

SUBDIVISION & LAND DEVELOPMENT ORDINANCE

ORDINANCE NO. _____

MUNICIPALITY OF

HOWE TOWNSHIP

PERRY COUNTY, PENNSYLVANIA

Adopted at a Public Meeting Held on

_____ , _____

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Article 1 – General Provisions

Section 101: Short Title

- A. Short title: This Ordinance shall be known as the "Howe Township Subdivision and Land Development Ordinance."

Section 102: Purpose

- A. General purpose: It is the purpose of this Ordinance to protect and promote the public health, safety, morals, and welfare of the overall Township community through the establishment of uniform standards and procedures for the review and approval of subdivisions and land development in the Township.
- B. Objectives: The provisions of this Ordinance are intended to achieve the following specific objectives:
- 1) Assure sites are suitable for building purposes and human habitation.
 - 2) To prevent development which may be hazardous because of the physical character of land and to protect and preserve valued natural, historic, and cultural features of the environment.
 - 3) To ensure the provision of public improvements which are necessary and appropriate for the development, and which are coordinated with nearby areas.
 - 4) Assuring that adequate easements and rights-of-way are provided for drainage facilities, public utilities, streets, and other public improvements.
 - 5) Assuring uniform handling of subdivision and land development plan applications.
 - 6) Assuring coordination of intra- and inter-municipal public improvement plans and programs.
 - 7) Assuring the efficient and orderly extension of community facilities and services at minimum cost and maximum convenience.
 - 8) Assuring those 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.
 - 9) Ensuring the protection of water resources and drainageways.
 - 10) To establish provisions governing the standards by which all improvements shall be installed as a condition of final approval.
 - 11) To provide standards and procedures for the uniform preparation and recording of plans so that the land records of the Township are accurate, complete, and legible.

Section 103: Authority

- A. Enabling Authority/Adoption: The Township, in accordance with the Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, as reenacted and amended by Act 170 of 1988, and as subsequently amended, 53 P.S. 10101 et seq. (MPC), enacts the following Ordinance to regulate the subdivision and development of land in the Howe Township, Perry County.

Section 104: Jurisdiction and Liability

- A. Approval Authority: The authority for the control and regulation of subdivision and land development within the Township shall be as follows:
- 1) Submission to the Township. The Township Secretary shall have the authority to receive applications for subdivision and/or land development, to determine the completeness of the applications, and to forward complete applications to the Township Engineer and others as provided for in Part 3 of this Ordinance.
 - 2) Review by the Township Planning Commission. Plans for subdivision and land development shall be submitted to the Township Planning Commission for review and recommendation, as provided for in Articles 3 and 4 of this Ordinance. Said submission shall take place before approval of any plans by the Township Supervisors. However, if such a recommendation is not received from the Township Planning Commission within thirty (30) days after submission, the Township Supervisors may proceed without the report.
 - 3) Review by the Perry County Planning Commission. Plans for subdivision and land development located within the Township shall be submitted to the Perry County Planning Commission for review and report. Said submission shall take place before approval of any plans by the Township. However, if a report is not received from the Perry County Planning Commission within thirty (30) days after submission, the Township may proceed without the report.
 - 4) Approval by the Township Board of Supervisors. The Township Board of Supervisors shall be vested with authority to approve or disapprove all subdivision and land development plans, as provided for in this Ordinance.
- B. Liability: The review or approval of a subdivision or land development by the Township in accordance with the provisions of this Ordinance shall not constitute a guarantee of any kind that the proposed development is safe and shall create no liability upon the Township, its officials, or employees.

Section 105: Effect

- A. General: No subdivision or land development of any lot, tract, or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance and of any applicable municipal ordinance.
- B. Redivision. Any redivision, replotting, or resubdivision of land, including a change of a recorded deed, shall be considered a new subdivision or land development and shall comply with the provisions of this Ordinance. A change of a recorded deed shall include:
- 1) The removal of any land described on the deed, where the deed is comprised of multiple tracts, lots, parcels, and the like, for the purpose of constructing a new additional deed.
 - 2) The elimination of any deed covenant required to provide or demonstrate compliance with the provisions of this Ordinance.
 - 3) The addition of any deed covenant which conflicts, whether directly or indirectly, with the provisions of this Ordinance.
- C. The addition of any deed covenant which conflicts, whether directly or indirectly, with the provisions of this Ordinance.

- D. Driveways: Driveways and other related ingress/egress accommodations (including but not limited to access drives, field accesses, etc.) unrelated to zoning, subdivision and land development, and stormwater applications shall still comply with the Township Driveway Ordinance.
- E. Approved Applications: No provision of this Ordinance shall adversely affect the right of an applicant to complete any aspect of a plan that was approved prior to the effective date of this Ordinance in accordance with the terms of such approval within five (5) years from the date of first approval, as provided in the Pennsylvania Municipalities Planning Code.

Section 106: Interpretation and Relationship to Other Provisions

- A. Interpretation. The provisions set forth herein shall be held to be the minimum requirements necessary to meet the stated purpose as required in this Ordinance and the general purposes of the Pennsylvania Municipalities Planning Code, as amended.
- B. Conflict with other Laws/Regulations. If any provision of this Ordinance imposes restrictions which are different from those imposed by any other applicable ordinance, regulation or provision of law, the provision that is more restrictive or which imposes higher standards shall control.

Article 2 – Definitions

Section 201: General Terms

A. Unless otherwise expressly stated, the following terms shall have the meaning indicated below:

- 1) Words and phrases used in the singular include the plural, and words and phrases used in the plural include the singular.
- 2) Gender specific pronouns or references shall refer to all genders.
- 3) The word "person" indicates any person or any corporation, unincorporated association, partnership, estate, or other legal entity.
- 4) The word "lot" includes the word "plot" or "parcel."
- 5) The word "structure" includes "building" and the use of either word shall be construed as if followed by the phrase "or a part thereof."
- 6) The word "may" is permissive; the words "shall" and "will" are mandatory.
- 7) Periods of time stated as a number of days refer to consecutive calendar days, unless specified as "working days."
- 8) Words in the present tense include the future tense.
- 9) The Dictionary by Merriam-Webster shall be utilized if a term is not defined by this Ordinance.

Section 202: Specific Terms

As used in this Ordinance, the following terms shall have the following meanings:

ABUTTING – Having a common border with, or being separated from such common border, by an alley or easement.

ACCESS – A means of vehicular approach or entry to or exit from a lot, a site, or a parcel.

ACCESS POINT – Any vehicular entrance or exit to a street. The distance between such access points shall be measured from the termination of one (1) curb cut to the establishment of an adjacent curb cut.

AGRICULTURAL OPERATION – The activities, practices, equipment, and procedures that farmers adopt, use, or engage in the production and preparation for market of poultry, livestock, and their products and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities and is not less than ten contiguous acres in area

The term includes new activities, practices, equipment and procedures consistent with technological development within the agricultural industry. Use of equipment shall include machinery designed and used for agricultural operations, including, but not limited to, crop dryers, feed grinders, saw mills, hammer mills, refrigeration equipment, bins, and related equipment used to store or prepare crops for marketing and those items of agricultural equipment and machinery defined by the act of December 12, 1994 (P.L. 944, No. 134), known as the Farm Safety and Occupational Health Act. Custom work shall be considered an agricultural operation.

APPLICANT – A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors, and assigns.

APPLICATION FOR DEVELOPMENT – Every application, whether preliminary, tentative, 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 plan or for the approval of a development plan.

ARCHITECT – An architect, registered by the Commonwealth of Pennsylvania. See "registered professional."

ARTERIAL STREET – See "street types."

AUTHORITY – A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945."

BERM – A mound of soil, either natural or man-made, used to obstruct views.

BERTH – See "loading berth."

BICYCLE LANE – A lane at the edge of a road reserved and marked for the exclusive use of bicycles.

BICYCLE PATH (or SHARED USE PATH) – A pathway, usually separated from the road, designed to satisfy the physical requirements of bicycling and walking.

BLOCK – A unit of land containing one or more lots, bounded by existing or proposed streets, waterways, railroads, public lands, or other barriers to contiguous development.

TOWNSHIP BOARD OF SUPERVISORS – The duly elected representatives of the Howe Township, Perry County, Pennsylvania.

BUFFER – Shrubbery, hedges, evergreens, or other suitable plantings of sufficient height as defined by the Township Zoning Ordinance, Article 12, Section 1205, as adopted and amended.

BUFFER AREA/BUFFER YARD/ BUFFER ZONE – See the definition provided in the Township Zoning Ordinance, Article 2 Section 201 ("Yard Buffer"), as adopted and amended.

BUILDING – See "structure."

BUILDING CODE – The Unified Construction Code of Pennsylvania as adopted June 14, 2004 and as adopted and amended.

CALIPER – A measurement of the size of a tree equal to the diameter of its trunk measured four and a half (4½) feet above natural grade.

CAPPED SYSTEM – A completed water supply and/or sewerage system put in place for future use (contingent upon expansion), rather than to meet immediate development needs.

CARTWAY – The paved area of a street or alley designed for vehicular traffic use. This does not include curbs, shoulders, or surface areas outside the lane(s) of travel.

CLEAR SIGHT TRIANGLE – An area of unobstructed vision at the intersection of two (2) or more streets, access drives, driveways, or alleys, or any combination of the foregoing. It is defined by lines of sight between points at a given distance from the intersection of the centerlines of both streets, access drives, driveways, or alleys.

COLLECTOR STREET – See “street.”

COMMON OPEN SPACE – A lot, parcel, or parcels of land, or any body of water, portions thereof, or a combination thereof within a development site for the use and enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

CONSTRUCTION – The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a structure, including the placement of manufactured/mobile homes.

COUNTY – The County of Perry, Pennsylvania.

COUNTY PLANNING AGENCY – The Perry County Planning Commission.

CROSSWALKS – A right-of-way, which furnishes a pedestrian connection at locations including street intersections, parking lots and other locations to provide safe, convenient access for pedestrians to adjacent streets or properties.

CUL-DE-SAC – See “Street.”

CULVERT – Any structure not classified as a bridge and designed to convey a watercourse under a road or pedestrian walk. A culvert shall not be incorporated into a closed drainage system.

CURB – Concrete, bituminous concrete, or other improved boundary material usually marking the edge of a roadway, parking lot, or other paved area.

PERRY COUNTY CONSERVATION DISTRICT (PCCD) – The administrative agency charged with the responsibilities of conserving, promoting and improving Perry County’s natural resources.

DEDICATION – The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

DEED – A written instrument whereby an estate in real property is conveyed.

DETENTION BASIN – See the definition provided in the Township Stormwater Management Ordinance, as adopted and amended.

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

DEVELOPER'S AGREEMENT – The agreement between the Township and the applicant which is required for final approval of an application for development and which shall state all conditions for development and shall establish the responsibilities of the parties to the agreement including financial security, sequencing, scheduling, and provision of public improvements required prior to release of guarantees.

DEVELOPMENT – See “land development.”

DEVELOPMENT PLAN – The provisions for development, including a planned residential development, a plan 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. The phrase “provisions of the development plan” when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

DRAINAGE – The removal of surface water or groundwater from land by drains, grading, or other means.

DRAINAGE CONVEYANCE FACILITY – A system or structure designed to collect and transport stormwater runoff from a specific area to a designated discharge point. These facilities can be natural, like streams and swales, or constructed, such as pipes, channels, and culverts.

DRAINAGE EASEMENT – A right granted by a landowner to a grantee, allowing the use of private land for stormwater management, drainage, or conveyance purposes.

DRAINAGEWAY – A route or course through which water flows or is likely to flow. This can be a natural channel, stream bed, or watercourse, or an artificial channel like a ditch or swale.

DRIVEWAY – A private, vehicular passageway that provides access from a public or private street to the parking area of a single residence or private garage on an abutting lot.

DRIVEWAY, COLLECTOR – A private, vehicular passageway that provides access from a public or private street to townhomes, duplexes, multifamily dwellings, commercial structures, necessary services, or parking lot.

DRIVEWAY, SHARED – A shared driveway is a private driveway serving two (2) residential dwelling units.

EASEMENT – Grant by a property owner for the use, for a specific purpose or purposes, of a strip of land by the general public, a corporation, or a certain person or persons.

ELECTRONIC NOTICE – Notice given by a municipality through the Internet of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

ENGINEER – A professional engineer registered by the Commonwealth of Pennsylvania. See "registered professional."

ENVIRONMENTALLY SENSITIVE AREAS – Lands, which because of their characteristics or locations, are limited with regard to development activities. Environmentally sensitive characteristics include but are not limited to steep slopes, floodplain areas, and wetlands.

EROSION – The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, or gravity.

EROSION AND SEDIMENTATION CONTROL PLAN – A narrative and set of plans developed to minimize accelerated erosion and prevent sedimentation damage. In accordance with the Pennsylvania Department of Environmental Protection (PA DEP) Erosion and Sediment Pollution Control Program Manual, these plans are prepared in conjunction with construction staging plans, detailing what erosion control measures must be in place at all times during various construction stages and phases.

ESCROW – A deed, bond, money, or a piece of property delivered to a third person to be held by the third person and released to the grantor only upon the fulfillment of a condition. Also see “financial security.”

FARM – Any parcel of land with ten (10) or more acres which is used in the raising of agricultural products, livestock, poultry, or dairy products, including necessary farm structures and the storage of equipment customarily incidental to the primary use.

FEMA – The Federal Emergency Management Agency (FEMA).

FENCE – See the definition provided in the Township Zoning Ordinance, Article 2 Section 201, as adopted and amended.

FIELD ACCESS – A private cartway contained on a farm that provides access to agricultural uses but not to any dwelling that may be contained on the farm.

FILL – The depositing of land, whether submerged or not, and gravel, earth, or other materials of any composition whatsoever.

FINAL PLAN – See “plan, final.”

FINANCIAL SECURITY – Any financial security which may be accepted in lieu of certain improvements being made prior to approval and recording of a final plan, pursuant to §509 of the Pennsylvania Municipalities Planning Code, as adopted and amended.

FLAG LOT – See “lot, flag.”

FLOODPLAIN – Land adjoining a river or stream that has been or may be expected to be inundated by the flood waters of the river or stream, or any area subject to the unusual and rapid accumulation of surface waters from any source. Floodplains include any areas delineated within the 100-year flood boundary or as a special flood hazard area on a map prepared by the FEMA.

FOOTCANDLE – A unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), measurable with an illuminance meter (also known as a light meter).

FRONTAGE – See “street frontage.”

GEOTECHNICAL ENGINEER – A professional engineer licensed as such by the Commonwealth of Pennsylvania who has training and experience in geotechnical engineering.

GLARE – Excessive brightness in the field of view that is sufficiently greater than that to which the eyes are adapted, to cause annoyance or loss in visual performance and visibility so as to jeopardize health, safety, or welfare.

GRADE – The inclination of the land's surface from the horizontal, as it exists or as rendered by cut and/or fill activities. Road grade refers to the rate of rise and fall of a road surface, measured along the center line of the cartway.

GRADING PLAN – A plan prepared by a registered professional which depicts all existing and proposed ground features as described by materials, grades, contours, and topography.

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.

GROUND COVER – A planting of low-growing plants that in time forms a dense mat covering the surface of the land, preventing soil from being blown or washed away.

GUTTER – A shallow drainage channel made of concrete or similar construction materials. Gutters are typically set along a curb or the pavement edge of a road for purposes of catching and carrying runoff water.

HEARING – See “public hearing.”

IMPERVIOUS SURFACE OR IMPERVIOUS AREA – See the definition provided by the Township Stormwater Management Ordinance, Article 2, as adopted and amended.

IMPERVIOUS SURFACE RATIO – The total area of a lot or site occupied by impervious surfaces, divided by the lot or site area.

IMPROVEMENTS – Physical changes to land, including but not limited to grading, removal of vegetation, buildings, landscaping, pavement, curbs, gutters, storm sewers and drains, changes to existing watercourses, sidewalks, street signs, monuments, water supply facilities and sewage disposal facilities.

TYPE OF IMPROVEMENTS:

IMPROVEMENTS, OFF-SITE – Public improvements which are not on-site improvements and that serve the need of more than one development.

IMPROVEMENTS, ON-SITE – All improvements constructed on an applicant's property, or the improvements constructed on the abutting property necessary for the ingress and/or egress to the applicant's property, and required to be constructed by the applicant pursuant to regulations within this Ordinance.

IMPROVEMENTS, PRIVATE – All improvements or related facilities to be constructed on an applicant's property that will be operated and maintained by a private entity, but which must be constructed in accordance with the the provisions as required by this Ordinance.

IMPROVEMENTS, PUBLIC – All improvements or related facilities to be dedicated and/or maintained by the Township.

ISLAND – A raised area in a street, usually curbed, placed to guide traffic and separate lanes, or used for landscaping, signs, or lighting.

LAND DEVELOPMENT – Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - a) A group of two (2) or more residential or 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.
 - b) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
2. Subdivision of land.
3. The following shall not be considered a land development in accordance with §503(1.1) of the MPC, 53 P.S. §10503(1.1), as adopted and amended:
 - a) The conversion of an existing single-family detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.
 - b) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
 - c) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this exemption, 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 the initial plans for the expanded area have been approved by the Township.

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

LANDSCAPE ARCHITECT – A landscape architect registered by the Commonwealth of Pennsylvania. See "registered professional."

LANDSCAPE PLAN – A plan prepared by a registered professional identifying proposed landscape features, materials, and vegetation. The requirements of a landscape plan are identified in this Ordinance.

LAND USE ORDINANCES – Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the MPC.

LANE – See “type of streets” within the street definition provided below.

LATERAL – Pipes for utilities connecting individual buildings to larger pipes, mains, trunks, or interceptors that typically are located in street rights-of-way.

LOADING BERTH OR LOADING SPACE – Any off-street space or berth, abutting a street, way, or other appropriate means of access, intended for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

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

LOT LINE TYPES – See the definition provided in the Township Zoning Ordinance, Article 2, Section 201, as adopted and amended. Lot lines include front, side, and rear.

LOT LINE REVISION or REDIVISION – See “subdivision, lot line revision.”

LOT OF RECORD – A lot described in a deed, or shown on a plan of lots, which has been recorded with Perry County.

LOT TYPES – See the definition provided in the Township Zoning Ordinance, as adopted and amended. Lot types include corner lots, double frontage, and interior lots.

MAILED NOTICE – Notice given by a municipality by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

MAIN – The principal artery of a continuous piping system to which branches may be connected.

MAINTENANCE GUARANTEE – A guarantee of facilities, improvements or work to insure the correction of any failures of any improvements required pursuant to this Ordinance.

MEDIAN – A portion of a divided roadway separating lanes of traffic proceeding in opposite directions.

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

MANUFACTURED/MOBILE HOME – A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) 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.

MANUFACTURED/MOBILE HOME LOT – A parcel of land in a manufactured/mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single manufactured/mobile home.

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

MODIFICATION – A change granted to an applicant/developer by the Township Board of Supervisors to the minimum standards of this Ordinance and in accordance with §512.1 of the Pennsylvania MPC. Said change may be granted only when the literal compliance with mandatory provisions of this Ordinance is demonstrated by the developer to be unreasonable, to cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results.

MPC – See “Pennsylvania Municipalities Planning Code.”

MUNICIPAL AUTHORITY – A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the “Municipality Authorities Act of 1945.”

MUNICIPALITY – Howe Township, Perry County, Pennsylvania.

NONCONFORMING LOT – Any lot, the area or dimension of which was lawful prior to the adoption or amendment of the Township Zoning Ordinance, but fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

OPEN SPACE – See “common open space.”

OWNER – See “landowner.”

PA DEP – Pennsylvania Department of Environmental Protection.

PARCEL – See “lot.”

PARKING SPACE – A portion of a parking area, surface, or garage designed for the parking of one motor vehicle in accordance with the requirements of this Ordinance.

PAVING – A hard wearing road surface such as black top/macadam or concrete, or any combination thereof, but not including a dirt or gravel surface. “Paving” shall not include tar and chip and other similar practices.

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION (PENNDOT) – The Department of Transportation of the Commonwealth of Pennsylvania or any agency successor thereto.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC) – Act of 1968, P.L. 805, No. 247, as reenacted and amended December 21, 1988, by Act of 1988, P.L. 1329, No. 170.

PERCOLATION (PERC) TEST – See “soil percolation test.”

PERFORMANCE GUARANTEE – See “financial security.”

PERMIT, DRIVEWAY – A permit issued by the Township Designated Official for the penetration and occupancy of the right-of-way of any street by the installation and construction of a driveway therein. In addition, a State Highway Occupancy Permit shall be required on State roads.

PERSON – Individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided that person does not include, or apply to, the Township or to any department or agency of the Township.

PLANNING MODULE COMPONENTS (PMC) – An application for sewage facilities planning for all land development requiring revision of the Comprehensive Official Sewage Facilities Plan which is submitted to Perry County.

PLAN, FINAL – The plan of a proposed subdivision or land development including all supplemental information required by this Ordinance. See also “Site Layout Plan.”

PLAN, PRELIMINARY – The plan of a proposed subdivision or land development, including all supplemental information required by this Ordinance. See also “Site Layout Plan.”

PRE-APPLICATION CONFERENCE: An initial meeting between developers and the zoning office, codes enforcement, and/or municipal engineer which affords applicants and/or developers the opportunity to informally present their development proposal(s).

PRIVATE STREET – See “street, private.”

PROFESSIONAL CONSULTANTS – Persons who provide expert or professional advice, including but not limited to architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, or planners.

PUBLIC – Owned, operated, or controlled by a government agency; may be federal, state, county, or local.

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

PUBLIC IMPROVEMENTS – See “improvements, public.”

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

REGISTERED PROFESSIONAL – An individual licensed in the Commonwealth of Pennsylvania to perform services or activities required by provisions of this Ordinance and qualified by training and experience to perform the specific services and/or activities with technical competence.

REPORT – Any letter, review, memorandum, compilation, or similar writing made by any 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. 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.

RETAINING WALL – A vertical structure composed of approved building materials and constructed for the purpose of supporting a cut or filled embankment which is more than three (3) feet in height, as measured on the exposed vertical surface of the wall.

RIGHT-OF-WAY – Any street, avenue, boulevard, highway, sidewalk, alley, or similar place which is owned by a governmental entity and/or the general public, and may include an area beyond the paved or finished surface portion thereof. In the case of a private street, there shall be a deemed right-of-way equivalent to a public street or equivalent cartway width.

SEDIMENTATION – A deposit of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion.

SEWAGE DISPOSAL SYSTEM, ON-SITE – An installation on an individual lot which utilizes an aerobic bacteriological process for the elimination of solid wastes and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction, as permitted by PADEP.

SEWAGE, PUBLIC – The collection of sewage by underground pipes draining to a disposal plant in a system operated by a public authority.

SHOULDER – The portion of a street, contiguous to the main traveled portion, for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses and pavements.

SIGHT DISTANCE – The maximum distance of unobstructed vision in a horizontal or vertical plane from within an automobile located at any given point on a street.

SIGHT TRIANGLE – See “clear site triangle.”

SIGN – See the definition provided in the Township Zoning Ordinance, Article 14, Section 1402.1, as adopted and amended.

SITE – The total land area which is the subject of an application for development.

SITE AREA – The total project area as determined by a survey prepared by a registered surveyor. The total site area may include multiple parcels.

SITE LAYOUT PLAN or SITE PLAN – Preliminary or final plans for subdivision and/or land development applications which are prepared by a registered professional licensed to practice in the Commonwealth of Pennsylvania. The site plan shall be prepared in accordance with the requirements and the design standards of this Ordinance. See also “plan, final” and “plan, preliminary” as defined within this Ordinance.

SKETCH PLAN – A draft plan of a proposed subdivision or other development outlining general, rather than detailed, development intentions and describing the basic parameters of a major development proposal, rather than giving full engineering details.

SLOPE – The degree of deviation of a surface from the horizontal, usually expressed as a percentage or feet per 100 feet of horizontal distance.

SOIL PERCOLATION TEST – A test designed to determine the ability of ground to absorb water, and used to determine the suitability of a soil for drainage or for the use of an on-site sewage disposal system. Percolation tests shall conform to the guidelines established by the Pennsylvania Licensed Sewage Enforcement Officer (SEO).

SPECIFICATIONS, PENNDOT – See “PennDOT Standards”.

STANDARDS, PENNDOT – Current-edition construction specifications promulgated by PennDOT, including but not limited to Municipal Liquid Fuels requirements and Publications 72, 212, 213, and 408, as amended. In the absence of an applicable PennDOT standard, the sole discretion of the Township Engineer shall be followed.

STORMWATER MANAGEMENT FACILITIES – See the definition provided by the Township Stormwater Management Ordinance, “Facility, Conveyance” and “Facility, Erosion and Sediment Control” as adopted and amended.

STORMWATER MANAGEMENT ORDINANCE – The Township Stormwater Management Ordinance as adopted and amended.

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. The term shall not include the word “driveway.”

TYPE OF STREETS:

STREET, ARTERIAL – A public street which serves large volumes of high-speed and long-distance traffic, and includes facilities classified as main or secondary highways by Pennsylvania Department of Transportation (PennDOT).

STREET, COLLECTOR – A public street that, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic from minor streets to community facilities and a major system of arterial streets, including principal entrance streets of a residential development and streets for major circulation within such developments.

CUL-DE-SAC – A street with a single common ingress and egress.

STREET FRONTAGE – The length of a lot line directly bordering and adjacent to a street that is open to vehicular traffic.

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

SUBDIVISION – The division or redivision of a lot, tract, or parcel of land by any means, into two (2) or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings shall be exempted.

SUBDIVISION, LOT LINE REVISION – A subdivision that only involves the revision of lot lines on previously recorded lots of record either for the purpose of transferring land between multiple property owners or consolidating existing lots, but in no instance creating additional lots.

SUBDIVISION, MAJOR – Any subdivision not classified as a simple or minor subdivision; or is proposing the subdivision or development of five (5) or more lots; or involves a planned development, any new street, or the extension of a utility or other Township facility.

SUBDIVISION, MINOR – A subdivision of a parcel into a minimum of three (3) lots or a maximum of four (4) lots, provided that such subdivision does not involve a planned development, any new street, or the extension of a utility or other Township facility.

SUBDIVISION, SIMPLE – The division of one (1) parcel into two (2) lots, both of which are located on a public street, have the area and frontage required by the Zoning Ordinance, and can be serviced by all necessary public utilities. Such subdivision does not involve any new street or the extension of utilities or other municipal facilities.

SUBSTANTIALLY COMPLETED – Where, in the judgment of the Township Engineer, at least ninety (90%) percent (based on the cost of the required improvements for which financial security was posted pursuant to Part 5 of this Ordinance) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.

SUBSTANTIAL IMPROVEMENT, DRIVEWAY – Improvements to a driveway shall be deemed to be substantial: (1) if a previously unpaved driveway is to be paved; (2) if a drainage pipe is to be installed or replaced; (3) if any grading or excavation is to be done within ten (10) feet of a street right-of-way; (4) if the original grade or design of a driveway is to be changed; (5) if a paved driveway is to be re-surfaced; or (6) if any work done or to be done, is likely to create, increase, or otherwise affect stormwater flow or discharge within the cartway or right-of-way of any street.

SURVEY – A precise legal description of a lot and the graphic delineation of precise lot boundaries, dimensions, and areas; all easements and public and private rights-of-way; and north point and graphic scale, affecting the lot, prepared by a professional land surveyor licensed and registered in the Commonwealth of Pennsylvania.

SURVEY MARKER – A metal pipe or pin installed to delineate a specific location along a boundary or property line of a parcel of land or development.

SURVEY MONUMENT – A concrete post installed to delineate a specific location along a boundary or property line of a parcel of land or development.

TEMPORARY DRIVE – A private cartway, intended to be temporary, providing vehicular access between a street and any temporary or short term use that does not require a land development plan such as but not limited to removal of fill, sewage testing, timbering, and surveying.

TOWNSHIP DESIGNATED OFFICIAL – An individual appointed by the Board of Supervisors having the responsibility of administering and enforcing the terms and provisions of this Ordinance. Different and/or multiple individuals may be appointed for the administration and enforcement of the same or different tasks.

TRAFFIC IMPACT STUDY – A study completed by a traffic engineer or planner, at the request of the Township Planning Commission or as required by this Ordinance, which evaluates the impacts a development will have on the transportation system.

UTILITY – Utilities include, but are not limited to, electric, water, stormwater conveyance systems, phone, gas, and cable lines.

WAIVER – A relinquishment of a minimum standard granted to an applicant/developer by the Township Board of Supervisors in accordance with §512.1 of the Pennsylvania MPC and provided for by this Ordinance.

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 – See the definition provided in the Township Zoning Ordinance, Article 2, Section 201, as adopted and amended.

ZONING DISTRICT – See the definition provided in the Township Zoning Ordinance, Article 3, Section 301, as adopted and amended.

ZONING OFFICER – See the definition provided in the Township Zoning Ordinance, Article 2, Section 201, as adopted and amended.

ZONING ORDINANCE – The Zoning Ordinance of Howe Township as adopted and amended by the Township Board of Supervisors.

ZONING PERMIT – A document issued by the Zoning Officer indicating that a proposed use or development will comply with all applicable requirements of the Township Zoning Ordinance, Article 17, Section 1704, and authorizing the applicant to proceed to obtain all required Building Permits.

Article 3 – Application Procedures and Modifications

Section 301: General

- A. The purpose of this Article is to specify the procedures for review and approval of proposed subdivisions and land developments. The five (5) types of approval include:
 - 1) Lot Line Revision Approval
 - 2) Simple Subdivision Approval
 - 3) Minor Subdivision Approval
 - 4) Major Subdivision and/or Land Development Preliminary Approval
 - 5) Major Subdivision and/or Land Development Final Approval
- B. The review of an application for completeness shall not constitute a waiver of any deficiencies, irregularities, or required items not submitted.
- C. All fees for application processing, staff, and engineering review shall be paid at the time the application is submitted. The application shall be judged incomplete until all such fees, escrow deposits, and guarantees are certified as paid.
- D. All applications shall demonstrate conformance with the design standard requirements of this Ordinance.
- E. After the official filing of an application and while a decision is pending, no change in any zoning, subdivision, or other governing ordinance or plan shall affect the decision on the application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances and plans on the official filing date.
- F. Applicants shall forward all applications for subdivision and land development to Perry County Planning Commission for review and report. Such application may include a fee in an amount sufficient to cover the cost of the review and report. The municipality shall not approve any such application until the Perry County Planning Commission report has been received or until the expiration of thirty (30) days from the date the application was forwarded to the county.

Section 302: Lot Line Revision

- A. Lot Line Revision Applicability. The following shall apply for all lot line revision applications that fulfill the following requirements:
 - 1) The subdivision only involves the revision of lot lines on previously recorded lots of record, either transferring land between multiple property owners or consolidating existing lots, but in no instance creating additional lots.
 - 2) The subdivision does not involve any new public or private streets, or the extension of a utility or other public improvements.
- B. Simple Subdivision Applicability. The following shall apply for all simple subdivision applications that fulfill the following requirements:

- 1) The subdivision proposes to divide one (1) parcel into two (2) total lots, both of which are located on a public street, have the area and frontage required by the Zoning Ordinance, and can be serviced by all necessary public utilities.
 - 2) The subdivision does not involve any new public or private streets, or the extension of a utility or other public improvements.
- C. Submission requirements. Applications for lot line revisions and simple subdivisions shall submit all materials as required within Table 4-1 (§402) of this Ordinance.
- D. Procedures. Applications for lot line revisions and simple subdivisions shall follow the procedures listed below and shall only require final approval of the application:
- 1) An application for lot line revision or simple subdivision shall be filed with the Township, on forms as prescribed by the Township, at least Twenty-one (21) days prior to the regular meeting of the Township Planning Commission. Any re-submissions shall be filed at least twenty-one (21) days prior to the regular meeting of the Township Planning Commission.
 - 2) Upon receipt of an application, the Township Secretary shall review the application for completeness within ten (10) days of its receipt. If not returned within ten (10) days of receipt, the application shall be assumed to be complete.
 - a) The Township Secretary shall review the application to determine whether all materials as required by Table 4-1 (§402) of this Ordinance and any other relevant Township Ordinances have been submitted by the applicant.
 - b) Incomplete applications shall be returned to the applicant with a letter detailing the required items not submitted.
 - c) The review of completeness shall not include a technical review of the submitted material.
 - 3) The official filing date for a complete lot line revision or simple subdivision application shall be the date of the next regular Township Planning Commission meeting following the receipt of the application and payment of the applicable filing fee, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application for development, the official filing date shall be the thirtieth (30th) day following the day the complete application for development is filed.
 - 4) Lot line revision and simple subdivision applications shall be reviewed by the Zoning Officer for conformance with the provisions of this Ordinance.
 - a) The Township Secretary shall forward the application to the Township Engineer for review and comment.
 - 5) The Zoning Officer or designated Township staff shall submit a report and recommendation on the application to Township Board of Supervisors at the next regular Township Board of Supervisors meeting following the official filing date.
 - 6) The Township Board of Supervisors shall render its decision not later than ninety (90) days following the official filling date.
 - 7) Actions. Taking into consideration the recommendations of the Township Engineer and the County Planning Agency, the Township Board of Supervisors shall take one of the following actions:
 - a) Approve the application.

- b) Approve the application with conditions. An application may be granted preliminary approval subject to specific conditions related to the provisions of the SALDO and/or Zoning Ordinances. These conditions shall be included in the written communication to the applicant. In addition, such written communication shall include notification that unless the applicant agrees to the conditions, then the application is denied in accordance with this Ordinance.
 - c) Disapprove the application on the basis that it does not comply with specific standards and regulations set forth in this Ordinance.
- 8) Failure of the Township Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required by law shall be deemed a preliminary approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time.
- a) Time Extension. If the Township Board of Supervisors and applicant mutually agree to additional time to consider the application for approval, the applicant shall be requested to waive the ninety (90) day time limitation established by law, and grant the Township Board of Supervisors an additional review period.
- 9) Notice of Decision. The decision of the Township Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him/her at his/her last known address not later than fifteen (15) days following the decision, as required by the MPC.

Section 303: Minor Subdivision Approval

- A. Applicability. The following shall apply for all minor subdivision applications that fulfill the following requirements:
- 1) A subdivision of a parcel into three (3) to four (4) lots.
 - 2) The subdivision does not involve a planned development.
 - 3) The subdivision does not involve any new public or private streets, or the extension of a utility or other public improvements.
- B. Any additional subdivision of a tract from which a minor subdivision has already been formed shall be deemed a major subdivision with the exception of lot line revisions or simple subdivisions.
- C. Submission requirements. Minor subdivision applications shall submit all materials as required within Table 4-1 (§402) of this Ordinance.
- D. Procedures. Applications for minor subdivision shall follow the procedures listed below and shall only require final approval of the application:
- 1) An application for preliminary approval shall be filed with the Zoning Officer, on forms as prescribed by the Township, at least twenty-one (21) days prior to the regular meeting of the Township Planning Commission. Any re-submissions shall be filed at least twenty-one (21) days prior to the regular meeting of the Township Planning Commission.
 - 2) Upon receipt of an application, the Township Secretary shall review the application for completeness within ten (10) days of its receipt. If not returned within ten (10) days of receipt, the application shall be assumed to be complete.

- a) The Township Secretary Officer shall review the application to determine whether all materials as required by Table 4-1 (§402) of this Ordinance and any other relevant Township Ordinances have been submitted by the applicant.
 - b) Incomplete applications shall be returned to the applicant with a letter detailing the required items not submitted.
 - c) The review of completeness shall not include a technical review of the submitted material.
- 3) The official filing date for complete preliminary approval applications shall be the date of the next regular Planning Commission meeting following the date of receipt and payment of the applicable filing fee, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application for development, the official filing date shall be the thirtieth (30th) day following the day the complete application for development is filed.
 - 4) The Township Secretary shall forward complete applications to the Township Engineer and Planning Commission for review.
 - 5) Upon receipt of the complete application, the Township Engineer shall review the plans for conformance with the provisions of this Ordinance. The Township Engineer shall submit a report and recommendation on the application to the Township.
 - 6) The Township Planning Commission shall make a written recommendation to the Township Board of Supervisors. Such recommendation shall include a recommendation for approval, approval with conditions, or disapproval of the application for preliminary approval. The Township Planning Commission shall also provide the reasons for its recommendation and in the case of a recommendation for disapproval, shall cite the specific requirements of the SALDO, Zoning Ordinance or other applicable codes which have not been met.
 - 7) Unless an extension is granted in writing by the applicant, the Township Board of Supervisors shall render its decision no later than ninety (90) days following the official filing date. Notice of the decision shall be communicated to the applicant as provided below.
 - 8) Actions. Taking into consideration the recommendations of the Planning Commission, Township Engineer, and the County Planning Agency, the Township Board of Supervisors shall take one of the following actions:
 - a) Approve the application.
 - b) Approve the application with conditions. An application may be granted preliminary approval subject to specific conditions related to the provisions of the SALDO and/or Zoning Ordinances. These conditions shall be included in the written communication to the applicant. In addition, such written communication shall include notification that unless the applicant agrees to the conditions, then the application is denied in accordance with this Ordinance. Where the plan contemplates a lot addition or lot line adjustment, the Board of Supervisors to condition approval of the plan upon the submission and recording of new deeds to reflect the final configuration and owner of the lots depicted on the approved plan.
 - c) Disapprove the application on the basis that it does not comply with specific standards and regulations set forth in this Ordinance.
 - 9) Failure of the Township Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required by law shall be deemed a preliminary approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time.

- a) Time Extension. If the Township Board of Supervisors and applicant mutually agree to additional time to consider the application for approval, the applicant shall be requested to waive the ninety (90) day time limitation established by law, and grant the Township Board of Supervisors an additional review period.

10) Notice of Decision. The decision of the Township Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him/her at his/her last known address not later than fifteen (15) days following the decision, as required by the MPC.

Section 304: Major Subdivisions and/or Land Development Preliminary Approval

A. Applicability. The following shall apply for all major subdivision or land development applications that fulfill the following requirements:

- 1) The subdivision is not classified as a minor subdivision or is proposing the subdivision of five (5) or more lots.
- 2) The proposed site improvements qualify as land development, as defined herein.

B. Submission requirements. Major subdivision and/or land development applications shall submit all materials as required within Table 4-1 (§402) of this Ordinance.

C. Pre-application Conference/Sketch Plan (Optional)

- 1) Prior to submitting any application, the applicant may at its option participate in a pre-application conference with Township staff. The purpose of this pre-application conference is to review the proposed development and development site to identify the issues which may need to be addressed in the application for preliminary approval. At the pre-application conference the applicant may discuss applicable regulations governing the subdivision or land development of the property and the feasibility and timing of the application. No approval or disapproval shall be given.
- 2) The applicant should provide sufficient information and plans to the Township in order to clearly convey the existing and proposed conditions of the site.
- 3) A pre-application conference shall not constitute formal filing of any application for approval of a subdivision or land development and shall not bind the Township to approve any concept presented in the pre-application meeting.

D. Procedures: Applications for preliminary approval of major subdivision and/or land development shall follow the procedures listed below:

- 1) An application for preliminary approval shall be filed with the Zoning Officer, on forms as prescribed by the Township, at least fifteen (15) days prior to the regular meeting of the Township Planning Commission. Any re-submissions shall be filed at least twenty-one (21) days prior to the regular meeting of the Township Planning Commission.
- 2) Upon receipt of an application, the Zoning Officer shall review the application for completeness within ten (10) days of its receipt. If not returned within ten (10) days of receipt, the application shall be assumed to be complete.
 - a) The Township Secretary shall review the application to determine whether all materials as required by Table 4-1 (§402) of this Ordinance and any other relevant Township Ordinances have been submitted by the applicant.

- b) Incomplete applications shall be returned to the applicant with a letter detailing the required items not submitted.
 - c) The review of completeness shall not include a technical review of the submitted material.
- 3) The official filing date for complete preliminary approval applications shall be the date of the next regular Planning Commission meeting following the date of receipt and payment of the applicable filing fee, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application for development, the official filing date shall be the thirtieth (30th) day following the day the complete application for development is filed.
 - 4) The Township Secretary shall forward complete applications to the Township Engineer and Planning Commission for review.
 - 5) Upon receipt of the complete application, the Township Engineer shall review the plans for conformance with the provisions of this Ordinance. The Township Engineer shall submit a report and recommendation on the application to the Township.
 - 6) The Township Planning Commission shall make a written recommendation to the Township Board of Supervisors. Such recommendation shall include a recommendation for approval, approval with conditions, or disapproval of the application for preliminary approval. The Township Planning Commission shall also provide the reasons for its recommendation and in the case of a recommendation for disapproval, shall cite the specific requirements of the SALDO, Zoning Ordinance or other applicable codes which have not been met.
 - 7) Public Hearing. Before acting on any application, the Township Board of Supervisors may, or if required, hold a public hearing after public notice.
 - 8) Unless an extension is granted in writing by the applicant, the Township Board of Supervisors shall render its decision not later than ninety (90) days following the official filing date. Notice of the decision shall be communicated to the applicant as provided below.
 - 9) Actions. Taking into consideration the recommendations of the Planning Commission, Township Engineer, and the County Planning Agency, the Township Board of Supervisors shall take one (1) of the following actions:
 - a) Approve the preliminary application.
 - b) Approve the preliminary application with conditions. An application may be granted preliminary approval subject to specific conditions related to the provisions of the SALDO and/or Zoning Ordinances. These conditions shall be included in the written communication to the applicant. In addition, such written communication shall include notification that unless the applicant agrees to the conditions, then the application is denied in accordance with this Ordinance.
 - c) Disapprove the preliminary application on the basis that it does not comply with specific standards and regulations set forth in this Ordinance.
 - 10) Failure of the Township Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required by law shall be deemed a preliminary approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time.
 - a) Time Extension. If the applicant agrees to additional time to consider the application for preliminary approval, the applicant may waive the ninety (90) day time limitation established by law, and grant the Township Board of Supervisors an additional review period.

11) Notice of Decision. The decision of the Township Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him/her at his/her last known address not later than fifteen (15) days following the decision, in accordance with the MPC.

- E. Within thirty (30) days of the granting of preliminary approval with conditions by the Township Board of Supervisors, the applicant shall notify the Township in writing of his or her acceptance or rejection of the conditions of approval. If the applicant does not so notify the Township within thirty (30) days of approval, the preliminary approval shall automatically be rescinded without written notice to the applicant.
- F. Expiration of preliminary plan approval. Preliminary plan approval shall expire after five (5) years in accordance with §508(4) (ii) of the MPC, as amended.
- G. When an application for preliminary approval has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application and the terms of §305 of this Ordinance. The final plan must comply with the preliminary plan as well as conditions under which the preliminary plan was approved.

Section 305: Major Subdivisions and/or Land Development Final Approval

- A. Applicability: The following procedures shall be used for all major subdivision or land development applications if the following criteria apply:
 - 1) The major subdivision or land development has previously received preliminary approval from the Township Board of Supervisors.
- B. Submission requirements: Final approval applications shall submit all materials as required within Table 4-1 (§402) of this Ordinance.
 - 1) At the time of the final submission, the applicant shall inform the Township in writing their intentions regarding the completion of the public improvements (see §426 of this Ordinance).
- C. Procedures: Applications for final approval of major subdivision and/or land development shall follow the procedures listed below:
 - 1) An application for final approval shall be filed with the Township, on forms as prescribed by the Township, at least twenty-one (21) days prior to the regular meeting of the Township Planning Commission. Any re-submissions shall be filed at least twenty-one (21) days prior to the regular meeting of the Township Planning Commission.
 - 2) Upon receipt of an application, the Township Secretary shall review the application for completeness within ten (10) days of its receipt. If not returned, the application shall be assumed to be complete.
 - a) The Township Secretary shall review the application to determine whether all materials as required by Table 4-1 (§402) of this Ordinance and any other relevant Township ordinances have been submitted by the applicant.
 - b) Incomplete applications shall be returned to the applicant with a letter detailing the required items not submitted.
 - c) The review of completeness shall not include a technical review of the submitted material.

- 3) The official filing date for complete final approval applications shall be the date of the next regular Planning Commission meeting following the date of receipt and payment of the applicable filing fee, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application for development, the official filing date shall be the thirtieth (30th) day following the day the complete application for development is filed.
- 4) The Township Secretary shall forward complete applications to the Township Engineer and Planning Commission for review.
- 5) Upon receipt of the application, the Township Engineer shall review the plans for conformance with the provisions of this Ordinance. The Township Engineer shall submit a report and recommendation to the Township.
- 6) The Township Planning Commission shall make a written recommendation to the Township Board of Supervisors. Such recommendation shall include a recommendation for approval, approval with conditions, or disapproval of the application. The Township Planning Commission shall also provide the reasons for its recommendation and in the case of a recommendation for disapproval, shall cite the specific requirements of the SALDO, Zoning Ordinance or other applicable codes which have not been met.
- 7) Public Hearing. Before acting on any application, the Township Board of Supervisors may, or if required, hold a public hearing after public notice.
- 8) Unless granted an extension of time in writing by the applicant, the Township Board of Supervisors shall render its decision not later than ninety (90) days following the official filling date. Notice of the decision shall be communicated to the applicant as provided below.
- 9) Actions. Taking into consideration the recommendations of the Planning Commission, Township Engineer, and the County Planning Agency, the Township Board of Supervisors shall take one (1) of the following actions:
 - a) Approve the final application.
 - b) Approve the final application with conditions. An application may be granted preliminary approval subject to specific conditions as related to the provisions of the SALDO and/or Zoning Ordinances. These conditions shall be included in the written communication to the applicant. In addition, such written communication shall include notification that unless the applicant agrees to the conditions, then the application is denied in accordance with this Ordinance. Where the plan contemplates a lot addition or lot line adjustment, the Board of Supervisors to condition approval of the plan upon the submission and recording of new deeds to reflect the final configuration and owner of the lots depicted on the approved plan.
 - c) Disapprove the final application on the basis that it does not comply with specific standards and regulations set forth in this Ordinance.
- 10) Failure of the Township Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required by law shall be deemed a final approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time.
 - a) Time Extension. If the Township Board of Supervisors and applicant mutually agree to additional time to consider the application for final approval, the applicant shall be requested to waive the ninety (90) day time limitation established by law, and grant the Township Board of Supervisors an additional review period.

- 11) Notice of Decision. The decision of the Township Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him/her at his/her last known address not later than fifteen (15) days following the decision, as required by the MPC.
- D. Within thirty (30) days of the granting of final approval with conditions by the Township Board of Supervisors, the applicant shall notify the Township in writing of his or her acceptance or rejection of the conditions of approval. If the applicant does not so notify the Township within thirty (30) days of approval, the preliminary approval shall automatically be rescinded without written notice to the applicant.
- E. No final approval shall be granted unless all required fees and deposits have been paid.
- F. The Township Board of Supervisors at its discretion may approve plans conditionally upon receipt of permits of other agencies, including but not limited to applicable Federal, State, County, and Township permits.
- G. Developer's Agreement. As a condition of final approval, the Township Board of Supervisors shall require that the applicant execute a Developer's Agreement with the Township, in a form acceptable to the Township Solicitor. Such Developer's Agreement shall contain provisions that are reasonably required to guarantee compliance with the conditions of approval, if any, and to guarantee the proper installation of on-site and off-site improvements related to the subdivision or land development. Said Developer's Agreement shall be executed; the required financial security shall be posted or the required public improvements shall be completed; and all required fees shall be paid before the Township Board of Supervisors shall approve and sign the final plan for recording purposes.
- H. Expiration of Final Approval. Final plan approval shall expire after five (5) years of being granted by the Township Board of Supervisors, unless a written extension is requested by the applicant and granted by the Township Board of Supervisors. Any request for extension shall be submitted in writing to the Township Board of Supervisors at least thirty (30) days prior to any prevailing expiration date. Extensions may be granted for one (1) or more six (6) month periods upon a finding by the Township Board of Supervisors that such extension is warranted, in the Board's sole discretion.

Section 306: Approval of Phased Subdivision and Land Development Applications

- A. Where a subdivision or land development is projected to be completed in stages over a period of years, the applicant may submit an application(s) for final approval by phase or stage of development, subject to such requirements or guarantees for public improvements in future phases or stages of development as are essential for the protection of the public welfare and any existing or proposed section or phase of the plan.
- B. All sections or future phases must conform to the preliminary application as previously approved by the Township. Any phase that contains substantive changes in the number of lots or buildings proposed or in the layout of the lots, buildings, or streets previously approved in the preliminary application and does not comply with the application for preliminary approval will require a complete resubmission of the preliminary application in accordance with §304 of this Ordinance.
- C. Where the applicant has submitted an application for preliminary approval calling for the installation of improvements over a period of more than five (5) years, a schedule shall be submitted detailing deadlines within which applications for final plan approval are intended to be filed. The applicant shall update the final plan submission schedule on an annual basis. Any modification to the original schedule shall be subject to the approval of the Township Board of Supervisors.

Section 307: Combined Preliminary and Final Plan Approval

- A. Provided that all requirements of §304 and §305 of this Ordinance are met, an applicant may request simultaneous preliminary and final approval of any subdivision or land development application with the exception of phased subdivisions and/or land developments.

Section 308: Recording of Final Plan

- A. No final plan shall be finally approved unless:
 - 1) The improvements as required by this Ordinance have been installed in accordance with the standards set forth in Article 7.
 - 2) In lieu of the completion of any public improvements, as a condition for the approval of a final plan, the applicant shall provide, for deposit with the Township, a financial security, pursuant to Article 5 of this Ordinance and the MPC.
- B. Upon approval of a final plan by the Township Board of Supervisors, the developer shall, within ninety (90) days of such final approval or within ninety (90) days after the date of delivery of an approved plan signed by the Township Board of Supervisors, following completion of conditions imposed for such approval, whichever is later, record such plan with Perry County Office of Recorder of Deeds in accordance with §513 of the MPC, 53 P.S. §10513, as amended.
- C. Legal, Inspection and Engineering Fees. Upon approval of a final plan by the Township Board of Supervisors, the developer shall pay legal, inspection and engineering fees according to Township fee resolution as updated time-to-time (the fee schedule is available at the Municipal Office).
- D. Upon recording of the final plan with Perry County office of recorder of deed, the developer shall deliver to the Township the following:
 - 1) One (1) digital PDF copy (in a Township-compatible format), and three (3) fully executed paper copies, as recorded and certified by the Perry County office of recorder of deed.
- E. The final plan shall be recorded with the Perry County Office of Recorder of Deeds prior to the sale of any lots or property that is the subject of the final plan.
- F. Until final acceptance and dedication by resolution or ordinance has been duly enacted, no property or other public improvements shown on the final plan shall be deemed a part of the public improvements of the Township, but on the contrary, the same shall be deemed to be private streets, parks, or public improvements until and unless the same have been accepted in accordance with law. No public improvement shall be accepted by the Township unless completed in accordance with Township Codes.

Section 309: Final Plan Approval after Completion of Public Improvements.

- A. The following provisions outline the process for final plan approval after completion of public improvements:
 - 1) Submission of Application. The applicant shall notify the Township Board of Supervisors of the intent to complete the public improvements prior to the completion of the final plan pursuant to §426 of this Ordinance.
 - 2) If the applicant's application for final approval, not including final plan, is approved, the applicant shall complete a developer's agreement in accordance with §305.G of this Ordinance prior to the start of any construction.

- 3) If the applicant's application for final approval, not including final plan, is approved, and the applicant has obtained all other permits required under the Township's Ordinances, and County, State, or Federal agencies, the applicant may proceed to construct the public improvements and other site improvements seventy-two (72) hours after the pre-construction conference. The Zoning Officer shall then authorize the progress inspections in accordance with Article 6 of this Ordinance.
- 4) After the applicant has completed the public improvements indicated in the application for final approval, the applicant shall notify the Township and/or Municipal Authority, in writing, of such completion, and the applicant shall submit, together with the notification of the completion of the public improvements, the original final plan, as required in by §425 of this Ordinance, and thirteen (13) copies of final approval application and materials as required by §402 of this Ordinance.
- 5) Within ten (10) days after the receipt of the submission, the Township or Municipal Authority shall authorize the Township or Authority Engineer to inspect the public improvements and the final plan and indicate to the Township Board of Supervisors or Municipal Authority whether the public improvements comply with applicable codes and statutes and whether the final plan complies with this Ordinance.
- 6) Within thirty (30) days of receiving such authorization, the Township Engineer or Authority shall report to the Township Board of Supervisors or Municipal Authority in writing whether the completed public improvements and final plan comply with the requirements of this Ordinance. The report shall indicate approval or rejection of the improvements, whether in whole or in part, and, in the case of rejection, shall contain a statement of reasons for such rejection.
- 7) Within forty-five (45) days after the submission of the notice of completion of the public improvements and the final plan in compliance with this Ordinance, the Township Board of Supervisors or Municipal Authority shall either approve or disapprove the public improvements. Acceptance of the improvements shall be in accordance with Article 6 of this Ordinance and shall be further subject to the posting of a maintenance guarantee required by §607 of this Ordinance. The Township Board of Supervisors or Municipal Authority shall notify the applicant in writing by certified or registered mail of the approval or rejection of improvements.
- 8) Within ninety (90) days of the submission of the final plan, the Township Board of Supervisors shall either approve, approve with conditions, or disapprove the final plan for recording purposes at a public meeting. The Township Engineer's written report shall be made a part of the record at that meeting. A letter indicating approval, approval with conditions, or disapproval shall be sent to the applicant by regular mail within fifteen (15) days of the date of the decision as required by the MPC. If the final plan is not approved, the Township Board of Supervisors shall specify the defects found in the final plan and shall cite the requirements of this Ordinance, and other applicable Ordinances which have not been met. Approval of the final plan authorizes officers of the Township to affix their signatures to the final plan for recording purposes.

Section 310: Waiver or Modification Application and Approval Procedure

- A. Waiver and Modification Application Requirements. Any request for a waiver or modification of a provision of this Ordinance shall be submitted in writing as part of an application for preliminary or final plan approval. All requests for modification shall be signed by the applicant. The written request shall include:
 - 1) The specific Section of this Ordinance which is requested to be waived or modified.
 - 2) The justification for the waiver or modification, stating in full the grounds and facts of unreasonableness or hardship on which the request is based and shall discuss the minimum modification necessary.

3) Provisions proposed as an alternate to the requirements.

B. Waiver or Modification Application Procedure.

1) An application for a waiver shall be filed with the Township, on forms as prescribed by the Township, as part of an application for preliminary or final plan approval and at least twenty-one (21) days prior to the regular meeting of the Planning Commission. The application shall not be considered complete and properly filed unless or until all items required by §310.A above have been received by the filing date.

2) The Zoning Officer shall review the application to determine whether all materials required by §310.A above and any other relevant Township Ordinances have been submitted by the applicant.

3) The Zoning Officer shall submit one (1) copy of the application and any materials submitted therewith to the following entities for review: the Township Engineer; each member of the Township Board of Supervisors and Planning Commission; and any other appropriate Township personnel or professional consultant.

4) Any revisions, supplements, or amendments to an administratively complete application shall be filed with the Zoning Officer at least fourteen (14) calendar days prior to the date of the Planning Commission meeting in order to be considered at that meeting, or at least fourteen (14) calendar days prior to the date of the Township Board of Supervisors meeting in order to be considered at that meeting.

C. The Township Engineer shall review the application documents to determine compliance with this Ordinance, any other applicable Township regulations and sound engineering practices. The Township Engineer shall prepare a written report of their findings and recommendations to the Township Board of Supervisors thirty (30) days from the official filling date.

D. Township Board of Supervisors Action. The Township Board of Supervisors may approve a waiver or modification application if the applicant demonstrates the following:

1) The literal enforcement of the subject Section(s) of this Ordinance will exact undue hardship because of peculiar conditions pertaining to the land in question.

2) The waiver or modification of the subject Section(s) of this Ordinance will not be contrary to the public interest.

3) The purpose and intent of this Ordinance is observed.

4) An alternative proposal will allow for equal or better results and represents the minimum modification necessary.

E. In approving a waiver or modification application, the Township Board of Supervisors may, in its sole discretion, impose such reasonable conditions as it deems necessary to secure the objectives and purposes of this Ordinance and to protect the public interest. When a waiver is granted with conditions, a statement of the approved waiver, including the imposed conditions, shall be provided on the final plan.

F. A letter indicating approval, approval with conditions, or disapproval shall be in writing and shall be mailed to the applicant's last known address.

G. Modifications or waivers considered by the Township Board of Supervisors under this Section shall relate only to the provisions of this Ordinance. All requests for variances of any aspect of the Zoning Ordinance shall remain within the sole jurisdiction of the Zoning Hearing Board.

H. All modifications and waivers shall be listed on the cover sheet of the approved plan set as required by §404 of this Ordinance.

Article 4 – Submission Requirements

Section 401: General

- A. All applications shall include the contents as required within Table 4-1.
- B. All lot line revision and simple subdivision applications shall include the following number of copies of each submission requirement:
 - 1) Ten (10) copies of the formal application and project narrative.
 - 2) Ten (10) sets of all required plans in a 24" x 36" format.
 - 3) Ten (10) copies of all reports and supplemental material as required by §402 of this Ordinance.
 - 4) A digital copy of all submitted material in a PDF format.
- C. All minor subdivisions, preliminary major subdivision and land developments, and final major subdivision and land development applications shall include the following number of copies of each submission requirement:
 - 1) Ten (10) copies of the formal application and project narrative.
 - 2) Ten (10) sets of all required plans in a 24" x 36" format.
 - 3) Ten (10) copies of all reports and supplemental material as required by §402 of this Ordinance.
 - 4) A digital copy of all submitted material in a PDF format.
- D. All applications shall include any additional information that is required by the Planning Commission, Township Board of Supervisors, Zoning Officer, or Township Engineer to comply with the intent of this Ordinance.
- E. All plans shall be prepared and sealed by a Professional Engineer, Professional Land Surveyor, or Professional Landscape Architect certified and registered by the Commonwealth of Pennsylvania in accordance with the Act of May 23, 1945 (P.L. 913, No. 367), known as the "Professional Engineers Registration Law."
- F. Filing/review fees
 - 1) Review fees shall include the necessary charges by the Township's professional consultants or Township Engineer for review and report to the Township and shall be set by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer, but in no event, shall the fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on Applicants.
 - 2) In the event the Applicant disputes the amount of any such review fees, §503 (1) of the Pennsylvania MPC shall apply.

Section 402: Submission Requirements

- A. Table 4-1 establishes the required contents for each application type based on the following legend:

■ – Required

– Required, if applicable

Blank cells – Not required

- B. The Township Engineer shall determine if the “required, if applicable” materials are mandatory with the submission.
- C. In no event shall a plan submission be deemed to be complete and no time periods shall commence unless and until all required fees have been actually received by the Township.

Table 4-1: Submission Requirement Chart

Submission Requirements		Ordinance Section	Lot Line Revisions & Simple Subdivisions	Minor Subdivisions	Major Subdivisions and Land Development Preliminary Applications	Major Subdivisions and Land Development Final Applications
1	Formal Application & Project Narrative	§403	■	■	■	■
2	Required Statements included within Plan Set	§404		■	■	■
3	Existing Conditions Plan & Sealed Survey	§405	■	■	■	■
4	Site Layout Plan	§406		■	■	■
5	Phasing Plan and Schedules	§407			■	■
6	Circulation and Parking Plan	§408		□	■	■
7	Grading Plan	§409		□	■	■
8	Utility Plan	§410	■	■	■	■
9	Erosion and Sedimentation Plan and Report	§411		□	■	■
10	Stormwater Management Plan and Report	§412		□	■	■
11	Photometric Plan	§413			□	□
12	Landscape Plan	§414			■	■
13	Construction Details	§415			■	■
14	Building Elevations and Other Architectural Drawings	§416			■	■
15	Evidence of Water Service	§417		■	■	■
16	Sewage Facilities Planning Module	§418		□	□	□
17	Traffic Impact Study	§419		□	□	□
18	Geotechnical Report and Slope Analysis	§420		■	■	■
19	Wetland Report	§421	□	■	■	■
20	Proof of Submission to Other County, State, and Federal	§422		□	■	■
21	Profiles	§423			■	■
22	Homeowner's Association By-Laws and other Related Documents	§424				□
23	Final Plan for Recording	§425	■	■	■	■
24	Notification of Intent to Bond	§426			■	■
25	Evidence of Ownership	§427	■	■	■	■

Section 403: Formal Application and Project Narrative

- A. All applications for approval of a subdivision plan or land development plan shall be filed with the Township on forms as prescribed by the Township. The application shall include:
- 1) A detailed narrative describing the proposed project and what action is being requested from the Township.
 - 2) Any waiver or modification requests as required by §310 of this Ordinance.
 - 3) Any applicable deed restrictions, easements, and/or protective covenants.
 - 4) Any application granting approval of any zoning variance, exception, and/or conditional use permit.

Section 404: Required Statements included within Plan Set

- A. All variances, waivers, and/or modifications shall be noted on the cover sheet of the plan set and the final plan for recording as indicated by the following text:
- 1) "On _____ (add date) a variance was granted by the Township Zoning Hearing Board to Ordinance ____ (provide number), Article ____ (provide number), Section ____ (provide number), Subsection ____ (provide number), to allow ____ (described variance granted)."
 - 2) "On _____ (add date) a ____ (select: modification or waiver) was granted by the Township Board of Supervisors to Ordinance ____ (provide number), Article ____ (provide number), Section ____ (provide number), Subsection ____ (provide number), to allow ____ (described modification or waiver granted)."
- B. The registered professional submitting the proposed plan(s) shall attest to the following statements and include the following text on the plan set:
- 1) "To the best of my knowledge, belief and ability and based upon a visual inspection of the surface of the premises as shown hereon, ____ (select: a gas well exists as shown hereon, or no gas well exists)."
 - 2) With a wetland report completed:
 - a) "A wetland exists as shown hereon as delineated in the wetlands delineation report titled ____ (insert title) on ____ (date) by ____ (professional's name)."
 - 3) Or, with no wetland report:
 - a) "To the best of my knowledge, belief, and ability and based upon a visual inspection of the surface of the property, no wetlands exist on the premises as shown hereon."

Section 405: Existing Conditions Plan and Sealed Survey

- A. The Applicant shall submit a survey of the lot certified by a Professional Land Surveyor. The survey shall be at a typical engineering scale that is legible on a twenty-four (24) inch by thirty-six (36) inch sheet. The plan shall be drawn in accordance with standard land surveying practices, and using standard map symbols to clearly indicate the following:
- 1) Name of the proposed project.

- 2) Location map showing the subdivision/land development location within the boundaries of the Township (including major transportation routes, title, north arrow and graphic scale).
- 3) Existing lot lines, adjacent lot owner(s) names, lot and block numbers, and recorded subdivision name with recording information.
- 4) Name, address of current land owner(s), applicant, and firm that prepared the survey.
- 5) The entire existing lot boundary with bearings and distances as surveyed.
- 6) The total acreage of the entire existing land.
- 7) A legend depicting all symbols and abbreviations used on the sheet.
- 8) Zoning information to include, but not limited to: district, minimum lot size, density, requirements.
- 9) Streets abutting the lot, indicating names, right-of-way widths and cartway widths and ownership (federal, state, county, municipal or private).
- 10) Existing and proposed easements, indicating location, width, purpose and lessee.
- 11) Location of existing buildings, sanitary sewer, storm sewer, water, gas, petroleum and high pressure gas lines indicating line size, manholes, fire hydrants, utilities and other visible elements in the system on or within 200' of the lot proposed to be developed.
- 12) Existing contours at a minimum vertical interval of two (2) feet.
- 13) A description of the lot locating proposed, existing and pre-existing gas and oil wells, location maps, dates of operation, and lease holder(s) shall be provided.
- 14) The location of all existing wetlands as identified in the Wetland Report, if applicable.
- 15) Where practical, datum to which contour elevations reference shall refer to known, established elevations.
- 16) Monument and marker locations.
- 17) All existing vegetation on site.
- 18) All features (including vegetation) that will be removed in accordance with the proposed land development, if applicable.
 - a) The total area in which vegetation will be removed shall be graphically highlighted and noted on the sheet.
- 19) A slope analysis that depicts the location of all steep slopes as defined in this Ordinance. All areas equal to or exceeding the defined steep slope gradient shall be depicted with shading, hatching, or a pattern.

Section 406: Site Plan

- A. The Site Layout Plan shall be provided in an accurate and final form. Site Plans shall be submitted on sheets measuring twenty-four (24) inches by thirty-six (36) inches. Where necessary to avoid sheets larger than the maximum size prescribed above, final site plans shall be drawn on multiple sheets and accompanied by a key diagram showing relative location of the sections.

- B. All Site Plans shall also include the following elements:
- 1) Title block, legend, the name and location of the subdivision or land development, the plan date, and the date of any revisions.
 - 2) The name and plan book volume and page numbers of the previously recorded plan, if any.
 - 3) The name, address, and phone number of the owner of record and the developer.
 - 4) The name, address, and phone number of the firm that prepared the plans, and the name, seal, and registration number of the surveyor who prepared the plan.
 - 5) Sheet number, North arrow, and graphic scale.
- C. Site plan features. All site plans shall include building locations, parking areas, roads and access drives in accordance with this Ordinance and the Township Zoning Ordinance. In addition, all site plans shall depict the following:
- 1) Tract boundaries shall be determined by field survey only and shall be balanced and closed.
 - 2) Tract boundaries, lots, right-of-way lines of streets, easements and other right-of-way lines with accurate distances to one-tenth (0.1) inch and bearings to one-fourth (.25) of a minute. Surveys shall be prepared in accordance with industry standards.
 - 3) Complete curve data for all horizontal curves included in the final plan, including radius, arc length, chord bearing, and chord distance.
 - 4) Location, type, and size of all monuments and lot line markers. State whether found, set, or to be set.
 - 5) Approved street names and street right-of-way widths.
 - 6) All setbacks and yard requirements as specified by the Township's Zoning Ordinance.
 - 7) Lot numbers, lot dimensions, lot areas in square feet, and building setback lines.
 - 8) Tabulation of existing and proposed site data including but not limited to: total acreage of land to be subdivided, the number of lots, the acreage of individual lots; the acreage of the subdivision, all zoning area requirements, the acreage of proposed open space and recreation areas, the number of required and proposed parking spaces, and the number of accessible parking spaces.
 - 9) Lot and block or tax map parcel numbers.
 - 10) All proposed and existing utilities.
 - 11) Easements and rights-of-way for all public and private improvements and stormwater facilities, including widths, purposes, and limitations, if any.
 - 12) Accurate dimensions, acreage, and purpose of any property to be reserved as public or common open space.
 - 13) Indication of planning of adjacent property and the names of the adjacent property owners.

- D. Site plans which require access to a road under the jurisdiction of the PennDOT shall contain a notice that, before driveway access is permitted, a highway occupancy permit is required in accordance with the Act of June 1, 1945, known as the "State Highway Law."
- E. Site plans shall include all delineated wetlands and oil/gas wells located on the site.

Section 407: Phasing Plan and Schedules

- A. If the Applicant intends to develop land in phases, a Phasing Plan shall be required showing total lot phasing and associated public improvements. If a subdivision and/or land development is planned as a phased development, the plan shall specify how many phases, phasing boundaries, and the proposed time frame necessary to complete each phase.
- B. Where the Applicant proposes the development of a subdivision or land development in separate phases over a period of years, the Township authorizes submission of the final plan applications subject to guarantees that public improvements will be provided in future phases.
- C. All applications for final approval of future phases must conform to the preliminary plan application as previously approved by the Township. Any phase that contains substantive changes to the previously approved preliminary plan will represent a major modification to the application and will require complete resubmission of the preliminary plan application in accordance with this Ordinance.
- D. Each phase, except for the last phase, shall contain a minimum of twenty-five (25%) percent of the total number of dwelling units as depicted on the preliminary site plan unless the Township approves a lesser percentage for one (1) or more of the phases.

Section 408: Circulation and Parking Plan

- A. The Applicant shall submit a circulation and parking plan demonstrating how the off-street parking requirements will be met and include the following information:
 - 1) The plan shall illustrate all existing and proposed parking for the development.
 - 2) The plan shall provide parking space counts for each parking area.
 - 3) The plan shall depict the size and location of bays, aisles, barriers, and access points into and out of the parking areas.
 - 4) The plan shall depict the proposed direction of movement and illustrate circulation routes and turning radius for all emergency vehicles and any service vehicles that will be entering the development.
 - 5) The preliminary parking plan shall conform to the drawing standards as outlined for the preliminary site plan.

Section 409: Grading Plan

- A. The applicant shall submit a grading plan that illustrates all existing and proposed earthwork. The final grading plan shall also clearly delineate the following:
 - 1) The proposed center line gradient of streets, including grades at intersections.
 - 2) Spot elevations and final floor elevations for all proposed improvements.

- 3) The existing and proposed contours of the lot(s). The grading plan's contour interval shall be as follows:
 - a) Not more than two (2) foot intervals where the slope will be less than fifty (50%) percent.
 - b) Not more than ten (10) foot intervals where the slope will be greater than fifty (50%) percent.
- 4) Spot elevations at all existing and proposed catch basins, manholes, headwalls, and other drainage structures as shown in the post-construction stormwater management plan.
- 5) Grading within or near a stream bank and/or floodplain area must be noted, and if applicable, the impact the grading will have on the floodplain.

Section 410: Utility Plan

- A. A utility plan shall be provided indicating all proposed and existing utility locations and related easements. Utilities include, but are not limited to, electric, water, sewer, stormwater conveyance systems, phone, gas, and cable lines.

Section 411: Erosion and Sedimentation Plan and Report

- A. As required by PA DEP and filed with the County Conservation District, a copy of the erosion and sedimentation plan and report including a copy of the transmittal letter shall be provided.
- B. NPDES authorization letter shall be provided, upon receipt.

Section 412: Stormwater Management Plan and Report

- A. As required by the Township's Stormwater Management Ordinance, the post-construction stormwater management plans and report shall be submitted.

Section 413: Photometric Plan

- A. The photometric plan shall depict the average illumination value of all proposed and existing lighting fixtures measured at the final proposed grade.
- B. The plan shall include a computer-generated lighting model with point-by-point illumination of all areas within a proposed land development site.
- C. The lighting model shall include buildings, structures, parking areas, and lot lines and shall be provided at the same scale as the site plan.

Section 414: Landscape Plan

- A. A landscape plan shall be provided for all land development applications and shall contain the following:
 - 1) All proposed/existing structures and paved areas.
 - a) Proposed and existing elements depicted on the site plan shall be screened and added as a background element.
 - 2) All required buffer yards and planting screens, including the placement, quantity, species and initial size of all proposed plant materials, and the placement, size, materials, and type of all fences to be placed in such areas.

- 3) All proposed vegetation and planting beds.
 - a) The landscape plan shall accurately identify the location and scale of the proposed species at seventy-five (75%) percent maturity.
- 4) Any existing trees or vegetation which are to be preserved.
- 5) A planting schedule that communicates the common name, scientific name, quantity, and condition of all proposed vegetated material.
- 6) Table(s) that demonstrates compliance with the buffer yard and/or landscaping provisions of this Ordinance.
- 7) Appropriate landscape details, notes, specifications, and methods of protecting existing vegetation.
- 8) Construction details that specify the installation of all proposed plant material.
- 9) Clear sight triangles as required by this Ordinance shall be depicted on all landscape plans.

Section 415: Construction Details

- A. Construction details shall be provided for all construction in accordance with applicable PennDOT standards. Details shall include but not be limited to utilities, pavement, walls, and landscaping.

Section 416: Building Elevations and Other Architectural Drawings

- A. Building elevations and other architectural drawings shall be provided for all proposed buildings other than single family residential.
- B. Elevations and drawings shall be illustrated to scale and show the front, rear, and side facades of all proposed buildings including building's architectural features, exterior building materials, colors, and/or finishes.
- C. The drawings or elevations shall indicate the height of the building in feet and number of stories and the building's relationship to the finished grade immediately surrounding the building.
- D. Architectural plans shall depict the interior arraignment and use of all proposed structures.

Section 417: Evidence of Water Service

- A. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision and/or land development, applicants shall present evidence to the Township Board of Supervisors that the subdivision and/or land development is to be supplied by an appropriate public or private entity.

Section 418: Sewage Facilities Planning Module

- A. Where applicable, a Sewage Facilities Planning Module shall be the responsibility of the Applicant and shall be prepared in accordance with the rules and regulations of the PA DEP.
- B. A copy of the transmittal letter and approval of any Planning Modules, exemptions, revisions and supplements shall be provided upon receipt.

Section 419: Traffic Impact Study

- A. A traffic impact study shall be submitted to the Township pursuant to the requirements of this Section when:
- 1) A proposed land development or subdivision is expected to generate, on average: (1) 100 or more peak hour trips on any adjacent street; or (2) 1,000 or more average daily trips (ADT) on any adjacent street. The estimated number of trips shall be determined by an analysis of similar uses through data collected by the Institute of Transportation Engineers (ITE) or through similar uses acceptable to the Township.
 - 2) In the opinion of the Township Engineer, the proposed development or change in use is expected to have a significant impact on street-related safety or traffic flow, necessitating further evaluation.
- B. Study Requirements.
- 1) When a traffic impact study is required by this Ordinance or any other Township ordinance, the study shall comply with the requirements of this Section. The study scope, study area, and methodology shall be approved by the Township Traffic Engineer prior to the initiation of the study. A scoping meeting may be required as determined by the Township Traffic Engineer or if required by PennDOT.
 - 2) The traffic impact study shall be conducted by an engineer that has verifiable experience in traffic engineering and preparing traffic impact studies. The traffic impact study shall be prepared in accordance with: the ITE's *Recommended Practice Traffic Access and Impact Studies of Site Development, current edition*; *PennDOT Publications 201, 282* and the *Policy and Procedures for Transportation Impact Studies, current editions*; and the requirements contained in this Section.
 - 3) The full cost of completing the traffic impact study and of all reviews by the Township Traffic Engineer and other Township officials and professional consultants shall be borne by the applicant.
 - 4) Upon submission of a draft study, the Township may review the data sources, methods, and findings and provide comments in written form. The applicant will then have the opportunity to incorporate the necessary revisions prior to submitting a final study.
- C. Study Contents. The traffic impact study shall include the following, if appropriate as determined by the Township:
- 1) A brief description of the proposed project in terms of land use and magnitude.
 - 2) An inventory and analysis of existing roadway and traffic conditions in the area of the site.
 - 3) Proposed site-generated traffic volumes in terms of:
 - a) An analysis of future traffic conditions.
 - b) A description of future levels of service (LOS) and their compliance with standards for traffic capacity of streets, intersections and driveways. New streets shall be designed for adequate traffic capacity defined as follows:
 - (i) Traffic capacity LOS shall be based upon future design year analysis.

- (ii) New or modified (a new approach created) unsignalized intersections or driveways which intersect streets shall be designed for LOS C or better for each approach.
 - (iii) New or modified (a new approach created) signalized intersections shall be designed for LOS C or better for each approach and overall intersection.
 - (iv) All existing unsignalized and signalized intersections impacted by development traffic, which do not fall under the criteria of subparagraphs (2) and (3) above, shall operate at LOS D or better for each approach.
 - (v) All references to LOS shall be defined by the *Highway Capacity Manual, Special Report 209, current edition*, published by the Transportation Research Board.
 - (vi) These standards may be waived by the Township if sufficient evidence is provided that criteria cannot be met with reasonable mitigation.
- c) A description and analysis of the proposed access plan and site plan including:
- (i) Access plan including analysis of required sight distances using PennDOT criteria and description of the access ways, location, geometric conditions, and traffic control.
 - (ii) On-site circulation plan showing parking locations and dimension, loading access circulation roadway, and traffic control.
- d) Traffic circulation mitigating action plan shall include:
- (i) Project features relative to site access and on-site circulation which could be modified to maximize positive impact or minimize negative impact.
 - (ii) Off-site improvement plan depicting required street and signal installation and signing improvements to meet the minimum LOS requirements.
- D. Final Study Report. A final study report must be prepared to document the results of the traffic impact study and the recommended improvements to accommodate the projected traffic due to the proposed subdivision, land development, and/or change in use. Provide an executive summary, which provides a concise description of the study area, result of the traffic analysis and any recommended improvements. The presentation of data and analyses should be accomplished on schematic diagrams of the study area and the use of charts and/or tables. All sources of data and methodologies that were used in the study must be properly referenced and documented. Provide all computer output and calculations in appendices. Provide electronic PDF copies of the report, figures, tables, appendices, as well as electronic versions of the capacity analyses.
- E. Completion of Traffic Control Devices and Other Traffic Improvements. Whenever, as a result of additional traffic generated by a proposed land development, subdivision, and/or change in use, the traffic impact study determines the need for traffic signal(s), regulatory sign, traffic control device(s), additional traffic lane(s) (including, but not limited to, acceleration, deceleration or turning), and/or other traffic improvements, to be constructed on the applicant's property or on the property abutting the applicant's property, the applicant shall, as a condition of approval, agree to construct the improvements at the applicant's cost, or in lieu thereof, and with the written consent of the Township, reimburse the Township for the cost of the improvements.

Section 420: Geotechnical Report and Slope Analysis

A professional geotechnical engineer licensed in the Commonwealth of Pennsylvania shall complete a quantitative slope stability analysis of proposed slopes and embankments that exceed 2:1. At its discretion, the Township Board of Supervisors may require the applicant to provide a geotechnical report if, additional subsurface conditions and/or landslide prone soils are present on the site area.

Section 421: Wetland Report

- A. The applicant shall submit an absence/presence wetland report for all land development projects signed and certified by a qualified professional.
- B. If a wetland is located on the site as indicated by visual inspection or an absence/presence report, the applicant shall submit a wetland delineation study prepared by a qualified professional. The purpose of the study shall be to determine the extent of wetlands on the site.
 - 1) Qualified professionals should possess a minimum of a bachelor's degree in biology, botany, zoology, ecology, or environmental sciences. In general, other professionals, such as engineers, landscape architects, surveyors, planners, and geologist are not considered fully qualified to perform wetland delineations, unless they possess special ecological training and experience beyond their discipline. Should a state or federal wetland scientist certification program be established, the Township will consider only those certified individuals qualified to perform delineations.
- C. The wetland delineation study shall follow the procedures outlined in the *1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands*.
- D. Where the study shows the existence of wetland areas, the delineated boundary shall be properly protected, as required by the County Conservation District, PADEP, and/or Army Corps of Engineers throughout the extent of all construction.
- E. All subdivision plans shall contain notes for future lot owners. The wetland boundary on each lot will be clearly marked. Each lot which contains wetlands, or to which access may be restricted by wetlands, shall have a note which states state and federal laws require permits for all activities which result in a deposition of fill into delineated wetlands. The note shall also state that refusal of such a permit may restrict some uses of all or portions of the lot.
- F. If development is proposed within wetlands, the applicant shall obtain appropriate permits from federal and state regulating agencies.

Section 422: Proof of Submission to Other Agencies

- A. A listing of the necessary approvals and permits that will be required for the proposed development from the Township, County, Commonwealth, or Federal agencies shall be submitted.
- B. Approval of the application by the Township Board of Supervisors may be conditioned upon receipt of approvals from County, State, or Federal agencies.
- C. Proof of submission of review requests/responses and permit applications may include but is not limited to:
 - 1) PennDOT Highway Occupancy Permits.
 - 2) PennDOT Traffic Signal Permits.

- 3) PA DEP Sewerage Planning Module (or Exemption if applicable).
- 4) PA DEP National Pollutant Discharge Elimination System Permits.
- 5) PA DEP Water Obstruction and Encroachment Permits.
- 6) Pennsylvania Department of Economic Development and/or FEMA Floodplain Permits.
- 7) County Conservation District Proof of Submission.
- 8) Perry County if a proposed development abuts a county road.
- 9) Water Authority Proof of Submission.
- 10) Include proof that the PA Department of Community and Economic Development, the Federal Insurance Administrator, or other applicable local/state/federal agency, has been notified whenever any such activity is proposed that impacts an identified flood-prone area.
- 11) Federal Aviation Administration (FAA) and PennDOT Bureau of Aviation approvals where required.

Section 423: Profiles

- A. Final vertical alignments and profiles shall be provided for the following items:
 - 1) Proposed public or private streets and alleys.
 - 2) Sanitary sewer and water distribution systems.
 - 3) Storm sewer profiles, as required by the Township's Stormwater Management and Flood Reduction Ordinance.
- B. All street profiles shall show at least the existing (natural) profile along the center line, proposed grade at the center line, and the length of all proposed vertical curves for streets.
- C. All water distribution and sanitary sewer systems shall provide manhole locations and size and type of material. This information may be provided on separate sheets and is not subject to recording with the final plans.

Section 424: Homeowner's Association/Condominium Association or Similar Association Documents

- A. Subject to review and approval by the Township Solicitor, provisions within any Homeowner's Association Bylaws, Declaration of Covenants and/or Restrictions or like documents.

Section 425: Final Plan for Recording

- A. The final plan for recording shall be formatted and include all material as required by the Howe Township Subdivision and Land Development Ordinance and Appendices, as applicable.
- B. All final plans shall be prepared in accordance with the standards and requirements of the Howe Township SALDO and shall include:
 - 1) All required municipal certifications, which shall include the municipal engineer.
 - 2) Certification of plan preparation by a registered professional.

- 3) All other certifications, dedications and acknowledgments, as required by Perry County.
- C. Final plans shall include notation on the plan of any variances, modifications or waivers granted to the provisions of this Ordinance.
- D. Final plans which require access to a road under the jurisdiction of the PennDOT shall contain a notice that, before driveway access is permitted, a highway occupancy permit is required in accordance with the Act of June 1, 1945, known as the "State Highway Law."

Section 426: Notification of Intent to Provide Financial Security

- A. The applicant shall inform the Township in writing of their intention to either:
 - 1) Construct the public improvements required by this Ordinance prior to the final recording of the plan; or
 - 2) Provide financial security subject to this Ordinance. In lieu of the completion of any public improvements prior to final recording, the applicant shall provide financial security as a condition of approval, pursuant to Article 5 of this Ordinance.

Section 427: Evidence of Ownership or Rights to Develop

- A. The applicant shall furnish to the Township a copy of the most recent deed showing the ownership interest of the applicant and, if the applicant is not the owner, a copy of the lease, sales agreement, or other instrument granting possessory rights to the applicant; provided however that the legal owner of the property shall be required to sign the plan.

Article 5 – Financial Security

Section 501: Completion of Improvements or Financial Security

- A. No plan shall be given final approval by the Township Board of Supervisors or be recorded by the applicant unless the public improvements required by this Ordinance have been installed in accordance with the standards set forth in Article 7 of this Ordinance.
- B. In lieu of the completion of any improvements(s) required prior to, and as a condition for, final approval, the Applicant shall deliver to the Township a financial security in the amount of 110 percent of the cost to complete all improvements in the public interest required by this and other Ordinances.

Section 502: Financial Security

- A. The amount of the financial security required shall be based upon an estimate of the cost of completion of the required improvement(s).
 - 1) The amount of the financial security shall be sufficient to cover the costs of improvements in the public interest and common amenities including but not limited to roads, stormwater detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, landscaping, and buffers or screen plantings which may be required in accordance to §509(a) of the MPC.
 - 2) The amount of financial security to be posted for the completion of the public improvements shall be equal to 110 percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the applicant. The amount of the financial security shall be based on a cost estimate submitted by the applicant and prepared by a registered professional engineer licensed in Pennsylvania. The cost estimate shall be certified as being “a fair and reasonable estimate” of the cost of public improvements.
 - 3) The cost estimate shall be sealed by a Professional Engineer.
 - 4) The Township Engineer shall review the proposed estimate and make a recommendation to the Township Manager or appointed representative as to acceptance and may provide an estimate if deemed unacceptable.
 - 5) The amount of the financial security may be adjusted annually in accordance with §509(f) of the MPC.
- B. If the Applicant and the Township cannot agree upon an estimate, then the estimate shall be recalculated and recertified by another registered professional engineer chosen mutually by the Applicant and the Township. The estimate by the third engineer shall be deemed as the final estimate.
 - 1) If a third engineer is selected, the fees for services shall be evenly divided between the Applicant and the Township.
- C. Only in the case of subdivisions, the applicant may elect to provide a note on the plans in lieu of a financial security per Section 404 of this Ordinance stating that survey monumentation, including but not limited to iron pins, concrete monuments, and concrete drill holes, shall be installed prior to plan recording. Inspection to verify that the monumentation has been installed shall also be conducted prior to plan recording.

Section 503: Documentation of Approval

- A. At the request of the applicant and in order to facilitate financing, the Township shall furnish the applicant with a signed copy of minutes, approval letter or resolution indicating approval of the applicant's final plan contingent upon the obtaining of a satisfactory financial security. The final plan shall not be signed by the Township Board of Supervisors until a satisfactory financial security is presented. The minutes, approval letter or resolution of contingent approval shall expire and be deemed to be revoked if the financial security is not presented within ninety (90) days, unless a written extension is granted by the Township Board of Supervisors in accordance §509(b) of the MPC.

Section 504: Partial Release from Improvement Guarantee

- A. As the work of installing the required improvements proceeds, the Applicant may request the Township to release or authorize the release, from time-to-time, such portions of the financial security necessary for payment to the contractor or contractors performing the work.
- B. Any such requests must be in writing and describe the portion of the work that has been completed in accordance with the approved plan and the amount of security requested to be released.
- C. The Township shall have forty-five (45) days from receipt of such request to have the Township Engineer certify in writing to the Township that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification the Township shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed, or if the Township fails to act within said forty-five (45) day period the release of funds shall be deemed approved. Notwithstanding anything to the contrary, the Township may, prior to final release at the time of completion and certification by its appointed Engineer, require retention of ten (10%) percent of the estimated cost of improvements.
- D. If any portion of the said improvement(s) shall not be approved, or shall be rejected by the Township, the Applicant shall proceed to complete or rectify the same and, upon completion, the same procedure of notification as identified above shall be followed.
- E. The Applicant shall reimburse the Township for the reasonable and necessary fees based upon a schedule established by ordinance or resolution. Such fees shall be those customarily paid for engineering or consulting work performed in the Township.

Section 505: Final Release from Improvement Guarantee

- A. When the Applicant has completed all of the necessary and appropriate improvements, he/she shall notify the Township, in writing, of the completion of said improvements, and shall also send a copy to the Township Engineer. The Township shall, within ten (10) days after receipt of such notice, direct the Township Engineer to inspect all of the installed improvements. See §603, §604, and §605 of this Ordinance with regards to the final inspection procedures.
- B. Within thirty (30) days of authorization by the Township Board of Supervisors, the Township Engineer shall file a report, in writing, of the result of the inspection. A copy shall also be forwarded to the Applicant by certified or registered mail. The report shall detail the improvements and shall indicate approval or rejection, in whole, or in part of the improvement(s). Rejection, in whole, or in part of the improvement(s) shall contain a statement of reasons for such recommendation.
- C. The Township shall notify the Applicant within fifteen (15) days of receipt of the engineer's recommendation, in writing, by certified or registered mail, of the action by the Township Board of Supervisors.

- D. If any portion of the said improvement(s) shall not be approved, or shall be rejected by the Township, the Applicant shall proceed to complete the same and, upon completion, the same procedure of notification as identified above shall be followed.
- E. The Applicant shall reimburse the Township for the reasonable and necessary fees based upon a schedule established by ordinance or resolution. Such fees shall be those customarily paid for engineering or consulting work performed in the Township.
- F. Billing, Reimbursements and Disputes. See Pennsylvania MPC §510, as amended.

Article 6 – Inspection and Acceptance of Improvements

Section 601: Pre-construction Conference

- A. After approval has been granted by the Township Board of Supervisors but before the start of construction, a pre-construction conference shall be held at the Township offices or other location as deemed acceptable by the Township Engineer and Township Staff. Those required to be invited to this meeting are Township Engineer, Township Staff, Municipal Authority Staff, the developer, and the prime contractor.
- B. Prior to the start of construction, the Township shall be provided with three (3) sets of construction drawings and specifications. The sets shall be completed in every detail, comprised of the latest revisions and identical to those being used by the contractor(s). It will be the developer's responsibility to provide paperwork for any revisions, change orders, etc., to the construction drawings, specifications, reports, etc. Any delays in administration or construction, additional costs of administration or construction, or any other problems resulting from any party utilizing inconsistent construction drawings will be the responsibility of the developer.

Section 602: Construction Observation

- A. The Township Engineer and/or the appropriate municipal or regulatory authority shall provide construction observation and document the implementation of the provisions of this and other Ordinances and the accompanying design standards. The developer shall pay the cost of any such construction observation activities in accordance with the provisions of Article V of the MPC.
- B. The developer shall notify the Township Engineer at least seventy-two (72) hours prior to beginning any installation of public and/or financially-secured improvements in an approved plan. While work is in progress, the developer shall notify the Township Engineer at least seventy-two (72) hours prior to the time that the following required progress inspections are desired.
 - 1) General site construction:
 - a) Upon completion of preliminary site preparation (including stripping of vegetation, stockpiling of topsoil, and construction of the initial erosion and sedimentation control devices), but prior to further consideration.
 - b) Upon completion of rough grading of any improvement, but prior to placing topsoil and seeding or other permanent ground covers.
 - c) During the construction and prior to backfilling of any storm sewer, retaining wall foundation, culvert, inlet, manhole, infiltration trench/pit, underground stormwater basin, or other underground facility.
 - d) During the construction and prior to backfilling of any sewer line, waterline, or appurtenance, or any other underground utility not under jurisdiction of an authorized municipal authority.
 - e) During the installation of any critical stages of construction of stormwater facilities, including but not limited to the installation of clay cores, impervious linings, or amended soils.
 - f) Upon final completion of permanent stormwater management facilities, including the establishment of ground covers and plantings.
 - g) After review of as-built drawings, but prior to release of the financial guarantee for any of the improvements.

2) Street construction:

- a) After preparation and compaction of the subgrade but prior to placement of subbase. The developer or agent should be present. In addition to verification of grade and crown, proof rolling will be performed. The developer shall supply a fully loaded tandem axle dump truck for the duration of the proof rolling.
 - b) After placement of the subbase material, but prior to the placement of the binder/base course. This observation, including proof rolling, will be performed in the same manner as that for subgrade.
 - c) During the placement of the binder/base course. The ambient temperature and bituminous material temperature need to be within acceptable limits. The Township may require paperwork to verify the materials conform to applicable PennDOT standards.
 - d) During the placement of the wearing course. The requirements for placement of the binder/base course shall be followed.
- C. In addition to the above outlined observations, additional observations will be made at the request of the developer for reduction of financial securities. Random observations may be made at the frequency desired by the Township. At the time of any observations, all ongoing construction (i.e., storm drainage, sanitary sewer, water, erosion control, etc.) may also be checked for compliance with the approved plans and the findings reported.
- D. The Township Engineer shall prepare a written report of all inspections. Copies shall be provided to the Township and one (1) copy shall be retained by the Township Engineer.

Section 603: Notice of Completion.

- A. When the Applicant has completed all of the necessary and appropriate improvements, he/she shall notify the Township, in writing, by certified or registered mail, of the completion of said improvements, and shall also send a copy to the Township Engineer. The Township shall, within ten (10) days after receipt of such notice, direct the Township Engineer to inspect all of the installed improvements.

Section 604: "As-built" Drawings

- A. Prior to the final release of the financial guarantee, the developer shall provide the Township with one (1) electronic copy in a PDF format, and two (2) prints of the as-built plan. The as-built drawings shall be prepared and bear the seal and signature of a registered surveyor. They shall be drawn at the same scale(s) as the design plans and contain, at a minimum, the following information:
- 1) Actual location of all concrete monuments which were set at all angle breaks, points of curvature and tangents around the perimeter of the total tract.
 - 2) Actual location of all iron pins or drill holes in concrete curbs for all individual lot lines.
 - 3) Actual cul-de-sac radius.
 - 4) Actual location of cartway center line versus right-of-way center line.
 - 5) Actual location of floodplain areas by elevation and dimension from property line.
 - 6) Actual location and cross section of swales and accompanying easements.
 - 7) Actual horizontal and vertical location of stormwater management facilities, including type and size

of storm drainage pipes, culverts, inlets, inverts, and other features.

- 8) Actual horizontal and vertical locations, pipe sizes, materials and appurtenances of all sewer lines and waterlines.
- 9) Actual location of all fire suppression systems including the location of any hydrants.
- 10) Actual location of all street lights, sidewalks, street trees or other improvements constructed as part of the streetscape.
- 11) The following information for detention basins:
 - a) Information to verify the volume of the basin.
 - b) Actual outlet structure details, including, but not limited to, type, size and inverts of outlet pipes and orifices.
 - c) Actual elevation and width of the embankment and emergency spillway.
 - d) Information to verify the stage/storage/discharge curve for the constructed conditions.
 - e) The horizontal location of the above items.
- 12) GPS locations of all storm inlets, sewers, and stormwater facilities. GPS locations shall be based on state plane coordinates using NAD 83 and NAVD 88.
- 13) All other public or private improvements and easements not listed but required to be included by the Township in order to illustrate compliance with all approved drawings, specifications, etc.

Section 605: Final Inspection and Approval

- A. Township Engineer's Report. The Township Engineer shall perform a final inspection of the public improvements in the plan. Within thirty (30) days of receiving the notice of completion, the Township Engineer shall file a report, in writing, with the Township Board of Supervisors indicating approval or rejection of the improvements, either in whole or in part, and in the case of rejection, shall provide a statement of the reasons for such rejection. The Township Engineer shall file a report, in writing, with the Township and shall promptly mail a copy of the same to developer by certified or registered mail in accordance to §510(a) of the MPC, as amended.
- B. Notification of Developer by the Township Board of Supervisors. The Township Board of Supervisors shall notify the developer, within fifteen (15) days of receipt of the Township Engineer's report, in writing, by certified mail, of the action of the Township Board of Supervisors with respect to the approval or rejection of the public improvements.
- C. Completion of Rejected Public Improvements. If any of the public improvements shall not be approved by the Township Board of Supervisors, the developer shall proceed to complete the public improvements or rectify any deficiencies and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- D. The Township may prescribe that the developer shall reimburse the municipality for the reasonable and necessary expense incurred in connection with the inspection of improvements and in accordance with §510(g) of the MPC.

Section 606: Acceptance of Public Improvements

- A. No property or public improvement shown on a final plan shall be considered to have been accepted by the Township until the dedication thereof has been officially accepted by adoption of an ordinance or resolution of the Township or Municipal Authority, duly enacted and advertised in accordance with the law.
- B. Prior to the acceptance of the public improvements, and the return of any remaining application and review fees, the developer shall submit to the Township the following:
 - 1) Written report certified by the Township Engineer that all required public improvements are completed according to specifications including roads, sidewalks, utilities, and stormwater management facilities.
 - 2) Evidence certified by the Township Zoning Officer that all permanent street signs and other signs required by this Ordinance, the Developer's Agreement or any other applicable code have been installed.
 - 3) As-built drawings of completed improvements to the Township Board of Supervisors.
 - 4) Required Maintenance guarantees for all publicly dedicated infrastructure or other improvements as required by this Ordinance.
- C. Upon completion of the final inspection and approval of the public improvements, the developer shall request in writing, that the Township Board of Supervisors formally accept the dedication of the public improvements. The request for acceptance shall be accompanied by a legal description of all rights-of-way and property, to be dedicated to the public.
- D. All improvements at the time of acceptance shall be in new condition. Damaged or repaired improvements will not be accepted by the Township.

Section 607: Posting of Maintenance Guarantee

- A. When the Township Board of Supervisors or Municipal Authority accepts the dedication of public improvements, the Township Board of Supervisors or Municipal Authority shall require a Maintenance Guarantee of all improvements as required by this Ordinance. The purpose of the Maintenance Guarantee is to secure the structural integrity of the improvements and to guarantee the proper functioning of those improvements.
- B. The amount of the Maintenance Guarantee shall be fifteen (15%) percent of the actual cost of the installation of such public improvements accepted for dedication for a term not to exceed eighteen (18) months from the date of the acceptance of public improvements and dedication as provided for in §509(k) of the MPC.

Article 7 – Required Improvements and Design Standards

Section 701: General Requirements

- A. Minimum standards. The standards and requirements contained in this Article and all Township Ordinances shall apply as minimum design standards for subdivisions and/or land developments in the Township. The Township may require additional standards in unique situations to promote the purposes of this Ordinance as specified in §102.
- B. Township Engineer review. The Township Engineer shall review all subdivision and land development applications, as required in Article 3 of this Ordinance, for technical compliance with applicable PennDOT standards and all other applicable Township Ordinances and regulations.
- C. Required improvements. Where the provisions of this Article require the developer and/or landowner to construct and/or improve public streets, sewers, traffic control devices and other public and/or private improvements as a result of a subdivision and/or land development, the developer and/or landowner shall, as a condition of final approval of the subdivision and/or land development plan, agree to construct these improvements at the developer's/landowner's cost.

Section 702: Blocks and Lots

A. Blocks.

- 1) The length, width, and shape of blocks shall be determined with regard to:
 - a) Provision of adequate sites for type of building proposed.
 - b) Topography.
 - c) Requirements for safe and convenient vehicular and pedestrian circulation and access.
 - d) Bulk requirements as stipulated in the Township Zoning Ordinance.
- 2) Blocks shall have a maximum length of 1,200 feet and, as far as practicable, a minimum length of 500 feet. In design of blocks longer than 800 feet, special consideration should be given to the requirements for satisfactory fire protection.
- 3) No remnants of land shall exist after subdividing; all portions of a plan shall be incorporated into existing or proposed lots unless special usage is applied as part of a land development proposal.

B. Lots.

- 1) Every lot shall abut on a public street with the exception of suitably designed residential courts or other planned developments having acceptable means of access provided by private streets.
- 2) Lots fronting directly on existing or proposed arterial streets or collector streets shall be avoided. Access to such lots shall be limited to the provisions of §703 of this Ordinance.
- 3) Through lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

- 4) Lots for nonresidential uses shall be of such size and shape as may be suitable for their prospective use and to provide sufficient space for off-street parking and loading, and water supply and sanitary sewage disposal.
 - a) If public water and sewer service are unavailable, all lots shall provide testing for and depict proper siting of on-lot sewer disposal and water primary systems and/or reserve systems in accordance with PADEP requirements.
 - i. Lots with existing systems shall not be exempt from the requirement to provide the above items for reserve systems.
 - ii. Lots greater than or equal to 10 acres and not proposed for improvement are exempt from this requirement.
- 5) Lot dimensions and areas shall not be less than specified by provisions of the Township Zoning Ordinance.
- 6) Lots shall be laid out and graded to provide positive drainage away from buildings and water wells.
- 7) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.

Section 703: Street Access and Driveways

- A. All street accesses and driveways shall comply with the Township Driveway Ordinance.

Section 704: General Street Standards

- A. In general, all streets shall be aligned with existing streets and shall compose a convenient system to ensure circulation of vehicular and pedestrian traffic.
- B. New streets shall be logically related to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the sites to be served by such streets.
- C. Where abutting land is undeveloped, new subdivisions shall make provision for the extension of streets into such abutting undeveloped land by continuing the rights-of-way of proposed streets to the boundaries of the site being subdivided.
- D. Subdivisions and/or land developments proposing the creation or use of 15 or more residential lots and/or units shall provide two connections for the use of the entire subdivision and/or land development to existing rights-of-way.
- E. New half or partial streets will not be permitted. Wherever a parcel to be subdivided borders an existing half (or partial) street, the remaining portion of the street shall be secured and platted within the new subdivision.
- F. Dead-end streets shall be prohibited, unless provided with a permanent or temporary cul-de-sac turnaround as specified in §709 of this Ordinance.
- G. Where streets continue into abutting municipalities, evidence of compatibility of design, particularly with regard to street widths, shall be submitted. The applicant shall coordinate such design with both municipalities to avoid abrupt changes in cartway width or in public improvements provided.

- H. Where a land development abuts an arterial street or a collector street, the land development shall minimize the number of points of access.
- I. Areas shall be reserved for future street usage in conjunction with the development of adjacent tracts. A sketch plan and/or other information may be required to demonstrate the feasibility of future expansion of the street system. Streets within the reserved areas shall be constructed to the full standards of this Ordinance, including extensions of underground utilities, unless a waiver is granted. If a waiver to construct the cartway is granted, these areas shall be reserved for street improvements to be provided by the developer of the adjacent tract.
- J. No fences, hedges, shrubbery, walls, plantings, or similar obstructions that obscure visibility shall be located within the street right-of-way.
- K. The extension of existing streets which are presently constructed with a cartway different from current Township standards shall be provided with a transition area, the design of which is subject to Township approval.
- L. As a minimum, all new streets shall be graded to the right-of-way line. All cut and fill banks shall not exceed a maximum of 2:1 slope.
- M. Streets, collector driveways, and parking compounds shall be designed to preclude or minimize the need for a guide rail. The Township may, however, require a guide rail to be placed for protection on embankments when a barrier is indicated, as warranted in Design Manual Part 2, Highway Design, by PennDOT, as amended, or where otherwise deemed necessary.
- N. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of the existing streets. Subdivision plans and road plans creating new streets shall provide proof of the following in a form acceptable to the Township Engineer and Township Zoning Officer, prior to final plan approval:
 - 1) Approval of proposed street names and address numbers from the appropriate regulating authorities.
- O. Right-of-Way. The right-of-way shall be measured from lot line to lot line. All private, local, collector, and arterial streets shall provide the minimum right-of-way width as specified below:
 - 1) Arterial: As determined by PennDOT.
 - 2) Collector: sixty feet (60'), measured thirty feet (30') from the existing street centerline.
 - 3) Minor: fifty feet (50'), measured twenty-five feet (25') from the existing street centerline.
 - 4) When required, an additional ten-foot (10') utility easement shall be provided outside of the right-of-way.
 - 5) At its sole discretion, the Township shall not be obligated to accept the dedication of right-of-way.
- P. Designated on-street parking. On-street parking shall only be permitted in planned residential developments, subject to the approval of Township Board of Supervisors. When permitted, a parking lane at least eight (8) feet wide shall be added to one (1) or both sides of the required pavement. The parking lane or lanes shall be paved to the satisfaction of Township Engineer.
- Q. When any land development project requires construction within an existing or proposed street right-of-way and requires a roadway opening to install any below grade utility and/or stormwater facility, the contractor shall repair the roadway consistent with applicable PennDOT standards.

- R. The final wearing course of any proposed street shall not be installed until a commercial or industrial land development project is substantially complete. In the case of residential land development projects, the final wearing course shall not be installed until bulk grading is complete and ninety (90%) percent of all residential units are complete including any future phases of the development that would require access across the roadway surface.
- 1) All catch basin inlets located in a proposed street shall be set flush with the initial paving course elevation and shall be operational throughout all construction phases. The contractor shall install inlet grate risers at the time the final wearing course is installed.

Section 705: Horizontal Alignment.

- A. All private, local, collector, and arterial streets shall be designed and constructed in accordance with the following alignment standards:
- 1) Horizontal curves shall be used at all angle changes.
 - 2) Horizontal street alignments shall be measured along the center line. The center line of the street cartway shall correspond with the center line of the street right-of-way.
 - 3) There shall be a tangent of at least 100 feet between reverse curves for all local and collector streets.
 - 4) Horizontal curve center-line radii shall be designed in coordination with vertical geometry and are subject to applicable PennDOT standards.

Section 706: Vertical Alignment.

- A. All private, local, collector, and arterial streets shall be designed and constructed in accordance with the following alignment standards:
- 1) Vertical curves shall be used in all changes of grade.
 - 2) The minimum length of vertical curve for all streets shall be consistent with applicable PennDOT standards.
 - 3) Notwithstanding the above minimum length of vertical curve, the actual length of vertical curve shall be based on the formula $L = KA$, where "L" is the minimum length of curve in feet, "K" is the length of vertical curve per percent change in "A," and "A" is the algebraic difference in grade (in percent). Values for "K" shall be based upon those specified in the latest edition of "*A Policy on Geometric Design of Highways and Streets*," published by the American Association of State Highway and Transportation Officials (AASHTO).

Section 707: Private Streets

- A. A private street is limited to providing access to no more than six (6) abutting lots that are utilized for single-family detached dwellings and/or agricultural operations.
- B. Private streets shall meet all the design standards for local streets as required by this Ordinance and applicable PennDOT standards.
- C. Private streets shall not interfere with the normal traffic movement or be inconsistent with the design, maintenance and drainage of the accessing street.

- D. Private streets shall include stormwater management facilities when required by the Township's Stormwater Management Ordinance.
- E. The minimum and maximum street grade permitted for private streets shall be consistent with applicable PennDOT standards.
- F. A private street must be clearly labeled on the recording plan as a private street. The Township shall have no express or potential liability to maintain the private street or accept dedication of the private street.
- G. Applications which propose a private street shall include an access and maintenance agreement, in a form acceptable to the Township, which shall be recorded with the Perry County Recorder of Deeds as part of the final plan. Reference to this recorded access and maintenance agreement shall be provided in the deeds of the lots having use of the private street. This access and maintenance agreement shall establish the conditions under which the private street will be constructed and maintained.
- H. A note to this effect, similar to the following note, shall be affixed to the recording plan in a manner acceptable to the Township: "Private Street restriction. The private street shown on this plan is strictly limited to providing access to no more than six (6) abutting residential lots and/or agricultural operations."

Section 708: Collector, and Arterial Streets

- A. All public streets shall be considered collector streets unless listed below or meeting the criteria for other roadway classifications based on applicable PennDOT standards at the sole determination of the Township Engineer:
 - 1) Arterial:
 - a) SR 0034 – Red Hill Road
 - 2) Minor
 - a) Juniata Parkway
- A. All streets shall be designed and constructed in accordance with applicable PennDOT standards.
- B. All materials shall meet applicable PennDOT standards and be supplied from PennDOT preapproved manufacturers or suppliers; verification shall be provided to the Township.
- C. All streets shall be graded to the grades shown on the street profiles and cross-section plan submitted and approved with the final plan.
- D. The entire width of the right-of-way of each street in a proposed land development shall be suitably prepared for the installation of paving, drainage structures, curbs, gutters, and sidewalks in accordance with the appropriate standards for the class of street.
- E. Street Grades.
 - 1) Minimum street grade permitted for all streets shall be consistent with applicable PennDOT standards, but streets constructed at the minimum grade shall be closely monitored and strict attention paid to construction techniques to avoid ponding.
 - 2) No street grade shall exceed the minimum and maximum gradients listed within applicable PennDOT standards and shall provide allowance for reasonable vertical curves:

- F. Where the grade of the street is above or below the grade of the abutting parcels, walls or slopes shall be constructed in a manner satisfactory to the Township Engineer and shall be sufficient to support the street or the abutting land.

Section 709: Cul-de-sac Streets

- A. All cul-de-sac streets shall be constructed with a bulb or, when authorized by the Township Engineer, other suitable turnaround alternative.
- B. The use of cul-de-sac streets shall not be permitted when, in the sole opinion of the Township Engineer, the use of through streets or loop streets can be utilized.
- C. The center-line distance of permanent cul-de-sac streets shall be greater than 250 feet in length and shall not exceed 1,600 feet in length.
- D. The length of the cul-de-sac street shall be measured from the center-line intersection of an intersecting street which is not a dead end or cul-de-sac to the center of the cul-de-sac bulb or turnaround. The use of internal planted islands is prohibited.
- E. No more than 15 dwelling units shall be located on a cul-de-sac.
- F. Unless specifically authorized by the Township Engineer, multiple cul-de-sac streets shall not connect to a street that is itself a cul-de-sac street.
- G. Unless future extension is clearly impractical or undesirable in the sole opinion of the Township, a temporary cul-de-sac shall be provided. The turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.
- H. Temporary cul-de-sacs shall be constructed to applicable PennDOT standards. Temporary easements shall be provided for the affected adjoining properties until such time that the street is extended.
- I. Any street temporarily dead-ended in order to provide for future continuation of the street into adjoining property or for authorized stage development shall be fully constructed and all utilities installed. A barricade to prevent vehicular access to adjoining property shall be constructed at the termination point of the street in accordance with applicable PennDOT standards.
- J. All permanent cul-de-sacs shall be designed with a snow removal easement at the terminus. The easement shall extend outward from the street right-of-way and be a minimum of twenty (20) feet in width and ten (10) feet in depth. The easement shall be centered on the projected center line of the street or as otherwise depicted in applicable PennDOT standards. The final plan shall contain a note stating that the easement shall be maintained as open space and no improvements or obstructions such as driveways, mailboxes, fences, or landscaping shall be permitted.
- K. Cul-de-sacs shall be crowned consistent with the proposed cartway and shall drain towards multiple inlets.

Section 710: Alleys

- A. Alleys may be permitted under special circumstances in residential developments, but in no case shall an alley provide the only means of access to a lot.
- B. Where alleys are permitted, they shall be designed and constructed in accordance with applicable PennDOT standards.

- C. Alleys shall have a paved cartway of at least sixteen (16) feet for one-way access, shall be curbed where required, and shall have a right-of-way width of thirty (30) feet. Where necessary, corners shall have a radius of twenty-five (25) feet to permit safe use by large vehicles.
- D. Dead-end and cul-de-sac alleys are prohibited.
- E. An application that proposes alleys shall be accompanied by an agreement which shall be recorded with the final plan and which shall establish the conditions under which the alleys will be maintained.
- F. The final plan, for recordation with the Perry County Recorder of Deeds, shall include a plan note which identifies the specific alleys; the recorded maintenance agreement; and a notification that the alleys do not qualify for dedication to the Township and that the Township will not assume any responsibility for their maintenance.
- G. The horizontal and vertical alignments of alleys shall conform to the specifications for streets as stated in §705 and §706 of this Ordinance.

Section 711: Street Intersections

- A. Where a proposed street intersects an existing Township road, the proposed street shall be designed to prevent any runoff from entering the Township right-of-way.
- B. Street name signs shall be installed at all intersections, and their design shall be approved by the Township and meet applicable PennDOT standards. All signing shall identify both intersecting streets. Regulatory signs shall be installed at all locations identified by a traffic circulation study prepared by the developer. Standard traffic signs shall be approved by the Township and meet applicable PennDOT standards.
- C. Intersections involving the junction of more than two (2) streets are prohibited.
- D. The minimum distance between the center line of intersections shall be:
 - 1) 1,000 feet for any intersection involving an arterial street.
 - 2) 600 feet for any intersection involving a collector street.
 - 3) 250 feet for any intersection involving a local or private street.
 - 4) Or, as otherwise specified by PennDOT publication number 70M.
- E. Right angle intersections shall be used.
- F. The cartway edge at street intersections shall be rounded by a tangential arc with a minimum curb return radii as specified in applicable PennDOT standards.
- G. The right-of-way radii at intersections shall be substantially concentric with the edge of the cartway. The Township may require larger radii based on the largest design vehicle using the intersection.
- H. All streets intersecting a state highway shall be subject to the approval of PennDOT.
- I. There shall be provided and maintained at all intersections a clear sight triangle. Clear sight triangles shall be indicated on all plans. No building or other obstruction that would obscure the vision of a motorist shall be permitted within these areas.

- J. Proper safe stopping sight distance shall be provided with respect to both horizontal and vertical road alignments at all intersections. Sight distance at street intersections shall be calculated based on *PennDOT Pub. 70*, as amended and approved by the Township Engineer.

Section 712: Utilities and Easements

- A. A utility easement with a minimum width of ten (10) feet shall be provided for all utilities abutting a right-of-way.
- B. A stormwater easement with a minimum width of twenty (20) feet shall be provided for all stormwater facilities, drainage structures, swales, and sanitary sewers.
- C. A shared utility easement with a minimum width of thirty (30) feet shall be provided for all easements containing multiple utilities.
- D. In the case of multiple standards or overlapping easements, the wider standards shall apply from the outside edge of the proposed utilities.
- E. To the fullest extent possible, easements shall be located adjacent to rear lot lines or side lot lines.
- F. Nothing shall be placed, planted, set, or put within an easement. This requirement shall be noted on the final plan and shall be included in all deeds for lots which contain an easement.
- G. For major subdivision and/or land development plans, where a site is traversed by a watercourse, there shall be provided a drainage easement conforming with the requirements of the Township Stormwater Ordinance, except that said easement shall be of such width as will be adequate to preserve natural or man-made features or 35' from each streambank (whichever is greater).

Section 713: Off-Street Parking

- A. Off-street parking areas shall be provided in accordance with the requirements and standards of the Zoning Ordinance and applicable PennDOT standards.
- B. The layout of every parking area shall be such as to permit safe and efficient internal circulation in accordance with the accepted traffic engineering principles and standards, including truck traffic where applicable.
 - 1) Not less than a five (5) foot radius of curvature shall be permitted for horizontal curves in parking areas.
 - 2) Every off-street parking area shall include sufficient stacking space to accommodate entering and exiting vehicles without overflowing into adjacent streets.
 - 3) All parking facilities shall be designed to provide adequate access for emergency vehicles and emergency responders, including provisions for fire lanes, as required by the Townships' Building Code Officer.
 - 4) The applicant shall submit a turning radius analysis and demonstrate that all emergency vehicles are provided with adequate access through a site.
- C. Dead-end parking areas shall provide a maximum of ten (10) parking spaces.
 - 1) All dead-end parking areas shall be designed to provide sufficient area for backing and turning movements from the end parking spaces of the parking area.

- D. Painted lines, arrows, dividers, and signage shall be provided and maintained to control parking when necessary to direct vehicular circulation.
- E. Parking lot lighting. Parking compounds, collector driveways, pedestrian walking areas, and main entrances and exits which are open to the public shall be sufficiently illuminated so as to provide safe movements on site.
 - 1) A photometric plan shall be provided to show the locations of all lighting fixtures or standards, including the delineation of Isolux lighting lines and all specifications and details.
 - 2) Any lighting used to illuminate off-street parking areas shall be directed away from property in a residential area.
 - 3) There shall be no direct or sky-reflected glare, whether from floodlights or from high-temperature processes.
 - 4) All luminaries shall have a total cutoff angle no greater than ninety (90) degrees from the vertical.
 - 5) Illumination shall not exceed one (1) footcandle at all property boundaries and provide a minimum illumination of one half (.5) footcandle at the surface, where required. The footcandle illumination shall be measured horizontally on the ground surface.
- F. Landscaping.
 - 1) All proposed parking lots shall provide the minimum landscape standards as required in §723. A detailed landscape plan shall be prepared by a registered landscape architect.
 - 2) Perimeter plantings shall be provided for parking compounds, collector driveways, and private streets which are adjacent to residential properties. The perimeter planting shall be provided in accordance with §723 of this Ordinance. Plantings shall not restrict sight distances or clear sight triangles.

Section 714: Off-Street Loading Facilities

- A. All loading facilities shall conform to the standards and regulations of the Township Zoning Ordinance and shall be designed to minimize conflicts with pedestrian and with passenger automobile circulation.

Section 715: Curbs

- A. Curbs shall be required where required by the Township along all proposed:
 - 1) Local, collector, and arterial streets.
 - 2) Collector driveways.
 - 3) Alleys.
 - 4) Parking compounds in land developments.
- B. Curbs shall be installed in accordance with applicable PennDOT standards.
- C. Standard vertical concrete curb shall be required along all state highways and along all Township streets when required by the Township. Standard asphalt rolled curb may be used at the sole discretion of the Township. No other curb types are permitted within the Township.

Section 716: Survey Monuments and Survey Markers

A. Survey Monuments.

- 1) Concrete survey monuments shall be provided when any land development or subdivision includes the construction or extension of public streets.
- 2) Concrete monuments shall be set at the intersection of all street right-of-way lines, and at every third intersection of lines forming angles at the boundary of the proposed subdivision.
- 3) with applicable PennDOT standards and bonded with the required financial security as required in Article 5 of this Ordinance.
- 4) The location of all concrete survey monuments shall be certified by a licensed surveyor.

B. Survey Markers.

- 1) Survey markers shall be set at all lot corners and at the points where lot lines intersect curves and/or other property lines.
- 2) Survey markers shall consist of solid metal pins of at least five-eighths ($\frac{5}{8}$) inch diameter with a minimum length of thirty (30) inches.
- 3) All survey markers shall be placed by a registered engineer or surveyor so that the scored or marked point shall coincide exactly with the point of intersection of the lines being monumented or marked.

C. The survey monuments and survey markers as required shall be shown on the final recorded plan and the "as-built" plans with the distance between them and with sufficient curve data plainly marked.

Section 717: Emergency access

A. All major subdivisions and land developments applications may provide plans to the Township Police Chief (or acting police organization) and Fire Chief(s) for recommendation and comment. The applicant shall demonstrate:

- 1) Adequate access for emergency vehicles and emergency responders; and
- 2) Adequate fire protection systems including but not limited to hydrant locations in subdivision and land developments where public water is being provided.

Section 718: Stormwater Management and Floodplain Controls

A. All stormwater management, collection, conveyance, erosion control, and floodplain considerations shall be accomplished in accordance with the provisions of the Township Stormwater Management Ordinance, as amended.

B. Floodplain areas shall be established and preserved as provided by the Township Floodplain Management Ordinance, as amended.

Section 719: Sidewalks

A. Sidewalks shall be required in the following circumstances:

- 1) All residential areas;

- 2) To continue existing sidewalk systems to the terminus of a service area or block;
 - 3) To provide access to vehicular parking compounds, school bus zones, or recreational facilities; and/or
 - 4) To provide access to and/or within a commercial, industrial, or other community facility.
- B. The Township Board of Supervisors, at their sole discretion, may accept an offer by the applicant for a fee-in-lieu of the installation of required sidewalk(s). This fee shall be determined by the Township Engineer based upon the costs expected to be borne by the Township if it were to construct the sidewalk(s) in question.
- C. If sidewalks are required within a proposed development, the sidewalk shall be designed and constructed based on the following requirements:
- 1) Sidewalks shall be constructed in accordance with applicable PennDOT standards.
 - 2) A grass planting strip, a minimum of three (3) feet wide, shall be provided between any curb and sidewalk.
 - 3) Sidewalk that is located along streets or access drives shall be located along the side(s) of the street upon which lots front and pedestrian traffic is anticipated.
 - 4) Sidewalk which is provided off-street or off-access-drive shall be located along anticipated pedestrian traffic routes.
 - 5) Sidewalks shall be located within a street right-of-way or provided pedestrian easement acceptable to the Township.
 - 6) Curb ramps for persons with physical disabilities shall be provided in accordance with *PennDOT's Roadway Construction Standards - Curb Ramps and Sidewalks (RC-76M)*, latest revision.
- D. Maintenance. Maintenance of all proposed sidewalks and shall be the responsibility of the adjacent property owner or homeowners' association which represents the property owners in the development. Appropriate language shall be placed on the recorded plan indicating this maintenance responsibility.

Section 720: Steep Slopes and Landslide Prone Areas

- A. All land development projects shall be accomplished in accordance with the provisions of the Township Zoning Ordinance.

Section 721: General Landscape Standards

- A. All land development applications shall include provisions for landscaping in accordance with the following landscape requirements:
- 1) Landscaping shall be provided in all open areas not covered by buildings, required parking areas, sidewalks, or other impervious surfaces.
 - 2) Landscaping shall provide a mixture of vegetative material that is based on the location of the site and local environmental influences such as slope, soil, wind, temperature, shade, and rainfall and shall be compatible with the surrounding approved land uses.
 - 3) Within the site area, landscaping shall be generally required for the following areas: the building perimeter; parking lots; dumpsters; loading area; and stormwater detention facilities.

- B. Artificial plants are prohibited as a substitute for required landscaping improvements.
- C. Sight distance shall not be adversely affected by the location and size of landscaped plantings. Consideration shall be given to future growth potential of all planted materials in reviewing sight distance issues. No trees, shrubs or landscaping shall be permitted within any required clear sight triangle.
- D. Deciduous trees shall be required at the following rates:
 - 1) One (1) per dwelling unit in single-family residential developments.
 - 2) One (1) per 5,000 square feet of the total site area in all other residential developments.
 - 3) One (1) per 4,000 square feet of the total site area in non-residential developments.
 - 4) Street trees, BMP tree plantings, and trees within parking lot islands shall be counted towards the deciduous tree requirement. Required vegetation within buffer yards shall not fulfill this requirement.
- E. In residential developments, all required deciduous trees shall be located in the front yard, outside of the right-of-way.
- F. Shrubs shall be required at the following rates:
 - 1) Sixteen (16) shrubs per 100 linear feet of the frontage and sides of the principal structure in all land development projects except for single-family developments as required in Section 722 and the Howe Township Zoning Ordinance, Article 7, Section 709; Article 8, Section 809; Article 9, Section 910; and Article 10, Section 1009.
 - 2) BMP shrub plantings and required vegetation within buffer yards shall not fulfill the shrub requirement.
- G. Plant Sizes and Requirements.
 - 1) Deciduous Trees. All trees required to be planted have a minimum of two (2) inches in caliper size measured at six (6) inches above the ground. Dwarfed species shall not be considered deciduous trees.
 - 2) Evergreen Trees. All evergreen trees required to be planted shall be a minimum of six (6) foot in height at the time of planting measured from the ground to the top of the tree.
 - 3) Shrubs. All shrubs required to be planted shall be a minimum of twenty-four-to-thirty (24 - 30) inches in height at time of planting except in Buffer Yards.
- H. All planting shall be performed in conformance with good nursery and landscape practice. Plant materials shall conform to the standards recommended by the *American Association of Nurseryman, Inc., in the American Standard of Nursery Stock, ANSI Z60.1*, current edition, as amended.
- I. No one species shall comprise more than thirty-three (33%) percent of the entire number of plantings in a particular development.
- J. Installed plant material shall be nursery grown in a climate similar to that of the locality of the project.
- K. Tree Protection During Construction

- 1) Protection of trees and existing vegetation to be retained during construction shall be required for major subdivisions and/or land developments subject to the following:
 - a) Trees of six inches (6") caliper or more, as measured at a height of four-and-one-half feet (4.5') above existing grade, shall be preserved according to the requirements put forth in Section 618.2 of this Ordinance.
 - b) Replacement trees shall be planted at a ratio of one tree of not less than two inches (2") in caliper as measured at a height of six inches (6") above finished grade for each tree of 6 inches (6") caliper or more, as measured at a height of four-and-one-half feet (4.5') above existing grade to be removed.
 - c) No soil shall be placed around trunks of preserved trees that are to be retained. For those trees which are to remain, tree wells may be required to preserve such trees when final grading exceeds five inches in depth around preserved trees.
 - d) Trees to remain shall be protected with construction fence placed at the limit of the drip line around said trees.
 - e) No boards or other material shall be nailed to trees during construction, and no trees to remain shall be sprayed with paint.
 - f) Feeder roots of trees to remain shall not be cut closer than the drip line.
 - g) Operation of heavy equipment shall not be allowed over root systems to prevent soil compaction.
 - h) Construction debris shall not be disposed of on site.

L. Landscape Modifications.

- 1) The Township Engineer or Zoning Officer may waive the landscaping standards of this Ordinance where one (1) or more of the following conditions occurs:
 - a) There is existing healthy vegetation that is sufficient to meet the requirements.
 - b) Landscaping would interfere with utilities, easements, sight distance, clear sight triangles or other existing vegetation.
 - c) A required buffer yard would create redundant and/or duplicated buffer yards along abutting lot lines.

M. Posting of Financial Security for Landscaping.

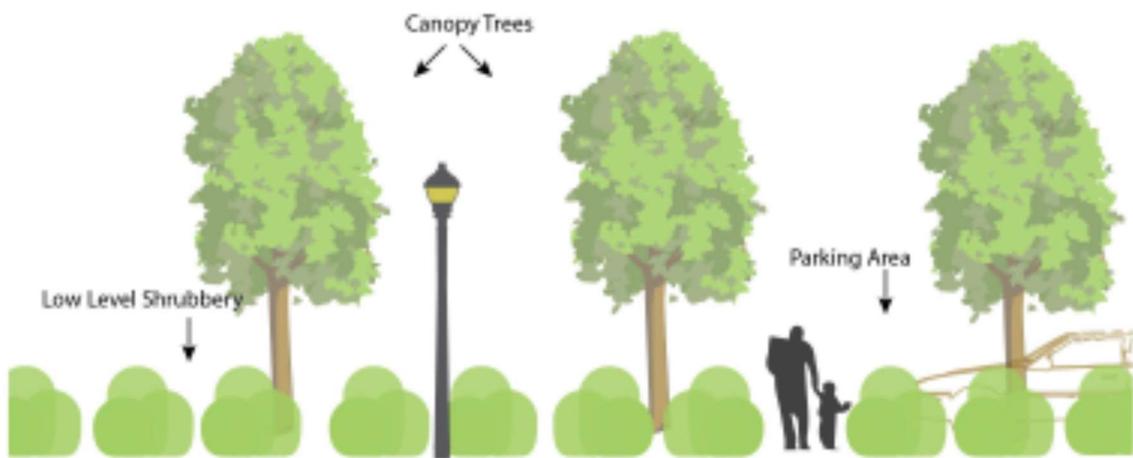
- 1) The landowner and/or developer shall provide the Township with performance security, as required by this Ordinance, during development of the site to guarantee proper installation of the required landscaping and buffer yard materials required by this Ordinance and as shown on the Township-approved landscaping plan.
- 2) Release of the performance security shall be handled in accordance with the requirements of Article 6 above.

- N. All required landscape materials are considered a part of the zoning and/or subdivision and land development approval. If any required vegetated material dies and/or is removed at any point after installation and is not replaced during the following planting season, the site will be considered in violation of its zoning and/or subdivision and land development approval.

Section 722: Buffer Yard and Planting Screen Standards

- A. Applicants shall demonstrate through the submission of a landscape plan that sufficient buffering and screening is provided, when required by the Township Zoning Ordinance, to minimize impact to adjacent uses.
- B. No structure or uses shall be permitted in the buffer yard other than stormwater management facilities, provided the stormwater management facilities do not interfere with the required plantings in the buffer yard. Structures or uses not permitted within the required buffer yard include, but are not limited to, buildings, accessory structures, parking spaces, and lighting devices.
- C. When the width of a required buffer area is in conflict with the minimum building setback requirements of the Zoning Ordinance, the greater distance shall apply. The buffer area planting requirement shall be adhered to regardless of the setback requirement.
- D. Minimum Buffer Yard and Planting Screen Standards.
 - 1) Buffer yards including planting screens per the Township Zoning Ordinance shall comply with the following standards unless a more restrictive provision is established by another section of this or other Ordinances:
 - a) The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, signs, manufacturing or processing activity, materials, loading and unloading areas, or vehicle parking or display.
 - b) Where a buffer yard will be located along a street, the Township Zoning Officer or Engineer may allow the screen to be designed with a mix of vegetation that allows views at a 4-foot eye level into the site, for security purposes.

Safety in Parking Areas



To allow visibility into parking areas and to avoid crime, use a mix of low level shrubs and canopy trees with the lowest branches removed. This allows clear views at eye level.

- c) Fence. The Township may require the installation of a mostly solid decorative fence in addition to plantings. Any fence in a buffer yard shall be placed on the inside (non-residential side) of any required plant screening. If a fence in a buffer yard has one side that is more finished or smoother than the other side, the more finished or smoother side shall face the outside of the buffer yard.
 - d) Modifications. The Township Engineer or Zoning Officer may also modify the buffer yard requirements if necessary for fire safety reasons.
- 2) Planting screens shall meet the following requirements:
- a) Plants used to form a visual screen shall be a combination of deciduous shrubs, evergreen shrubs, and evergreen trees. In addition, an average of one (1) deciduous shade tree with a minimum caliper size of two inches (2"), as measured six inches (6") above finished grade, shall be placed for each fifty feet (50') of length of the buffer yard.
 - b) Building/Use Height and Planting Screen Species Selection:
 - i. For buildings and/or uses less than 30 feet in height, deciduous and evergreen tree species and deciduous and evergreen shrub species meeting the criteria outlined herein may be selected for use in planting screens
 - ii. For buildings and/or uses greater than 30 feet in height, the planting screen species selections shall be Shade Tree species (Mature Height > 40 feet) and Evergreen Tree species
 - c) Deciduous and evergreen shrubs used to form the visual screen shall have a minimum height of four feet (4') when planted.
 - d) A monotonous, straight row of the same species is prohibited. A more naturalistic form of planting is required with a mix of species. Plant material shall be grouped in planting beds as opposed to isolated mulch rings.
 - e) If more than 20 evergreen shrubs are proposed, no more than fifty percent (50%) shall be of one evergreen species.
 - f) If evergreen trees are included in the buffer landscape plan, they shall be planted at diagonal off-sets so as to provide adequate room for future growth of the trees.
 - g) Plants used to form the screen shall be of such species, spacing, and size as can reasonably be expected to produce within three (3) years a mostly-solid, year-round visual screen at least five feet (5') in height at that time, and within six (6) years a mostly-solid, year-round visual screen at least ten feet (10') in height at that time. For buildings greater than 30 feet in height, the screen shall be of such species, spacing, and size as can be reasonably expected to produce within ten (10) years a mostly-solid, year-round visual screen at least twenty feet (20') in height at that time.
 - h) The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.
 - i) The plant visual screen shall extend the full length of the lot line, except for: a) Township-approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot, and b) locations necessary to comply with safe sight distance requirements where the plantings cannot feasibly be moved further back.
 - j) Modifications. The Township Engineer or Zoning Officer may also modify the planting screen requirements if necessary for fire safety reasons.

- E. The Township encourages flexibility in design and will entertain alternative buffer yards where the applicant demonstrates the buffering is equal to or better than the requirements and intent of this Ordinance. The use of decorative walls, decorative fences and landscape berms are allowable in an effort to meet the requirements of this Ordinance. The applicant shall demonstrate that the proposed buffering exceeds the minimum requirements by submitting an exhibit(s) that compares the proposed buffering to the requirements listed in this Section. Allowance of this flexibility is at the sole discretion of the Township Engineer or Zoning Officer.
- F. Openings for driveways shall be permitted to cross a required buffer area. Plantings in required buffer areas shall be located so as to not obstruct visibility for traffic entering or leaving the site.
- G. It shall be the responsibility of the owner/applicant to assure the continued growth and maintenance of all required materials within the buffer yard. Replacement of dead vegetative material shall take place no later than the subsequent planting season.
- H. In the event that existing vegetation and/or existing topography provides vegetation which is adequate to meet the intent of the required buffer yard and/or planting screen for adjoining residential properties, the Township Board of Supervisors, upon recommendation by the Planning Commission, may determine that existing topography and/or vegetation constitutes all or part of the required buffer yard or planting screen. If such a determination is made and the size of the buffer yard warrants it, the applicant may be required to record a conservation easement of the size of the otherwise-required buffer yard or planting screen to guarantee that the existing topography and/or vegetation will not be disturbed or removed from the approved buffer yard.
- I. Township Board of Supervisors may require the location of a buffer yard or planting screen to be adjusted on a site if the proposed location does not meet the intent of these requirements for the neighboring property due to topographical constraints or other contextual factors.

Section 723: Landscaping of Parking Areas

- A. Interior landscaping shall be required for all new parking areas that are 4,000 square feet or greater or ten (10) or more parking spaces. Where a preexisting parking area increases the size of a new parking lot by 4,000 square feet or ten (10) or more parking spaces, interior landscaping shall be provided for the new parking areas.
- B. Minimum Setback.
 - 1) All parking areas and drive aisles shall be setback a minimum of ten (10) feet from a principal structure with the exception of the required loading areas.
 - 2) The ten (10) foot setback area surrounding a principal structure may be planted and may include sidewalks as needed for access to the structure.
- C. Interior Landscaping.
 - 1) One (1) interior landscape island shall be provided for every twenty (20) consecutive parking spaces.
 - 2) Interior landscape islands shall be equal to the width and the length of the abutting parking stall(s).
 - 3) Each interior landscape island shall, at a minimum, contain at least one (1) deciduous tree and vegetative groundcover plantings.
 - 4) Applicants are encouraged to include BMP and stormwater facilities within landscape islands where feasible.

- 5) All landscape islands shall be enclosed by appropriate curbing or a similar device. Curbs shall be installed to the dimensions and standards of applicable PennDOT standards. Curb tapers and curb cuts that accommodate drainage into BMP islands are acceptable.

D. Perimeter Landscaping.

- 1) All parking areas, collector driveways, and private streets adjacent to residential areas shall provide a perimeter planting hedge that shields vehicle headlights.
- 2) All perimeter buffers shall be planted with a mixture of deciduous and evergreen shrubs that will provide a continuous hedge with a minimum width of thirty-six (36) inches at maturity and a maximum height of thirty-six-to-forty-eight (36 - 48) inches at maturity.
- 3) In addition, at least one (1) deciduous tree shall be provided for each fifty linear feet (50') of perimeter buffer area. These trees shall have a clear trunk area (free of leaves and branches) of at least five feet (5') above finished grade.
- 4) See §725 for a list of Permitted Landscape Plants.

Section 724: Street Trees

A. Deciduous street trees shall be provided in all land development projects which include new streets or along an extension of an existing street. Street trees are not required where the Township determines that existing healthy trees proposed to be preserved will serve the same function.

B. General Requirements.

- 1) Street trees and plant materials, shall not, at maturity, obstruct overhead utilities, traffic control signals and signs, street intersections, clear sight triangles or driveway entrances.
- 2) Street trees shall be selected to minimize future maintenance costs, including but not limited to, pruning, tree removal, and sidewalk repair.
- 3) Street trees shall be located so as to not interfere with underground utilities, sanitary, or stormwater management facilities.
- 4) Street trees shall be appropriate to the specific planting areas to achieve the design objective of the plan.
- 5) If more than 10 trees are required to be planted, then no more than 50 percent shall be of one species.

C. Location.

- 1) Street trees shall be placed in an alternating pattern along the right-of-way and placed 100 feet on-center, such that one (1) street tree is planted for every fifty (50) feet of frontage.
 - a) The spacing of street trees may be adjusted to accommodate physical features and boundary locations. However, the total count of the required street trees shall not be reduced.
- 2) Street trees shall be located outside of the right-of-way and/or any easements.
- 3) At intersections, trees shall be located not closer than thirty (30) feet from the intersection of the curb or within the defined clear sight triangle.

D. Size and Quality.

- 1) Tree caliper at the time of planting, as measured six inches (6") above ground level, shall be no less than two inches (2").
- 2) Quality of Trees. Trees shall be of symmetrical growth, free of insect pests and disease and durable under the maintenance contemplated. Trees shall be nursery grown in a climate similar to that of the locality of the project.
- 3) The developer shall water trees in accordance with accepted maintenance practices as recognized by the American Association of Nurserymen as needed until a property is sold.
- 4) Trees shall be planted in conformance with good landscaping practices, such as ANSI A300.

Section 725: Street Lights

- A. The Township Board of Supervisors shall require that all new streets and intersections are provided with street lighting.
- 1) The applicant shall install, at the applicant's expense, street lighting serviced by underground conduits in accordance with a plan approved by the Township Engineer.
 - 2) The cost of maintenance and operation shall be the responsibility of a homeowners' association or other approved entity.
 - 3) In lieu of street lights, Township Board of Supervisors may consider private light post located in the front yard of residential dwellings. If desired, applicants shall proposed such private light posts at the time of submission of preliminary and/or final plans.
- B. Street lighting shall be installed as per the lighting plan approved by the Township Board of Supervisors.
- C. Street lights shall be spaced a maximum of 200 linear feet from the center of each post on each side of the proposed cartway or at the discretion of the utility provider. Street light locations shall be staggered across the cartway.
- D. Style, height, type, shielding, and manufacturer of the street lighting shall be subject to the approval of the Township Board of Supervisors and consistent with the service provider's standards.

Section 726: Refuse Collection Stations and Service Structures.

- A. Outdoor collection stations shall be provided for garbage and trash removal when individual collection is not made and indoor storage is not provided.
- B. Collection stations shall be so constructed as to prevent the escape of refuse by wind, water or other natural elements and prevent animals and rodents from entering.
- C. Screening. All refuse collection stations and service structures shall be fully screened by enclosure and vegetative materials.
- 1) Location of Screening. A continuous fence or wall and vegetative hedge shall enclose any service structure on three (3) sides. The remaining side of the enclosure shall be screened by a gate that provides adequate access and visual screening.
 - 2) The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height.

- 3) When a service structure is located next to a building wall, perimeter landscaping material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this Section.
- 4) Plant material required to screen refuse collection stations or service structures shall not count toward the fulfillment of required number of shrubs.

Article 8 – Administration, Fees, and Enforcement

Section 801: General Administration

- A. All provisions of this Ordinance shall be administered by the Township Board of Supervisors or their officially designated representatives. All matters relating to this Ordinance shall be submitted to the Zoning Officer who will handle the matter in accordance with current municipal policies, procedures, and guidelines established by the Township Board of Supervisors.

Section 802: Fees and Costs

- A. No application for preliminary or final plan approval shall be considered complete, filed and processed unless and until the fees and/or escrow deposit, as set forth below, shall have been paid and actually received by the Township. In no event shall any time periods be deemed to have commenced unless and until the required fees have been paid and actually received by the Township.
- B. The Township Board of Supervisors shall adopt and amend by resolution a schedule of fees, payable by the applicant to the Township for the filing of preliminary and final plans.
- C. The Township Board of Supervisors shall adopt and amend by resolution a schedule of escrow deposits to be paid by the applicant to the Township at the time of the filing of an application, sufficient to pay all Township expenditures anticipated in the course of its review and disposition of plans.
 - 1) Costs incurred by the Township in excess of the escrowed amount shall be paid by the applicant prior to the granting of approvals or permits.
 - 2) If, during the costs of review, approval, construction or inspection, the amount of funds held in escrow are depleted to an amount that is not sufficient to pay the cost of remaining Township expenditures, in the Township's sole discretion, the developer shall remit additional funds in escrow with the Township in the amount and as requested by the Township in writing. The Township shall have no obligation to process and issue building permits or take other actions in furtherance of the approved plan until such time as the requested funds have been deposited with the Township.
 - 3) If costs incurred by the Township are less than the escrowed amount, the difference shall be refunded to the applicant following disposition of the plans.
- D. Township expenditures subject to escrow as in §802 (C), above, include but are not limited to the following:
 - 1) Engineering and other technical services performed by any professional consultants during the plan review.
 - 2) Construction observation and inspection as required by this Ordinance.
 - 3) Any required testing.
 - 4) Services of the Township Solicitor in reviewing and/or preparing documents related to the plan reviews.
 - 5) An administrative charge of ten (10%) percent of the total costs described in the previous four (4) Subsections.
- E. Escrow accounts for fees to conduct the necessary inspection and review services provided by the Township during the construction of improvements approved in the final plan shall be established as part of the developers agreement required in §305.G of this Ordinance.

Section 803: Disputes

- A. Users should be aware that the following Section is a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.

- B. In the event that the applicant disputes the amount of any such review fee, the applicant shall, within forty-five (45) days of the billing date or the notice of withdrawal by the Township of an amount held in escrow, notify the Township and their consultant that the fees are disputed. In such case the Township shall not delay or disapprove a subdivision or land development due to the applicant's request regarding disputed fees. The applicant shall within thirty (30) days after the transmittal date of a bill for inspection services or forty-five (45) days of the date of transmittal of a final bill for inspection services, notify the Township and their professional consultant that the fees are disputed. The fee dispute process established in the Pennsylvania MPC generally includes the following steps:
 - 1) In the event that the Township and the applicant cannot agree on the amount of any review fees which are reasonable and necessary, then the Township and applicant shall jointly by mutual agreement, appoint another professional consultant serving as arbitrator to examine the disputed review fees and make a determination as to the amount thereof which are fair and reasonable within fifty (50) days.
 - 2) Appropriate payments or reimbursements shall be made within sixty (60) days following the decision by the arbitrator.
 - 3) If the Township and applicant cannot agree on an independent professional consultant to serve as arbitrator 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 shall appoint an engineer who shall be neither the Township engineer or any professional engineer who has been retained by, or performed services for the Township or applicant within the preceding five (5) years.
 - 4) The fee of the appointed arbitrator 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 is less than the original bill by \$5,000 or more, the arbitrator may require part of full payment from the applicant or professional consultant. In all other cases, the consultant and Township should each pay one half (50%) of the fees of the professional engineer.

Section 804: Enforcement

- A. Users should be aware that the following Section is a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.

- B. Preventative Remedies.
 - 1) In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, to correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building.
 - 2) The Township may refuse to issue any permit or grant any approval necessary to further improve any real property which has been developed or has resulted from a subdivision in violation to this Ordinance. As an additional condition for the issuance of any permit or approval, the Township may require compliance with the conditions that would have been applicable to the property at which time the applicant acquired it. This authority to deny such a permit or approval shall apply to any applicant as described in §515.1(b) of the MPC.

C. Civil Enforcement Remedies.

- 1) Any person, partnership, or corporation who or which has violated the provisions of this SALDO shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including the reasonable attorney fees incurred by the Township as a result thereof.
- 2) No judgment shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the district justice.
- 3) If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.
- 4) 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 (1) such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- 5) All fines collected for such violations shall be paid to the Township.
- 6) Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

Section 805: Remedies to Effect Completion of Public Improvements

- A. In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accordance with the approved final plan, the Township shall pursue remedies provided for in §511 of the MPC, 53 P.S. §10511, as amended.

Section 806: Appeals

- A. Any person aggrieved by a decision of the Township concerning an application of approval of a subdivision of land development may appeal the decision in accordance with the procedures specified in Article X-A of the MPC.

Section 807: Notice to School District

- A. As per §508.1 of the MPC, as amended, each month the Township shall notify in writing the superintendent of a school district in which a plan for a residential development was finally approved by the Township during the preceding month. The notice shall include, but not be limited to, the location of the development, the number and types of units to be included in the development and the expected construction schedule of the development.

Article 9 – Amendments, Validity, and Repealer

Section 901: Amendment Procedures

- A. The Township Board of Supervisors may, from time-to-time, amend, supplement, change, modify, or repeal this Ordinance by proceeding in accordance with the Pennsylvania MPC.
- B. Referral to the Planning Commission.
 - 1) All proposed amendments before adoption shall be referred to the Township Planning Commission at least thirty (30) days prior to the public hearing, for recommendation and report, which shall be advisory.
- C. Referral to the County Planning Agency.
 - 1) All proposed amendments shall be referred to the County Planning Agency at least thirty (30) days prior to the public hearing, for recommendation and comment.
 - 2) As per §304(b) of the MPC, the Township Board of Supervisors may not take any action on a proposed amendment until comments are received from Perry County Planning Commission, or the forty-five (45) day review period has passed.

Section 902: Validity

- A. Separability: Any Section, Subsection or provision of this Ordinance that is declared to be invalid by a court of competent jurisdiction shall not affect the validity of any other part of this Ordinance or the Ordinance as a whole.

Section 903: Repealer

- A. Any prior Township ordinances or regulations or parts thereof conflicting with the provisions of this Ordinance, are hereby repealed.

Article 10 – Manufactured/Mobile Home Parks

Section 1001: General Standards

- A. In accordance with the provision of the Pennsylvania MPC, as amended, manufactured/mobile home parks are governed as subdivisions or land developments, and are subject to the procedures and standards of this Ordinance.
- B. The standards and procedures as prescribed herein shall be applicable to those manufactured/mobile home parks which are constructed, remodeled, altered, or expanded after the effective date of this Ordinance.
- C. No approval to construct or expand a manufactured/mobile home park shall be granted until such time as a land development application is submitted for review subject to the provisions of Article 3 of this Ordinance.
- D. All applicants for approval to lay out, construct, and operate utility services within a manufactured/mobile home park shall, in addition to the requirements of this Ordinance, apply for and obtain any and all permits that may be required by PADEP in connection with the establishment of utility service facilities.
 - 1) A duplicate copy of the application submitted to PADEP shall be concurrently filed with the Township.
- E. The person to whom all required state and federal permits for a manufactured/mobile home park is issued shall operate the manufactured/mobile home park in compliance with this Ordinance and all applicable regulations.

Section 1002: Design Standards

- A. Minimum Area and Density: A manufactured/mobile home park shall have a gross area and density as specified within the Zoning District as permitted by the Township Zoning Ordinance.
- B. The ground surface in all parts of the manufactured/mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner, in compliance with the Township's Stormwater Management Ordinance, as amended.
- C. Exposed ground surfaces in all parts of every manufactured/mobile home park shall be paved, or covered with a compacted, dustless surface, or other solid material, or protected with a vegetative groundcover that is capable of preventing soil erosion.

Section 1003: Permitted Uses

- A. No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing, safety, welfare, and common enjoyment of park residents and for the management and maintenance of the park.
- B. Accessory structures incidental to residential dwellings shall be permitted on occupied manufactured/mobile home lots.
- C. Accessory structures shall be counted towards the maximum lot coverage on a lot and in no case shall exceed the maximum lot coverage for the district in which it is located when considering all structures on the lot.

- D. Not more than one accessory structure by type shall be permitted on an individual lot (e.g. shed, play structure, etc).
- E. Accessory structures shall not exceed the height of the principal structure.

Section 1004: Required Setbacks and Buffers

- A. All required setbacks and buffers shall comply with the requirements set forth within the Township Zoning Ordinance.

Section 1005: Lot Requirements

- A. Each manufactured/mobile home lot shall have direct access to an approved and recorded right-of-way whether privately maintained or offered for public dedication.
- B. Manufactured/mobile home lots are prohibited from directly accessing onto State, County, or Township Roadways. Access to all manufactured/mobile home lots shall be provided by a road network that is internal to the proposed land development.
- C. Minimum manufactured/mobile home lot standards shall comply with the requirements set forth within the Township Zoning Ordinance.
- D. All unattached accessory structures including, but not limited to, storage sheds, satellite dishes, swimming pools or garages shall meet the requirements of the Township Zoning Ordinance.

Section 1006: Streets

- A. All streets contained within the manufactured/mobile home park shall be private streets constructed to the public, local street standards, intersection requirements, and vertical and horizontal alignment criteria as specified within this Ordinance.
 - 1) The applicant shall provide a turning radius analysis for movement related to the placement and removal of manufactured/mobile homes on all proposed lots. The turning radius analysis shall be approved by the Township Engineer.
- B. A minimum of two (2) park entrances shall be provided for the park.
- C. Parking shall be prohibited within any street right-of-way.
- D. Dead end streets shall be prohibited.
- E. All streets shall be furnished with shielded lighting and spaced as to provide one half (0.5) footcandle of illumination on all internal street surfaces, intersections and park entrances.
 - 1) Streetlights shall not exceed twenty-five (25) feet in height.

Section 1007: Off-Street Parking

- A. All off-street parking shall comply with the requirements set forth within the Township Zoning Ordinance.

Section 1008: Manufactured/mobile Home Pads

- A. The location of each manufactured/mobile home pad shall be at such elevation, distance and angle in relation to the access street so that the placement and removal of a manufactured/mobile home is practical, easy and safe.

- B. All manufactured/mobile homes placed within a manufactured/mobile home park shall, prior to occupancy or other use, be affixed to their manufactured/mobile home stands in such a way so as to prevent tilting of the unit. No manufactured/mobile home shall permanently rest on the wheels used to transport the unit.
- C. The pad where the manufactured/mobile home is placed shall be a minimum of fourteen (14) feet by sixty-five (65) feet, or 910 square feet in area.
 - 1) A one (1%) percent to five (5%) percent gradient longitudinal crown or cross gradient for surface drainage shall be provided.
- D. All manufactured/mobile homes shall be set on a suitable foundation and each manufactured/mobile home pad shall include anchors as required by the Township's Building Code and/or Federal requirements.
- E. All manufactured/mobile homes placed within a manufactured/mobile home park shall, prior to occupancy or other use, have skirts installed for protection of the utility connections.
- F. An enclosure of compatible design and material, commonly called skirting, shall be erected around the entire base of the manufactured/mobile home prior to occupancy or other use. Such enclosure shall prevent harborage for rodents, creating a fire hazard or exposing unsightly conditions. Skirting shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- G. The hitch or tow bar attached to a manufactured/mobile home for transport purposes shall be removed or covered when it is placed on its manufactured/mobile home stand.
- H. Every manufactured/mobile home and addition thereto shall be anchored to resist floatation, collapse, or lateral movement prior to occupancy and no more than seven (7) days from the arrival on site. Anchoring shall consist of over-the-top or 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 (NFPS No. 501A-1974[ANSI A119.3-1975]), as amended," or the standards specified by the manufacturer. All anchoring shall secure the unit for a wind velocity of at least ninety (90) miles per hour.

Section 1009: Recreation and Open Space

- A. Not less than twenty (20%) percent of the gross site area of all manufactured/mobile home parks shall be devoted to recreational facilities or usable open space for active recreation. Recreation areas may include, but are not limited to the following:
 - 1) Space for community buildings.
 - 2) Community use facilities.
 - 3) Multi-purpose fields.
 - 4) Indoor recreation areas.
 - 5) Swimming areas.
- B. Sites selected or reserved for such uses shall be of appropriate topography, location and dimensions which, in the determination of the Planning Commission, are usable for the purpose intended.
- C. Common open space and other common elements shall be retained in private ownership of the developer of the manufactured/mobile home park.

- D. Prior to plan approval, provisions acceptable to the Township Solicitor for the maintenance of all common elements which will not be owned and maintained by a governmental agency shall be established.
- E. A pedestrian circulation plan that integrates the use of greenbelts, trails or sidewalks throughout the development that link residences with on-site recreation and adjoining parks, schools, or other similar features.

Section 1010: Utilities and Fire Protection

- A. Water. Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made thereto and it shall be used exclusively as approved by the Howe Township Municipal Water Operator. Where a satisfactory public water supply system is not available, the development of a private water supply system shall be approved by the PA DEP or other authorities having jurisdiction.
 - 1) All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with state and local regulations.
 - 2) Individual water-riser pipes shall be located within the confined area of the manufactured/mobile home stand at a point where the water connection will approximate a vertical position, thereby ensuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.
 - 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.
- B. Fire Protection. All fire safety plans shall be reviewed by the volunteer fire company chief(s) which provides fire protection in the proposed location of the manufactured/mobile home park.
 - 1) Fire hydrants shall be installed consistent with the Township's Building Code and as required by the Municipal Water Operator.
- C. Sewage. All units within the manufactured/mobile home park shall be serviced by the public sewage unless each manufactured home is on a one acre minimum land area.
 - 1) Central toilet or washroom facilities are prohibited.
- D. Underground Utilities. All electric, natural gas, telephone, cable television, and other utility lines shall be placed underground in all manufactured/mobile home parks and each shall have the necessary shut-off valves and other safety requirements normally associated with safe operations.
 - 1) All utility connections shall be appropriately capped for safety purposes whenever a manufactured/mobile home stand is not occupied.
 - 2) All utilities shall be installed and maintained in accordance with the regulations of the individual authority having jurisdiction.
- E. Heating oil or propane tanks shall be installed as required by the Township's Building Code.

Section 1011: Refuse Handling

- A. A refuse collection station containing a typical six (6) cubic yard dumpster shall be provided for every six (6) lots or manufactured/mobile home units.
 - 1) Refuse collection stations shall be evenly distributed through the manufactured/mobile home park.

- B. The storage, collection and disposal of refuse in the manufactured/mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution and shall comply with the PA DEP regulations governing manufactured/mobile home parks.
- C. All refuse collection stations shall provide screening as required by this Ordinance.

Section 1012: Permits Required and Inspection

- A. In those manufactured/mobile home parks wherein some or all of the manufactured/mobile home lots will be sold individually (whether totally fee simple, fee simple with a homeowners association, condominium, or cooperative), no lot to be conveyed shall be developed or a manufactured/mobile home or other structure placed or constructed thereon until the subdivision and/or land development plan has been properly approved and the proper building and construction permits have been issued to the lot in accordance with standard procedures for any building activity in the Township.
- B. No manufactured/mobile home or other structure shall be occupied until a valid occupancy permit has been issued by the Township.
- C. Designated Township personnel may inspect a manufactured/mobile home park after due notice to determine compliance with this Ordinance.
- D. The applicant or developer shall inform the Township and/or appropriate authority when manufactured/mobile homes are connected to water supply, sewer, and electrical service to schedule inspection of these connections and to determine that the manufactured/mobile home is anchored and located in accordance with this Ordinance.
- E. Designate Township personal will not inspect the manufactured/mobile home unit but shall determine if it bears a label indicating that it complies with the appropriate federal safety standards promulgated by the US Department of Housing and Urban Development and Pennsylvania regulations issued under the "Manufactured Housing Construction and Safety Act."

Section 1013: Manufactured/mobile Home Park License

- A. All manufactured/mobile home parks, whether existing or proposed (including expansions), shall require a Manufactured/Mobile Home Park License.
- B. Prior to the issuance of a Manufactured/Mobile Home Park License for any proposed manufactured/mobile home park or proposed manufactured/mobile home park expansion, the applicant shall secure approval under the prevailing Subdivision and Land Development and Stormwater Ordinances.
- C. All requests for a Manufactured/Mobile Home Park License shall be submitted to the Township The application shall include:
 - 1) An application for a Manufactured/Mobile Home Park License ;
 - 2) Identification of the Perry County Recorder of Deeds reference numbers or the approved subdivision and land development plan; and
 - 3) A filing fee as set by resolution of the Township Board of Supervisors
- D. A Manufactured/Mobile Home Park License shall be valid for a period of one (1) year from April 5 of each year. A new Manufactured/Mobile Home Park License must be obtained prior to the termination of the current license.

- E. It shall be unlawful for any person to operate a manufactured/mobile home park without a valid license, issued annually by the Township in the name(s) of the applicant and manager.
- F. Shares of stock, or otherwise, shall be reported in writing to the Township within five (5) business days after a change in land ownership. Such notice shall include the name and current mailing address of the preceding and succeeding ownership.