Ordinance, that stormwater management facilities and BMPs as shown on the Plan be constructed and adequately maintained by the Owner, successors, heirs and assigns.

**NOW, THEREFORE**, in consideration of the foregoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

- A. The on-site stormwater management facilities and BMPs shall be constructed by the Owner, successors, heirs and assigns, in accordance with the terms, conditions, details and specifications identified in the Plan.
- B. The Owner, successors, heirs and assigns, shall maintain the stormwater management facilities and BMPs in good working condition, acceptable to (*Municipality name*) so that they are performing their design functions
- C. The Owner, successors, heirs and assigns, hereby grant permission to (*Municipality name*), its authorized agents and employees, upon presentation of proper identification, to enter upon the Property at reasonable times, and to inspect the stormwater management facilities and BMPs whenever the Municipality deems necessary. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection shall cover the entire facilities, berms, outlet structures, pond areas, access roads, etc. When inspections are conducted, (*Municipality name*) shall give the Owner, successors, heirs and assigns, copies of the inspection report with findings and evaluations. At a minimum, maintenance inspections

shall be performed in accordance with the schedule specified in the BMP Operations and Maintenance Plan.

- D. All reasonable costs for said inspections shall be borne by the Owner, successors, heirs and assigns, and payable to *(Municipality name)*.
- E. The owner shall convey to *(Municipality name)* easements and/or rights-of-way to assure access for periodic inspections by *(Municipality name)* and maintenance, if required.
- F. In the event the Owner, successors, heirs and assigns, fail to maintain the stormwater management facilities and BMPs in good working condition acceptable to *(Municipality name)*, *(Municipality name)* shall give proper notice to Owner setting forth the specifics of such failure to maintain, the remediation required, and deadline to complete such action. After failure by the Owner to remedy within the specified time limit, *(Municipality name)* may enter upon the Property and take such necessary and prudent action to maintain said stormwater management facilities and BMPs and to charge the costs of the maintenance and/or repairs to the Owner, successors, heirs and assigns. This provision shall not be construed as to allow *(Municipality name)* to erect any structure of a permanent nature on the land of the Owner, outside of any easement rights that *(Municipality name)* may have. It is expressly understood and agreed that *(Municipality name)* is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on *(Municipality name)*.
- G. The Owner, successors, heirs and assigns, will perform operation, maintenance and inspections in accordance with the BMP Operations and Maintenance Plan for the stormwater management facilities and BMPs including sediment removal as outlined on the approved Drainage Plan.
- H. In the event *(Municipality name)*, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like on account of the Owner's, successors', heirs' or assigns' failure to perform such work, the Owner, successors, heirs and assigns, shall reimburse *(Municipality name)* upon demand, within 30 days of receipt of invoice thereof, for all costs incurred by the Municipality hereunder. If not paid within said 30-day period, *(Municipality name)* may enter a lien against the property, including any and all properties when the Owner is a Homeowners Association, in the amount of such costs, or may proceed to recover his costs through proceedings in equity or at law as authorized by law.
- I. The Owner, successors, heirs and assigns, shall indemnify *(Municipality name)* and its agents and employees against any and all damages, accidents, casualties, occurrences or claims which might arise or be asserted against *(Municipality name)* for the construction, presence, existence or maintenance of the stormwater management facilities and BMPs by the Owner, successors, heirs and assigns.
- J. In the event a claim is asserted against *(Municipality name)*, its agents or employees, *(Municipality name)* shall promptly notify the Owner, successors, heirs or assigns, and they shall defend, at their own expense, any suit based on such claim. If any judgment or claims

against *(Municipality name)*, its agents or employees shall be allowed, the Owner, successors, heirs and assigns shall pay all costs and expenses in connection therewith.

- K. In the event of an emergency or the occurrence of special or unusual circumstances or situations, *(Municipality name)* may enter the Property, if the Owner is not immediately available, without notification or identification, to inspect and perform necessary maintenance and repairs, if needed, when the health, safety or welfare of the citizens is at jeopardy. However, the Municipality shall notify the Owner of any inspection, maintenance, or repair undertaken within five days of the activity. The Owner shall reimburse the Municipality for its costs.
- L. It is agreed between the two entities known as Owner that they shall be bound jointly and severally by the terms, covenants and agreements herein.
- M. Invalidation of any one of these provisions by judgment or Court Order shall in no wise affect any other provisions that shall remain in full force and effect.

This Agreement shall be recorded at the Recorder of Deeds Office in *(Name of County)* County, Pennsylvania and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Owner, administrators, executors, assigns, heirs and any other successors in interests, in perpetuity.

**ATTEST:**

**MUNICIPALITY:** \_\_\_\_\_  
**(CORPORATE SEAL)**

\_\_\_\_\_  
**Secretary**

By \_\_\_\_\_

**Title**

\_\_\_\_\_  
**(Municipal Governing Body)**

**OWNER**

**(Individual)**

\_\_\_\_\_  
**Signature of Individual**

**Witness:**

**Trading and Doing Business as**

\_\_\_\_\_

\_\_\_\_\_

**(Partnership)**

\_\_\_\_\_  
**(Name of Partnership)**

**Witness:**

\_\_\_\_\_

By \_\_\_\_\_ (Seal)

\_\_\_\_\_

By \_\_\_\_\_ (Seal)

\_\_\_\_\_

By \_\_\_\_\_ (Seal)

**ATTEST:**

**(Corporation)**

\_\_\_\_\_  
**(Assistant) Secretary**

\_\_\_\_\_  
**(Name of Corporation)**

**(CORPORATE SEAL)**

By \_\_\_\_\_  
**Title**

County of \_\_\_\_\_, Pennsylvania

I, \_\_\_\_\_, a Notary Public in and for the County and State aforesaid, whose commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, do hereby certify that \_\_\_\_\_ whose name(s) is/are signed to the foregoing Agreement bearing date of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, has acknowledged the same before me in my said County and State.

**GIVEN UNDER MY HAND THIS** \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**NOTARY PUBLIC (SEAL)**

APPENDIX 4: (MUNICIPALITY NAME) SUBDIVISION & LAND DEVELOPMENT PLAN  
APPLICATION



Please complete entire form before submission Municipality:		Plat Title:			
Surveyor:		Engineer:			
Plan Classification: <input type="checkbox"/> Subdivision <input type="checkbox"/> Land Development <input type="checkbox"/> Combined		<input type="checkbox"/> Preliminary <input type="checkbox"/> Lot Addition <input type="checkbox"/> Final <input type="checkbox"/> Preliminary/Final		<input type="checkbox"/> Preliminary <input type="checkbox"/> Minor <input type="checkbox"/> Final <input type="checkbox"/> P/F	
Landowner(s):			Phone Number:		
Address:					
Landowner'(s) Agent:			Phone Number:		
Address:					
<b>SUBDIVISION RELATED QUESTIONS</b>					
Total tract area in acres:		Subdivided area in acres: (Subdivision)			
Existing # of Developable Lots:		Proposed # of Developable Lots:		Proposed # of New Dwelling Units:	
Existing Sewerage	<input type="checkbox"/> Public <input type="checkbox"/> On-Lot Septic System <input type="checkbox"/> None	<input type="checkbox"/> Proposed Municipal Sewerage	<input type="checkbox"/> Public	<input type="checkbox"/> On-Lot Septic System	<input type="checkbox"/> Private, Community /Package Sewer System <input type="checkbox"/> None
Existing Water	<input type="checkbox"/> Public <input type="checkbox"/> Individual Well(s) <input type="checkbox"/> None	<input type="checkbox"/> Proposed Municipal Water	<input type="checkbox"/> Public	<input type="checkbox"/> Individual Well(s)	<input type="checkbox"/> Community Water System <input type="checkbox"/> None
Existing # of Non-Developable Lots:		Proposed # of Non-Developable Lots:		Reason for not showing lot developability:	
<b>LAND DEVELOPMENT RELATED QUESTIONS</b>					
Proposed Impervious Area:			Developed Area: (Area of Land Proposed to be Disturbed)		
Proposed Building Floor Area:					
Proposed Structural Improvements:					
<b>ZONING QUESTIONS</b>					
(Where Applicable) Have you contacted the Municipal Zoning Officer? ___YES ___NO					
If yes, what is the Zoning District(s) for this property:					
Existing Land Use:			Proposed Land Use:		
Are any zoning variances/subdivision and land development modifications (waivers) requested? ___YES ___NO					
List zoning variances/subdivision and land development modifications (waivers) requested:					
<b>OTHER RELEVANT QUESTIONS FOR DISCLOSURE AND DIRECTION</b>					
Is this property enrolled in the Clean and Green Program? ___YES ___NO					

If you answered yes, please contact the County Assessment Office.			
Is this property located in an Agricultural Security Area? ___ YES ___ NO			
Have the development rights been purchased on this property for any easement purchase program? ___ YES ___ NO			
Have any deed restrictive covenants been placed on the present deed for the property? ___ YES ___ NO			
If you answered yes to the previous question, please provide a copy of the deed with your application.			
Purpose of the Plan:			
Fees Submitted: \$	Check Number:	Signed by:	Date:

**NOTE:** The (County) Planning Commission meeting is held on (Date) of each month. The cut off date for plan submission for County Approval is (Number) days prior to the meeting.

Signature of Person Completing this application: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name of Person Completing the application: \_\_\_\_\_

The following authorization statement must be completed by the landowner(s) when he, she or they will not be handling their application for subdivision and land development.

*I/We am/are the exclusive landowner(s) of record for the land involved in this Subdivision or Land Development and do hereby authorize (Name of Entrusted Agent) to be my/our agent and to handle this application on my/our behalf. We also entrust all formal correspondence, including written acceptance of conditions should the need arise, after discussing such matters with me/us.*

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

For Official Use Only:

MUNICIPAL ACCEPTANCE STATEMENT

The Township/Borough of \_\_\_\_\_ has received the above plan and hereby authorizes the bearer to deliver same to the **County Planning Commission**.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name of Municipal Official: \_\_\_\_\_

**APPENDIX 5: SAMPLE CHECKLIST FOR SUBDIVISION AND LAND DEVELOPMENT PLAN CONTENT**

Name of Plan \_\_\_\_\_

Name of Municipality \_\_\_\_\_

<b>Cover Sheet Information</b>	<b>Preliminary</b>	<b>Final</b>
1. Title Block		
2. Name of proposed development, municipality, county and plan label: Preliminary, Final or Preliminary/Final.		
3. Name, address, email address and telephone number of owner, equitable owner, subdivider/developer, engineer, landscape architect and land surveyor.		
4. Instrument number/plan book and page number and tax parcel number.		
5. Location map with north arrow and scale.		
6. Date of plan preparation and revision date(s).		
7. Zoning data in a table form to include: Zoning district, minimum lot area, building setbacks, and lot width, density, building height and number of floors, floor area ratio, lot and building coverage, parking, open space, landscape, buffer screening requirements, public or private water and sewer.		
8. Site data in a table form to include: Total area of tract, proposed use, proposed number of lots/number of units, floor area for non- residential uses, floor area ratio, lot and building coverage, density, building height, open space area , developable area, area of public right-of-way, public or private water supply and sanitary sewer, total length of proposed and/or improved street(s) in feet and parking calculations including handicap parking.		
9. Existing and proposed protective covenants running with the land, if any or a note stating none exist.		
10. List of utilities with address and telephone number		
11. List of modification of requirements, waivers, variances, special exceptions, conditional uses and/or any non-conforming structures and zoning variances.		

	Preliminary	Final
12. List of permits/approvals required by other agencies and the date submitted and approval dates.		
13. Statement of recordation of plan with date, instrument number/deed book, volume and page number and tax parcel number.		
14. Index of drawings and identify sheets to be recorded		
15. PA. one call system with serial numbers.		
16. List of utilities with address and telephone numbers.		
17. Parcel(s) of land to be dedicated.		
18. A statement regarding public improvements.		
19. Development and improvements phases with number of lots and time schedule in a table form, if applicable.		
20. Statement regarding presence or absence of archaeological resource, historical features and important natural habitat.		
21. Statement regarding conformance to construction requirements.		
22. Certification of ownership and dedication statement for roads or streets and right-of-ways duly notarized.		
23. Certification of land surveyor with seal and signature for the accuracy of the plan survey.		
24. Certification of engineer/landscape architect with seal and signature that all information shown is correct.		
25. Certification regarding presence or absence of wetlands and floodplain.		
26. Certification regarding stormwater management system as shown is adequate to meet the requirements.		
27. Contribution of recreation land or fee for residential development.		
28. A statement regarding highway occupancy permit		
29. A statement regarding municipal highway occupancy permit.		
30. Signature blocks for planning commission, governing body, municipal engineer and county planning commission.		
<b>Plan information and Other Requirements</b>		
1. Title block.		
2. Total tract, layout of lots, lot area, lot dimensions and lot numbers. Plans drawn to scale no smaller than 100 feet to an inch.		
3. North arrow, graphic and written scale on all sheets.		

	<b>Preliminary</b>	<b>Final</b>
4. Name and deed reference of all adjoining land owners.		
5. Primary control point/Point of beginning referenced to the PA plane coordinate system.		
6. Existing and proposed monuments and pins.		
7. Contours with reference to NGVD.		
8. Tract and lot boundary with bearings and distances.		
9. Name of existing and proposed public or private street(s) and driveways on or adjacent to the tract, right-of-way and cartway width, curbs and sidewalks and traffic regulatory signs.		
10. Location of existing sewer and water main, fire hydrant, gasoline, power line, stormwater management facilities and other significant manmade features on or adjacent to within 200 ft. of tract.		
11. Location of existing building(s) or structure(s) on the tract.		
12. Location of easements with bearings and distances.		
13. Existing natural features, wetlands, 100 year flood elevation, flood fringe and floodway, tree masses, watercourses, soil types, steep slope, rock outcrops and other features.		
14. Existing and proposed protective covenants running with the land, if any or a note stating none exist.		
15. Archaeological resources, historical features and important natural habitat map, as applicable.		
16. Existing and proposed protective covenants.		
17. Minimum building setback lines for each lot.		
18. First floor building elevation.		
19. Zoning classification of adjoining lots/land.		
20. Clear sight triangle and sight distance at proposed street intersections and driveways.		
21. Snow dump areas in the turnaround of a cul-de-sac, if applicable.		
22. Typical street cross section of proposed streets.		
23. Street centerline profiles for each proposed street.		
24. Proposed street names approved by the post office.		
25. Location of site improvements, such as traffic signs, fire hydrant, snow dump areas, community mail box, trash dumpster, etc.		
26. Preliminary design of water, sewer and storm sewer main.		
27. Preliminary stormwater management plan and all supporting calculations.		
	<b>Preliminary</b>	<b>Final</b>
28. Traffic impact study, if applicable.		
27. Erosion and sedimentation control plan.		
29. Landscaping, buffering and screening plan, if required.		
30. Grading and earth moving plan.		

31. Hydrogeologic/water supply study, where on-site wells are proposed, if applicable.		
32. Lighting plan for outdoor and street lighting, if applicable.		
33. Location of well for on-lot water supply and distance to on-lot sewerage facilities.		
34. Location of perc and probe for primary and secondary sites for on lot sewerage facilities and distance to well, if applicable.		
35. Review of plans by school district, fire department, and other agencies, as applicable.		
36. Wet land study, if applicable.		
37. Traffic studies required by state laws to warrant traffic control devices such as stop signs, traffic signals, speed limits, turning lanes, etc.		
38. DEP sewerage facilities planning module or appropriate waiver request and approval.		
39. Condominium/Homeowners owners' association document, if applicable.		
40. Filing fee and escrow fee for plan review cost.		
41. Distance between buildings/structures (for land development plan).		
42. Floor area ratio (for land development plan).		
43. Legend		
44. Statement regarding date and/or ordinance of the Zoning and Subdivision Ordinance		
45. Notification regarding blasting activities		

For items marked NA (Not Applicable), provide statement as to why.

**Plan Preparer's Name** \_\_\_\_\_

**Plan Preparer's Signature** \_\_\_\_\_

**Date of Submission** \_\_\_\_\_

**Received by (Name)** \_\_\_\_\_

**Signature** \_\_\_\_\_

*APPENDIX 6: SAMPLE FINANCIAL SECURITY STATEMENT*

KNOW ALL MEN BY THESE PRESENT, That we, \_\_\_\_\_  
 \_\_\_\_\_, as Principals, \_\_\_\_\_ and the  
 \_\_\_\_\_ Lending Institution/Surety-Bond Company, a corporation  
 authorized to do business in the Commonwealth of Pennsylvania, having an office and place of business  
 at \_\_\_\_\_  
 \_\_\_\_\_ as Surety, are held and firmly bound unto the  
 municipality, as Obligee, in the sum of DOLLARS (\$ \_\_\_\_\_ ) lawful money of the United States of  
 America, for the payment whereof to the obligee, the Principal and Surety bind themselves, their heirs,  
 executors, administrators, successors, and assigns, jointly and severally, firm to these presents:

SIGNED, SEALED, AND DATED, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

WHEREAS, application was made to the Obligee for the approval of a subdivision shown on the plat  
 entitled and numbered  
 #” \_\_\_\_\_”  
 filed with \_\_\_\_\_ on (Date), said final plat was approved upon  
 certain conditions, once of which is that a Financial Security in the amount of (\$ \_\_\_\_\_ ).

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION in such that the above named Principal shall  
 complete the said improvements, outlined in the construction schedule, and will truly make and  
 perform the required improvements and construction of public improvements in said subdivision/land  
 development in accordance with the local government specifications and the Resolution of  
 \_\_\_\_\_, 20\_\_\_\_, then this obligation to be void, otherwise to remain in full force and  
 effect.

It is hereby understood and agreed that in the event that any required improvements have not been  
 installed as provided by said Resolution, within the term of Statement of Financial Security,  
 \_\_\_\_\_ may thereupon declare this bond to be in default and  
 collect the sum remaining payable there under and upon receipt of the proceeds thereof,  
 \_\_\_\_\_ shall install such improvements as are covered by this  
 bond and commensurate with the extent of building development that has taken place in the  
 subdivision/land development but not exceeding the amount of such proceeds.

\_\_\_\_\_  
 Principal

\_\_\_\_\_  
 Principal

\_\_\_\_\_  
 Lending Institution/Surety-Bond Company

By \_\_\_\_\_  
 Attorney-In-Fact

BOND NUMBER: \_\_\_\_\_

**APPENDIX 7: SAMPLE PERFORMANCE BOND**

KNOW ALL MEN BY THESE PRESENTS, That we, \_\_\_\_\_  
\_\_\_\_\_, as the Principal and, a \_\_\_\_\_  
corporation authorized to do business in the Commonwealth of Pennsylvania, as a Surety, are held and  
firmly bound unto \_\_\_\_\_ Township/Borough/City, (Address)  
as Obligees, in the penal sum of \_\_\_\_\_  
(\$ \_\_\_\_\_) for the payment which we bind ourselves, our legal representatives, administrators,  
executors, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, the above bounded Principal has been granted Final Approval by the above mentioned  
Obligee for the completion of Required Improvements found on the subdivision/land development plan  
# \_\_\_\_\_ as set forth at the \_\_\_\_\_, 200\_\_\_\_ meeting of the  
\_\_\_\_\_.

NOW, THEREFORE, the condition of the above obligation is such, that if said Principal shall complete the  
said improvements in accordance with subdivision/land development shown on the plan entitled  
\_\_\_\_\_, numbered  
\_\_\_\_\_ and filed with \_\_\_\_\_ on (Date), and shall fully  
indemnify and save harmless the \_\_\_\_\_  
Township/Borough/City from all costs and damages which it may suffer by reason of failure to do so,  
and fully reimburse and repay the Obligees any outlay and expense which it may incur in making good on  
any such default, then this obligation shall be null and void, otherwise to remain in full force and effect.

THE FOREGOING OBLIGATION, however, is limited by the following express conditions, the performance  
of which shall be a condition precedent to any rights of claims or recovery hereunder:

1. Upon discovery of the Obligees, or by the Obligees' agent or representative, of any act or omission that shall or might involve a loss hereunder, the Obligees shall endeavor to give written notice thereof with the fullest information obtainable at the time to its Surety at its office in \_\_\_\_\_.
2. Legal proceedings for recovery hereunder may not be brought unless begun within twenty-four (24) months from the date of the discovery of the act or omission of the Principal on the account of which claim is made.
3. The Principal shall be made a party of any suit or action for recovery hereunder, and no judgment shall be rendered against the Surety in excess of the penalty of this instrument.
4. No right of action shall accrue hereunder to or for the use or benefit of anyone other than the Obligees, and the Obligees' right hereunder may not be assigned without the written consent of the Surety.

IN WITNESS WHEREOF, this instrument has been executed by the duly authorized representative of the Principal and Surety.

SIGNED, SEALED AND DATED By: \_\_\_\_\_

By: \_\_\_\_\_



***APPENDIX 8 SAMPLE OFFER OF IRREVOCABLE DEDICATION***

AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_ and \_\_\_\_\_, having its office and place of business at \_\_\_\_\_, herein designated as Developer, and \_\_\_\_\_ Township/Borough/City having its principle office at \_\_\_\_\_ herein designated as \_\_\_\_\_ Township/Borough/City,

WHEREAS, the \_\_\_\_\_ is in the process of approving a subdivision/land development plan entitled \_\_\_\_\_, dated \_\_\_\_\_, 200\_\_\_\_, prepared by \_\_\_\_\_, and

WHEREAS, said map designates certain public improvements consisting of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

to be dedicated to the local government free and clear of all encumbrances and liens, pursuant to the regulations and requirements of \_\_\_\_\_ Township/Borough/City, and

WHEREAS, the Developer, simultaneously herewith shall post a Performance Bond with the municipality for the construction, maintenance, and dedication of said improvements in the amount of 15% of the construction costs to the developer for a term of 18 months, and

WHEREAS, the developer is desirous of offering for dedication the said improvements and/or land to the Township/Borough/City more particularly described in Schedule \_\_\_\_\_ attached hereto, and

WHEREAS, the developer has delivered deeds of conveyance to \_\_\_\_\_ Township/Borough/City for the said land and improvements as described herein,

NOW, THEREFORE, in consideration of the sum of (\$) \_\_\_\_\_ lawful currency of the United States of America paid by the local government to the developer and other good and valuable consideration, it is mutually AGREED as follows:

1. The Developer herewith delivers to \_\_\_\_\_ Township/Borough/City deeds of conveyance for the premises described in Schedule \_\_\_\_\_ attached hereto, said delivery being a formal offer of dedication to \_\_\_\_\_ Township/Borough/City to be held by \_\_\_\_\_ Township/Borough/City until the acceptance or rejection of such offer of dedication by the Governing Body.
2. The Developer agrees that said formal offer of dedication is irrevocable and cannot be accepted by \_\_\_\_\_ Township/Borough/City at any time.
3. The Developer agrees to complete the construction and maintenance of the land improvements pursuant to the Performance Bond and the requirements of \_\_\_\_\_ Township/Borough/City and any ordinances, regulations, requirements, covenants, and agreements that may be imposed by \_\_\_\_\_ Township/Borough/City with respect thereto and upon acceptance by Township/Borough/City.

With the offer of dedication, the developer/owner shall furnish to the local government a title insurance policy issued by a licensed title insurance company authorized to do business in the Commonwealth of Pennsylvania in a minimum amount of (\$ \_\_\_\_\_), certifying that the premises are free and clear of all liens and encumbrances and shall furnish to the local government a check for all necessary fees and taxes to record the deeds hereto delivered.

4. That this irrevocable offer of dedication shall run with the land and shall be binding upon all assigns grantees, successors, or heirs of the Developer.

(SEAL)

Attest:

\_\_\_\_\_ Township/Borough/City

\_\_\_\_\_  
 (Recorder of Deeds)

By: \_\_\_\_\_

\_\_\_\_\_  
 (Developer/Landowner)

\_\_\_\_\_  
 (Developer/Landowner)

\_\_\_\_\_  
 (Date)

Commonwealth of Pennsylvania)  
 County of \_\_\_\_\_) SS:

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known, who being by me duly sworn, did depose and say that he/she is the individual described in and who executed the foregoing instrument, and he duly acknowledgement to be that he executed the same.

\_\_\_\_\_  
 Notary Public

Commonwealth of Pennsylvania)  
 County of \_\_\_\_\_) SS:

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known, who being by me duly sworn, did depose and say that he/she is the individual described in and who executed the foregoing instrument, and he duly acknowledgement to be that he executed the same.

\_\_\_\_\_  
 Notary Public

APPENDIX 9: SAMPLE LOT ADDITION/PART AND PARCEL DEED COVENANT FORM

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned officer(s) appeared \_\_\_\_\_, being duly sworn according to law, deposes and says he/she is or they are the grantee(s) of said lot as legally described and shown upon Survey Plan #\_\_\_\_\_ as prepared by \_\_\_\_\_, and dated \_\_\_\_\_.

The said grantee(s) acknowledge the following to be their act and plan, and hereby desire the following statement to be entered as a covenant within the deed to be recorded as such according to law following the lot description within the deed.

*“The above legally described lot is to be added to the adjacent lot owned by \_\_\_\_\_ described as tax parcel # \_\_\_\_\_, and instrument # \_\_\_\_\_, recorded in the \_\_\_\_\_ County Register and Records Office to form a single lot containing \_\_\_\_\_ acres, and not permitting the lot to remain a separate stand-alone lot, unless a new subdivision application is submitted and approved.*

Signature(s) of Grantee(s)

\_\_\_\_\_  
 \_\_\_\_\_

Commonwealth of Pennsylvania)  
 County of \_\_\_\_\_) SS:

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known, who being by me duly sworn, did depose and say that he/she is the individual described in and who executed the foregoing instrument, and he duly acknowledgement to be that he executed the same.

\_\_\_\_\_  
 Notary Public

Commonwealth of Pennsylvania)  
 County of \_\_\_\_\_) SS:

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known, who being by me duly sworn, did depose and say that he/she is the individual described in and who executed the foregoing instrument, and he duly acknowledgement to be that he executed the same.

\_\_\_\_\_  
 Notary Public

**APPENDIX 10: SAMPLE PRIVATE STREET/RIGHT-OF-WAY MAINTENANCE AGREEMENT**

THIS INDENTURE, made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between \_\_\_\_\_ and \_\_\_\_\_ and \_\_\_\_\_ and \_\_\_\_\_ and \_\_\_\_\_ and \_\_\_\_\_,

WHEREAS, the parties hereto are the owners of the lots of land in (Municipality Name), (County), Pennsylvania, described by survey Map Number \_\_\_\_\_, prepared on \_\_\_\_\_, 20\_\_\_\_;

WHEREAS the parties desire to enter into agreement regarding the construction, repair and maintenance of the private street within the right-of-way described on the (subdivision or land development) plan.

NOW THEREFORE, the parties hereto agree as follows:

1. The right-of-way is \_\_\_\_ feet in width and is described as follows:

*(INSERT LEGAL DESCRIPTION FOR THE RIGHT-OF-WAY HERE)*

2. It is agreed the construction, repair, and maintenance of the private street and facilities within the described right-of-way will be the responsibility of \_\_\_\_\_ and \_\_\_\_\_, their heirs and/or assigns. Each party shall be responsible for their respective share(s) construction, street sign(s), maintenance, repair, stormwater management facilities, and snow plowing and removal if necessary.
3. The parties agree that no party will commit any of the other parties to an expense for maintenance or repairs without the consent of all parties concerned, however, if a repair or maintenance is necessary, and one party will not agree, the other parties shall be entitled to proceed to maintain or repair the right-of-way and shall be entitled to take whatever appropriate legal action is necessary to collect the other party's share for the expense of maintenance or repair.
4. This agreement shall terminate upon the acceptance of this private street with its right-of-way by a municipality for the dedication purposes as a public street.
5. This agreement shall be binding upon the heirs, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the said parties have hereunto set their hands and seals the day and year written above.

Signatures of Parties

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

Commonwealth of Pennsylvania)  
County of \_\_\_\_\_) SS:

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known, who being by me duly sworn, did depose and say that he/she is the individual described in and who executed the foregoing instrument, and he duly acknowledgement to be that he executed the same.

\_\_\_\_\_  
Notary Public

Commonwealth of Pennsylvania)  
County of \_\_\_\_\_) SS:

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known, who being by me duly sworn, did depose and say that he/she is the individual described in and who executed the foregoing instrument, and he duly acknowledgement to be that he executed the same.

\_\_\_\_\_  
Notary Public

*APPENDIX 11: SAMPLE EASEMENT AGREEMENT FOR FACILITIES CONSTRUCTION, REPAIR, AND MAINTENANCE*

This INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between \_\_\_\_\_ and \_\_\_\_\_ and \_\_\_\_\_ and \_\_\_\_\_ and \_\_\_\_\_ and \_\_\_\_\_,

WHEREAS, \_\_\_\_\_ and \_\_\_\_\_ hereto is/are the owner(s) of a parcel of land in \_\_\_\_\_ Borough/Township, \_\_\_\_\_ County, Pennsylvania, described as lot # \_\_\_\_\_ on survey plat number \_\_\_\_\_, prepared by \_\_\_\_\_, dated, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_;

WHEREAS, \_\_\_\_\_ and \_\_\_\_\_ are willing to grant \_\_\_\_\_ and \_\_\_\_\_ the use of their land by way of an easement described on aforesaid survey for the purpose

WHEREAS, the parties desire to enter into an agreement regarding the establishment of an easement further described below, reserving the right of \_\_\_\_\_ to construct, repair, and maintain the facilities found within said easement;

NOW THEREFORE, the parties hereto agree as follows:

1. The \_\_\_\_\_ foot wide easement is described as follows:

*(INSERT LEGAL DESCRIPTION)*

2. It is agreed the construction, repair and maintenance of all facilities within the easement area will be the responsibility of \_\_\_\_\_ and \_\_\_\_\_ and \_\_\_\_\_, their heirs and assigns. Each party shall be responsible for their respective share(s) described of construction, repair, and maintenance. The parties agree the easement shall be maintained in its present condition as of the date of this agreement.
3. The parties agree that no party will commit any of the other parties to an expense for maintenance or repairs without the consent of all parties concerned, however, if a repair or maintenance is necessary to facilities within the easement, and one party will not agree, the other parties shall be entitled to proceed to maintain or repair said facilities and shall be entitled to take whatever appropriate legal action is necessary to collect the other party's share of the expense of the maintenance or repair.
4. This agreement shall be binding upon the heirs, successors, and assigns.

IN WITNESS WHEREOF, the said parties have hereto set their hands and seals the day and year written above.

SIGNATURES

\_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

Commonwealth of Pennsylvania)  
County of \_\_\_\_\_) SS:

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known, who being by me duly sworn, did depose and say that he/she is the individual described in and who executed the foregoing instrument, and he duly acknowledgement to be that he executed the same.

\_\_\_\_\_  
Notary Public

Commonwealth of Pennsylvania)  
County of \_\_\_\_\_) SS:

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known, who being by me duly sworn, did depose and say that he/she is the individual described in and who executed the foregoing instrument, and he duly acknowledgement to be that he executed the same.

\_\_\_\_\_  
Notary Public

**APPENDIX 12: SAMPLE (*MUNICIPAL NAME*) MUNICIPAL COMMENT FORM for Subdivision and Land Development Application Review**

In accordance with the (*MUNICIPALITY NAME*) Subdivision and Land Development Ordinance, Section # \_\_\_\_\_, hereby provides your municipality the opportunity to offer comment on Subdivision or Land Development File # \_\_\_\_\_

File Name: \_\_\_\_\_

This file was submitted and received by (*MUNICIPALITY NAME*) for review on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Because of the location of this proposed Subdivision/Land Development, municipal officials in our municipality recognize the need to coordinate this review with your municipality.

Please return this completed review form with any additional documentation you would like to provide to aid us in our decision-making process.

\_\_\_\_\_

Reviewed by the (*MUNICIPALITY NAME*) Planning Commission or, (*MUNICIPALITY NAME*) Council or, (*MUNICIPALITY NAME*) Township Supervisors/Commissioners, at their regular scheduled monthly meeting held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. At the meeting the (*MUNICIPALITY NAME*) Planning Commission, (*MUNICIPALITY NAME*) Borough/City Council, or, (*MUNICIPALITY NAME*) Township Supervisors/Commissioners offered the following information regarding the proposal.

Please check one of the following and offer comments where appropriate.

( ) The (*MUNICIPALITY NAME*) Borough/City/Township Planning Commission or, (*MUNICIPALITY NAME*) Borough/City Council or, (*MUNICIPALITY NAME*) Township Supervisors/Commissioners offers no adverse comments on this subdivision/land development.

( ) The (*MUNICIPALITY NAME*) Borough/City/Township Planning Commission, (*MUNICIPALITY NAME*) Borough/City Council or, (*MUNICIPALITY NAME*) Township Supervisors/Commissioners would like to comment on the following items. (Please list your comments in the following space provided. If you need additional space for your comments you may write on the back of this form, and/or affix additional pages.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This form was completed by: \_\_\_\_\_  
(Printed name of Authorized Municipal Official)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Note: Municipal officials are encouraged to return this form within thirty (30) days to have their comments considered in \_\_\_\_\_ Borough/City/Township Planning Commission’s review



process. If this form is not returned within this specified time the \_\_\_\_\_  
Borough/City/Township officials will conclude your municipality has no comment.

You may use the remainder of this form if you have any additional comments

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**APPENDIX 13: SAMPLE (*MUNICIPALITY NAME*) MUNICIPAL ZONING COMMENT FORM for Subdivision and Land Development Application Review**

Directions: The applicant is required to provide this form to the (*MUNICIPALITY NAME*) Zoning Officer with a copy of the subdivision and land development plan for his/her completion and return to the municipal secretary for distribution to the (*MUNICIPALITY NAME*) Planning Commission and the (Governing Body).

To be completed by the Applicant or Applicant's Agent

Plan Title: \_\_\_\_\_

What land use(s) type(s) is/are being proposed with this subdivision or land development application?

\_\_\_\_\_  
\_\_\_\_\_

List all applicable Zoning District(s) assigned to the property:

\_\_\_\_\_  
\_\_\_\_\_

Will your subdivision or land development application require any variances that affect the subdivision and land development review process?

\_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Uncertain

**For Official Use Only:**

To be completed by the Authorized Municipal Official entrusted to accept plans.

Date Plan Received: \_\_\_\_\_

Received by: \_\_\_\_\_

Signature: \_\_\_\_\_

To be completed by the Municipal Zoning Officer.

Plan received on: (*INSERT DATE*)

Will the plan require any variances? \_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Uncertain

If your response was "yes" to the previous question, please list the variances in the following spaces:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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If you answered Uncertain, what must be clarified so that a formal determination can be provided to the applicant? Please specify:

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Are all Zoning Districts affecting this application clearly displayed on the Plan? \_\_\_\_ Yes \_\_\_\_ No

Does the Plan accurately reflect the configuration/shape of the applicable zoning districts which influence this property? \_\_\_\_ Yes \_\_\_\_ No

Has the Plan's preparer provided a sufficient listing of zoning related data to meet the requirements of the zoning ordinance? \_\_\_\_ Yes \_\_\_\_ No

**APPENDIX 14: SAMPLE MODIFICATION (WAIVER) REQUEST FORM**

As the landowner of the property I \_\_\_\_\_ hereby request the following waivers to the \_\_\_\_\_ Subdivision and Land Development Ordinance.

Or

Acting on the landowner's behalf, as permitted by authorization on my client's current subdivision/land development application for which this form is intended, I

\_\_\_\_\_ hereby request the following waivers to the \_\_\_\_\_ Subdivision and Land Development Ordinance.

*In the following spaces provided, please list the appropriate section of the \_\_\_\_\_ Borough/Township Subdivision and Land Development Ordinance for which you are requesting a modification.*

Section Number: \_\_\_\_\_

What requirement of this Section cannot be achieved?

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What non-financial reason(s) can you offer for why this requirement cannot be achieved?

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Section Number: \_\_\_\_\_

What requirement of this Section cannot be achieved?

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What non-financial reason(s) can you offer for why this requirement cannot be achieved?

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Section Number: \_\_\_\_\_

What requirement of this Section cannot be achieved?

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What non-financial reason(s) can you offer for why this requirement cannot be achieved?

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Section Number: \_\_\_\_\_

What requirement of this Section cannot be achieved?

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What non-financial reason(s) can you offer for why this requirement cannot be achieved?

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APPENDIX 15: SAMPLE (MUNICIPALITY NAME) SUBDIVISION AND LAND DEVELOPMENT  
FEE SCHEDULE

REVIEW/REPORT

SUBDIVISION

\$\_\_\_\_\_ base fee, plus \$\_\_\_\_\_ per lot for the first 10 lots, plus \$\_\_\_\_\_ per lot  
over 10 lots.

LAND DEVELOPMENT (RESIDENTIAL)

\$\_\_\_\_\_ base fee, plus \$\_\_\_\_\_ per unit for the first 10 units, plus \$\_\_\_\_\_ per unit  
over 10 units.

LAND DEVELOPMENT (NON-RESIDENTIAL)

\$\_\_\_\_\_ base fee, plus \$\_\_\_\_\_ per acre for the first 10 acres, plus \$\_\_\_\_\_ per acre over 10 acres.

COUNTY APPROVAL

SUBDIVISION

\$\_\_\_\_\_ base fee, plus \$\_\_\_\_\_ per lot for the first 10 lots, plus \$\_\_\_\_\_ per lot  
over 10 lots.

LAND DEVELOPMENT (RESIDENTIAL)

\$\_\_\_\_\_ base fee, plus \$2.00 per unit for the first 10 units, plus \$\_\_\_\_\_ per unit  
over 10 units.

LAND DEVELOPMENT (NON-RESIDENTIAL)

\$\_\_\_\_\_ base fee, plus \$2.00 per acre for the first 10 acres, plus \$\_\_\_\_\_ per  
acre over 10 acres.

EFFECTIVE DATE: (Date)

**Note: All checks to cover reviews should be made payable to: (To be Determined by the Municipality)**

**APPENDIX 16: Timing Provisions for Subdivision and Land Development in the Municipalities  
Planning Code (As of January 2003)**

<b>ARTICLE V Subdivision and Land Development</b>			
<b>Section</b>	<b>Subject</b>	<b>Time Period</b>	<b>Description</b>
502(b)	County planning agency review of municipal subdivisions & land developments	30 days	Time allotted to the county planning agency to for review and report on applications for subdivisions or land developments in municipalities with their own S&LD ordinance. Municipalities shall not approve such applications until receipt of the county report or expiration of the 30 days.
503(1)(i)	Applicant dispute of S&LD review fees	14 days	Time from the applicant's receipt of the bill for the S&LD fees within which the applicant shall notify the municipality that such fees are disputed (in which case the municipality shall not delay approval or disapprove the application).
504(a)	Municipal and county planning agency review of proposed S&LD ordinance	At least 45 days	Time prior to a public hearing on a proposed S&LD ordinance in which the governing body shall submit the proposed ordinance to the planning agency (unless the proposed ordinance was prepared by the planning agency) and the county planning agency (where one exists) for recommendations.
504(b)	Forwarding an adopted S&LD ordinance to the county	30 days	Time after adoption within which a municipal (not including county) governing body shall forward a certified copy of the S&LD ordinance to the county planning agency (or county governing body where no county planning agency exists).
505(a)	Municipal and county planning agency review of proposed S&LD amendments	At least 30 days	Time prior to a public hearing on a proposed S&LD amendment in which the governing body shall submit the proposed ordinance to the planning agency (unless the proposed ordinance was prepared by the planning agency) and the county planning agency (where one exists) for recommendations.
505(b)	Forwarding an adopted S&LD amendment to the county	30 days	Time after adoption within which a municipal (not including county) governing body shall forward a certified copy of a S&LD amendment to the county planning agency (or county governing body where no county planning agency exists).
506(a)	Publication and advertisement of proposed S&LD ordinance or amendment	60 days / 7 days	Time no more than (60 days) nor less than (7 days) prior to passage of a proposed S&LD ordinance or amendment during which the governing body shall publish the proposed ordinance or amendment (or the title and a brief summary prepared by the municipal solicitor) in a newspaper of general circulation in the municipality.
506(b)	Readvertisement of proposed S&LD ordinance or amendment in the event of changes	At least 10 days	In event substantial amendments are made to the proposed S&LD ordinance or amendment, time prior to enactment in which the governing body shall readvertise in a newspaper of general circulation a brief summary of all the provisions in reasonable detail together with a summary of the amendments.
<b>Section</b>	<b>Subject</b>	<b>Time Period</b>	<b>Description</b>

508	Decision on applications for plat approval	No later than 90 days	Time during which the governing body or planning agency shall render its decision on an application for plat approval and communicate the decision to the applicant. The 90-day time period begins following the date of the regular meeting of the governing body or planning agency (whichever first reviews the application) next following the date the application is filed, or after a final order of court remanding an application, provided that should the said next regular meeting occur more than 30 days following the filing of the application, or the final order of the court, the said 90-day period shall be measured from the 30th day following the day the application has been filed.
508(1)	Decision on applications for plat approval	No later than 15 days	Time following a decision on an application for plat approval in which the governing body or planning agency shall communicate a written decision to the applicant personally or by mail to the last know address.
508(3)	Decision on applications for plat approval	No later than 90 days; no later than 15 days	Time frames, in accord with 508 and 508(1), within which if the governing body or planning agency fails to render or communicate a decision the plat shall be deemed approved unless the applicant agrees to a time extension or a change in the manner of presentation/communication of the decision.
508(4)(ii)	Application of S&LD ordinance changes to approved plat	5years	Time from approval of a plat within which no subsequent change or amendment in the zoning, subdivision, or other governing ordinance or plan shall be applied to adversely affect the right of the applicant to commence and complete any aspect of the approved development in accordance with the terms of such approval. (NOTE: Please refer to Sections 508(4)(iii), (iv), (v), (vi), and (vii) for additional criteria and provisions related to the 5-year vested interest in an approved plat.)
508(6)	Action on state high occupancy permit	60 days	Time from the date of an application for a state highway occupancy permit for driveway access (presumably for a proposed subdivision or land development, though the MPC is silent on this) within which the PA Department of Transportation shall act on the permit application by either approval, denial, return of the application for more information or correction, or determination that no permit is required.
509(b)	Resolution of contingent approval of a final plan	90 days	Time after which a resolution of the governing body or planning agency indicating approval of a final plat contingent on the developer obtaining satisfactory financial security shall expire unless a written extension, not to be unreasonably withheld, is granted in writing by the governing body.
509(f)	Estimate of cost of completion of required improvements	90 days following scheduled completion date	Date on which a cost estimate for required improvements in a subdivision or land development is based for purposes of determining the amount of required financial security (110% of said cost estimate)
<b>Section</b>	<b>Subject</b>	<b>Time Period</b>	<b>Description</b>



509(h)	Increase in amount of financial security	1 year	Time after posting of financial security in which, if more time is needed to complete required improvements, the amount of financial security may be increased by an additional 10% for each one-year period or to an amount not exceeding 110% of the cost of completing improvements as reestablished on the expiration of the preceding one-year period.
509(j)	Partial release of financial security	45 days	Time, after receipt of a request to release such portions of financial security necessary for payment to contractors performing work on required improvements, which the municipal engineer shall have to certify in writing to the governing body that such portion of work has been completed in compliance with the approved plat, and after which the governing body if failing to act shall be deemed to have approved the release of funds as requested. (The governing body may require retention of 10% of the estimated cost of said work.)
509(k)	Financial security for performance	Not to exceed 18 months	Term permissible for financial security which may be required to secure the structural integrity and functioning of required improvements.
510(a)	Release from improvement bond	10 days	Time, after receipt of notice by registered mail of the completion of required improvements, within which the municipality shall direct the municipal engineer to inspect said improvements.
510(a)	Release from improvement bond	30 days	Time, after receipt by the municipal engineer of the notice of completion of improvements, within which the engineer shall file with the governing body and make and mail to the developer by registered mail a written report indicating approval or rejection of said improvements.
510(b)	Release from improvement bond	15 days	Time, after receipt of the engineer's report, in which the governing body shall notify the developer in writing by registered mail of the governing body's action (presumably with regard to approval or rejection). (NOTE: If the governing body or engineer fail to comply with the specified time limitations, all improvements will be deemed to have been improved and the developer shall be released from liability pursuant to its financial security.
510(g)(1)	Developer reimbursement of inspection expense	10 working days	Time, after date of billing for reimbursement of expenses incurred for inspection of required improvements, within which an applicant shall notify the municipality that such expenses are disputed as unreasonable or unnecessary (in which case the municipality shall not delay approval or disapprove the subdivision or land development or related permit).
<b>Section</b>	<b>Subject</b>	<b>Time Period</b>	<b>Description</b>

510(g)(2)	Failure to agree on amount of inspection expenses	20 days	Time, from the date of billing, within which, if the municipality and the applicant cannot agree on the amount of expenses that are reasonable and necessary, the applicant and municipality shall be mutual agreement appoint another licensed professional engineer to make a determination of the amount of reasonable and necessary expenses.
510(g)(3)	Decision on disputed amount of inspection expenses	50 days	Time, from the date of billing, within which the mutually appointed engineer shall hear evidence, review documentation, and render a decision on the amount of reasonable and necessary expenses.
510(g)(4)	Failure to agree on amount of inspection expense and appointed engineer	20 days	Time, from the date of billing, within which, if the municipality and applicant cannot agree on an engineer to resolve disputed inspection expenses, the President Judge of the Court of Common Pleas shall appoint such engineer who shall not be the municipal or applicant's engineer.
513(a)	Recording of plats	90 days	Time, after final approval or the date the approval is noted on the plat, whichever is later, within which the developer shall record such plat in with the county recorder of deeds.

## EXHIBIT 5-1 HIGHWAY ACCESS MANAGEMENT OVERLAY STANDARDS

Municipalities shall refer to [the PennDOT Access Management Model Ordinance Handbook](#) for further structure on how to regulate Access Management within your municipality

**EXHIBIT 5-2: Clear Sight Triangle**

**CLEAR-SIGHT TRIANGLES**

