

# FRANKLIN TOWNSHIP

CARBON COUNTY, PENNSYLVANIA

## SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

DRAFT  
APRIL 2022

## OVERVIEW

This ordinance applies to all subdivisions and all land developments. It includes the plan submission and processing procedures; plan content requirements; development road, drainage and other improvement specifications; and improvement guarantee and construction requirements.

### **Application Submission - 10 Calendar Days Prior**

All applications must be submitted to the Township at least 10 calendar days before the Planning Commission meeting.

### **Subdivision Defined**

- Any division of a lot into two or more lots, including leases, is considered a subdivision.
- Any change in a lot line, including the elimination of a line between two lots by combination, is also considered a subdivision.

### **Minor Subdivision Defined**

A subdivision that creates five lots or less, or the cumulative development on a lot by lot basis for a total of five lots or less of any original tract of record and which does not require the construction or extension of any streets or municipal facilities and creates no public or private community facilities such as, but not limited to, stormwater control facilities, a central water supply, a central sewage disposal system, or streets. The enumeration of lots shall include all lots created from the parent tract after the effective date of this chapter and the residual tract (land under the same ownership and adjacent).

### **Lot Improvement Subdivision Defined**

1) The consolidation of contiguous lots of record which are shown on a map on file at the office of the County Recorder of Deeds and which do not involve the creation of any new lot lines; or 2) The realignment of lot lines or the transfer of land to increase the size of an existing lot provided the grantor's remaining parcel complies with all provisions of this chapter and no new lots are created.

### **Major Subdivision Defined**

- Any subdivision that is not a minor subdivision or a lot improvement subdivision.
- Any subdivision, irrespective of the number of lots, is considered a major subdivision if it requires the construction or extension of any public or private community facilities such as stormwater controls, a central water supply, a central sewage disposal system, streets or other improvements.

### **Land Development Defined**

- Any of the following activities:
  1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
    - a. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure;
    - b. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
  2. A subdivision of land.

3. The expansion or addition to a nonresidential building which involves any of the following as measured cumulatively from the effective date of this provision:
  - a. The addition of 25 percent or more of floor area to a structure;
  - b. The increase by 25 percent or more of impervious area (including building area) on the parcel; or,
  - c. Any increase in impervious area which will result in the generation of stormwater runoff in such volume as will not be controlled by existing stormwater management facilities pursuant to the requirements of this Ordinance.
- If not classified as a land development by §3 above, the definition of land development shall not include the following:
  1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
  2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
  3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the Township.

#### **Minor Land Development Defined**

The improvement of one lot:

- Involving no new streets and no extension of public water or public sewer;
- Consists of no more than two single-family dwelling units on a single lot; and,
- Is not by definition considered a major subdivision.

#### **Preliminary Plans and Final Plans**

- Major subdivisions require preliminary plans and final plans.
- A preliminary plan is *preliminary* only in that it is the first plan submitted for approval.
- An approved preliminary plan authorizes the applicant to begin construction of the development. Therefore, the Township must ensure that the plan complies with all of the requirements of the Ordinance before granting preliminary approval.
- Some preliminary plans may be approved with conditions such as the issuance of a PennDOT highway occupancy permit or the approval of the soil erosion and sedimentation control plan by the County Conservation District.
- In lieu of constructing the improvements, the applicant may post a financial guarantee to cover the cost of the improvements.
- Once the improvements are constructed or guaranteed, the applicant may submit an application for final approval.
- If final approval is granted and the applicant fails to construct the improvements, the Township would be responsible to complete the installation. This is the reason for the financial guarantee of all improvements, regardless of whether the improvements will remain private or are proposed for dedication to the Township.
- Final approval authorizes the applicant to sell the lots in the subdivision.

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Appendix B - Application for Approval of a Subdivision and/or Land Development

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

The Franklin Township Subdivision and Land Development Ordinance of October 26, 1993, as amended, is hereby amended as hereinafter set forth. This Ordinance is not intended to and shall not be construed to affect or change any other ordinance, code, or regulation of Franklin Township. If any other ordinance, code, or regulation of Franklin Township is in conflict or inconsistent with the requirements of this Subdivision and Land Development Ordinance, the most restrictive standards and provisions shall apply.

## ARTICLE I GENERAL PROVISIONS

### §1 Title and Short Title

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

### §2 Jurisdiction; Authority

- A. Application. This ordinance shall apply to all subdivisions and land developments in Franklin Township proposed after the effective date of this ordinance.
- (1) The responsibilities of the Planning Commission are specifically enumerated throughout this ordinance. All other power and authority is specifically reserved by the Board of Supervisors.
  - (2) No subdivision or land development of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed or opened except in accord with the provisions of this ordinance.
  - (3) No lot in a subdivision may be sold, no permit to erect or alter any building upon land in a subdivision or a land development may be issued, and no building may be erected in a subdivision or a land development, unless and until a plan of such subdivision or land development shall have been approved and properly recorded, and until the improvements required herein in connection therewith have been constructed or guaranteed as hereinafter provided.
  - (4) No person, firm or corporation proposing to make, or have made, a subdivision or land development within the Township shall proceed with any clearing, grading or site preparation before obtaining from the Board of Supervisors the approval of the preliminary plan of the proposed development, and no deeds shall be recorded for lots in any development, before obtaining from the Board of Supervisors the approval of the final plan of the proposed subdivision or land development, except as otherwise provided herein.
- B. Prior Approvals. [See also §508(4)(ii) of the Pennsylvania Municipalities Planning Code] When an application for approval of a plat, whether preliminary or final, has been approved under the terms of this ordinance without conditions or approved by the applicant's acceptance of conditions, no subsequent

change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed after the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application. (See §5.)

- C. Previously Filed Maps. In cases where a map was filed and put on record prior to the enactment of the Franklin Township Subdivision and Land Development Ordinance of 1986, or other prior regulations, and any improvements shown on said map have not been installed or completed prior to the enactment of this Ordinance, said improvements shall be designed and installed in accord with this ordinance which may include modifications of standards per §87.
- D. Powers. The Township shall have all powers necessary to administer the provisions of this ordinance without limitation by reason of enumeration, including the following:
- (1) To prohibit the development of any land found to be unsuitable as defined by this ordinance.
  - (2) To require that improvements to the land be made as defined by this ordinance.
  - (3) To require the dedication of land as defined as a condition of subdivision or land development plan approval.
  - (4) To require adherence to this ordinance and its standards.
  - (5) To require complete and accurate preliminary and final subdivision and land development submissions and additional information necessary to make reasonable evaluations of such plans.
  - (6) To make conditional approvals where requirements specified in writing by the Township will satisfactorily protect the public interest and health and will not violate State laws and will accomplish the purpose of this ordinance.
- E. Recording of Plans. In accord with §513 of the Pennsylvania Municipalities Planning Code, the Recorder of Deeds of the County shall not accept any subdivision or land development map or plan for recording unless such map or plan officially notes the approval of the Board of Supervisors and the acknowledgment of review by the County Planning Commission and is presented for recording within 90 days of Board of Supervisors approval.

### **§3     Purpose**

- A. General. This ordinance has been adopted to protect and promote the health, safety, morals and general welfare of the citizens of Franklin Township by establishing regulations to allow for the proper and controlled development of the Township, to provide for environmental protection and to ensure the proper provision of community facilities. Regulations for specific types of development for which additional



standards have been deemed necessary are intended to protect the rights of the residents of Franklin Township to enjoy clean air, pure water, and the natural, scenic, historic, and aesthetic value of the environment, and to preserve and conserve the natural features of the Township.

- B. Land Capability; Conservation Design. The basic tenet of subdivision and land development in Franklin Township is basing design on land capability and encouraging flexibility of design via the *conservation design* process to help protect an interconnected network of open space throughout the Township and help establish substantial buffers along boundaries with existing protected lands.
- C. Comprehensive Plan. This ordinance has also been adopted to accomplish the goals and objectives of the Franklin Township Comprehensive Plan and to establish the resource inventory maps in the Comprehensive Plan as the basis for the design of projects and conservation area protection.

#### **§4      Interpretation**

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

#### **§5      Effect of Ordinance Changes**

Changes in this ordinance shall affect plats as follows:

- A. Pending Action. From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this ordinance, and while such application is pending approval or disapproval, no change or amendment of the Township subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the Applicant and the Applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the Applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
- B. Project Completion and Effect of Litigation. When an application for approval of a plat, whether preliminary or final, has been approved under the terms of this ordinance without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment in the subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.

- C. Five Year Initiation. Where final approval is preceded by preliminary approval, the aforesaid five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
- D. Substantially Completed Improvements. Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five-year limit, or any extension thereof as may be granted by the Board of Supervisors, no change of municipal ordinance or plan enacted after the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to density, lot, building, street or utility location.
- E. More Than Five Years. In the case of a preliminary plat calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the Applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Board of Supervisors in its discretion.
- F. Sections. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25 percent of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Board of Supervisors in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period the aforesaid protections shall apply for an additional term or terms of three years from the date of final plat approval for each section.
- G. Landowner Failure. Failure of landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to all changes in this ordinance and other governing ordinance enacted by the Township subsequent to the date of the initial preliminary plan submission.

## **§6      Effect of Official Map**

- A. Reservations; Options. All subdivisions and land developments shall be subject to the reservations shown and established by the Franklin Township Official Map which has been enacted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Code, as amended. The Applicant is encouraged to contact the Township Zoning Officer prior to submitting the plan.
- B. Final Plans. All public streets, public grounds and other the public elements identified by the Official Map of Franklin Township which are shown on final, recorded plats which have been approved in accord with this ordinance shall be deemed amendments to the Official Map. No public hearing need be conducted, or notice given if the amendment of the Official Map is the result of the addition of a plat which has been approved in accord with this ordinance.

## **§7      Subdivision or Land Development Re-design**

In cases where a subdivision or land development has been approved under the provisions of Township

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

**§8      Liability**

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

**§9      Pennsylvania Municipalities Planning Code Amendments**

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

**§10     Conflict and Severability**

- A. Conflict. This ordinance is not intended to and shall not be construed to affect or repeal any other ordinance, code or regulation of the Township. If any other ordinance, code, or regulation of the Township is in conflict or inconsistent with the requirements of this ordinance, the most restrictive standards and provisions shall apply.
- B. Severability. If any provision, section, sentence, or clause of this ordinance shall be held to be unconstitutional, such invalidity shall not affect or impair any remaining part of this ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

**§11     Effective Date**

This ordinance shall take effect immediately upon its adoption by the Franklin Township Board of Supervisors.

## ARTICLE II DEFINITIONS

### §12 Tense, Gender and Number

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

### §13 General Terms

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

### §14 Terms, Phrases, Words not Defined; Diagrams

- A. Terms, Phrases, Words Not Defined. When terms, phrases, or words are not defined, they shall have the meaning as defined in The Complete Illustrated Book of Development Definitions (Moskowitz, Lindbloom, Listokin, Preiss, and Merriam, Transaction Publishers, New Brunswick, NJ, 4<sup>th</sup> edition, 2015, ISBN: 978-1-4128-5504-) or the latest edition thereof, or if not defined therein, they shall have their ordinarily accepted meanings or such as the context may imply.
- B. Diagrams. The diagrams in §15 are for illustrative purposes only and shall not be interpreted as having any effect on the meaning of the associated term.

### §15 Specific Terms

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

AASHTO: American Association of State Highway Transportation Officials.

ACCESS DRIVE: One combined entrance/exit or one clearly defined entrance, or one clearly defined entrance separated from another clearly defined exit serving a land development. This term shall not include access drives that are strictly and clearly limited to use by only emergency vehicles.

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

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

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

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

ADJUSTED TRACT AREA (ATA): See *tract area, adjusted*; *lot area, gross*; and *lot area, net*.

ADMINISTRATOR – The person appointed by the Board of Supervisors to carry out the duties assigned to the *Administrator* by this ordinance.

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

AGRICULTURAL USE: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural (woodland) and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production. It excludes agricultural products processing operations, riding academies, livery or boarding stables and dog or other animal kennels.

ALLEY: See *street*.

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

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

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

BEST MANAGEMENT PRACTICES: Activities, facilities, measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters within this Commonwealth before, during, and

after earth disturbance activities.

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

**BOARD OF SUPERVISORS**: The Board of Supervisors of Franklin Township, Carbon County, Pennsylvania.

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

**BUILDING**: Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING, ACCESSORY**: See *accessory structure*.

**BUILDING, ATTACHED**: A building which has one or more walls or portions thereof in common with an adjacent building.

**BUILDING, DETACHED**: A building surrounded by open space on all sides within the same lot.

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

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

**BUILDING HEIGHT**: The vertical distance from *grade plane* to the average height of the highest roof surface. (See *grade plane*.)

**CALIPER**: The diameter of a tree's trunk measured 12 inches above the ground.

**CAMPGROUND OR RECREATIONAL VEHICLE PARK**: A plot of ground upon which two or more campsites are located, established or maintained for temporary occupancy by persons using tents or recreational vehicles, and which shall not be used for long term residency of occupants.

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

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

**CLEAR SIGHT TRIANGLE**: An area of unobstructed vision at street intersections.

**COMMERCIAL BUILDING**: A building which houses a commercial use.

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

COMMISSION OR PLANNING COMMISSION: The Franklin Township Planning Commission.

COMMON AREA: All of the real property dedicated for the common use and enjoyment of the residents of a development; including open land and recreation area.

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

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

CONSERVATION AREA, PRIMARY: Lands within the 100-year floodplain, wetlands, lakes, ponds, watercourses and slopes of 25 percent or more.

CONSERVATION AREA, SECONDARY: All landscape elements not included in the primary conservation area. These include:

- A. Hydric soils, swales, springs, lowland areas other than wetlands.
- B. Moderately steep slopes between 15 and 25 percent, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- C. Healthy woodlands ' particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
- D. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- E. Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetative features.
- F. Historic structures and sites.
- G. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
- H. Existing trails, especially those connecting the tract to other locations in the Township.
- I. Class I, II and III agricultural soils as defined by the United States Department of Agriculture, Natural Resources Conservation Service's County Soil Survey for Carbon County.

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

CONSERVATION EASEMENT: A right or interest in land granted primarily for the preservation of the land in its undeveloped state but which may allow other compatible uses such as agriculture and forestry.

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

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

CONVENTIONAL DESIGN DEVELOPMENT: A subdivision or land development designed at the regulated dwelling unit density where individual lot reduction is not permitted.

COUNTY: The County of Carbon, Commonwealth of Pennsylvania.

CROSSWALK OR INTERIOR WALK: An area for pedestrian travel across or within a block.

CUL-DE-SAC: See *street*.

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

DECISION: Final adjudication of any board or other body granted jurisdiction under any land use ordinance or the Pennsylvania Municipalities Planning Code ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district.

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

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

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

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

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

DIAMETER AT BREAST HEIGHT (DBH): The diameter of a tree trunk measured at 4.5 feet above the ground.



**DISTURBANCE:** Unstabilized land area where an earth disturbance activity is occurring or has occurred.

**DISTURBED AREA:** Any area of land on which an *earth disturbance activity* has occurred.

**DRAINAGE FACILITY:** Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended, or constructed for diverting surface waters.

**DRIVEWAY:** A privately owned and constructed vehicular access from a private or public road into a lot or parcel having frontage on the said road and serving one single-family dwelling. (See also *flag lot*.)

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

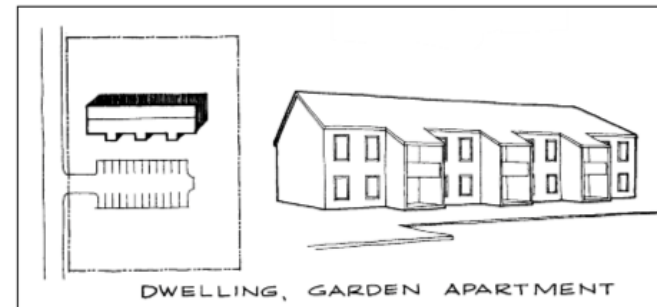
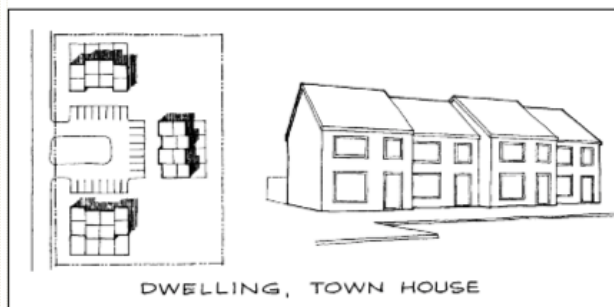
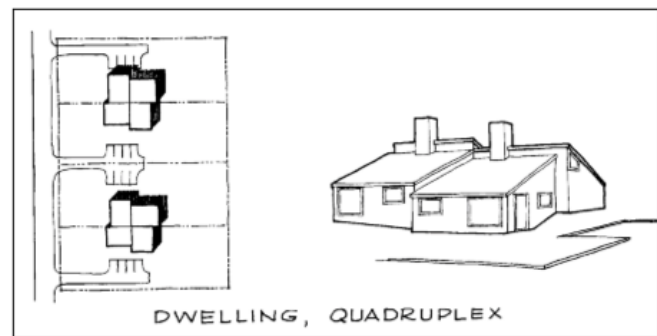
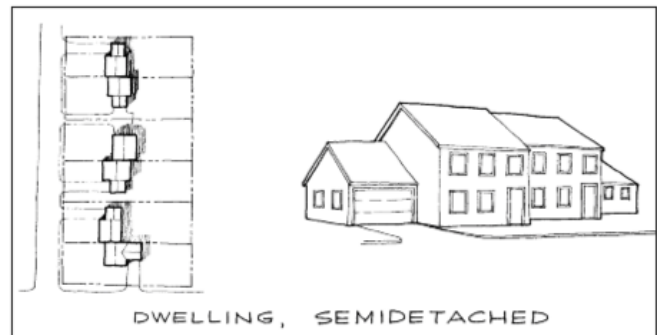
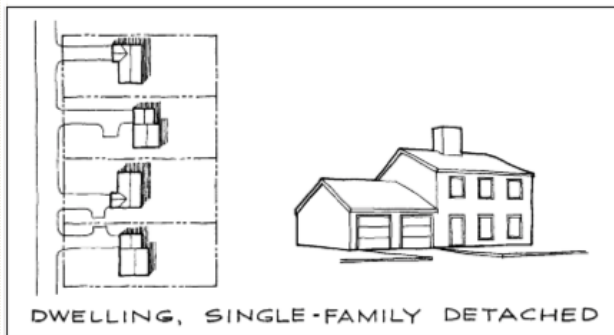
**DWELLING, APARTMENT UNIT:** One or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a building containing three or more dwelling units.

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

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

- A. **SINGLE-FAMILY ATTACHED/TOWNHOUSE:** A dwelling unit located in a multi-family dwelling structure in which each unit has its own front access to the outside and may have a rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more vertical common fire-resistant walls.
- B. **DWELLING, QUADRAPLEX:** Four attached single-family dwellings in one building in which each unit has two open space exposures and shares one or two walls with an adjoining unit or units.
- C. **GARDEN APARTMENT BUILDING:** A multi-family dwelling structure, originally designed as such, containing three to ten apartment units and not exceeding 2.5 stories or 35 feet in height, with access to each apartment unit usually from a common hall with the apartment units located back-to-back, adjacent, or one on top of another.
- D. **APARTMENT BUILDING:** A multi-family dwelling structure, originally designed as such, containing three or more apartment units which is more than 2.5 stories but not exceeding the height limitations (in feet) of the zoning ordinance.
- E. **CONVERSION TO APARTMENT:** The conversion of an existing single-family detached dwelling into three to five dwelling units.

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



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

**DWELLING UNIT:** One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household but not including a *short-term rental unit* as defined in this Article II. Any part of a dwelling structure which is not connected with full unrestricted access to all other parts of the dwelling structure is considered a separate dwelling unit.

**EARTH DISTURBANCE ACTIVITY:** A construction or other human activity which disturbs the surface of the land, including land clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, operation of heavy animal use areas, timber harvesting activities, road maintenance activities, oil and gas activities, well drilling, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

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

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

**ENGINEER, TOWNSHIP:** A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township.

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

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

The definition of a family does not include:

- A. Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;
- B. Any group of individuals whose association is temporary or seasonal in nature; and
- C. Any group of individuals who are in a group living arrangement because of criminal offenses.

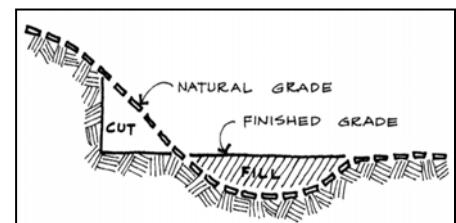
**FLOOD (and related definitions)** – See the Township floodplain regulations.

**FRONTAGE:** See *lot frontage*.

**GRADE:** The average finished ground elevation adjoining a building.

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

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



**GRADE PLANE:** A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building. (See *building height*.)

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

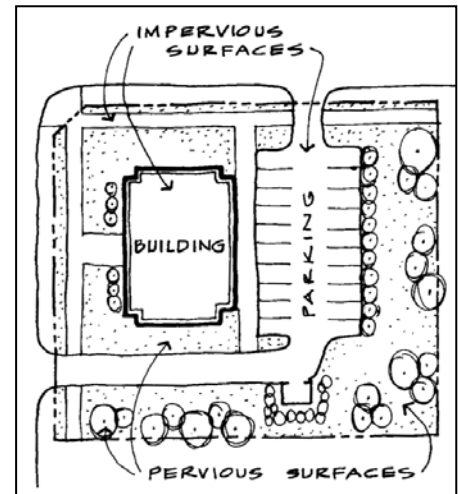
HOMEOWNERS ASSOCIATION: See *property owners association*.

IMPERVIOUS SURFACE (IMPERVIOUS AREA): Hard ground cover that prevents or retards the entry of water into the soil and increases runoff, such as asphalt, concrete, rooftops, etc.

IMPROVEMENTS: See *development improvements*.

INDUSTRIAL BUILDING: A building which houses an industry.

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



INSTITUTIONAL BUILDING: A building which houses an institutional use.

INSTITUTIONAL USE: A nonprofit, religious, or public use, such as a religious building, library, public or private school, hospital, emergency services station, or government-owned or government-operated building, structure, or land used for public purpose.

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

LAND DEVELOPMENT:

A. Any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - a. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure;
  - b. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.
3. The expansion or addition to a nonresidential building which involves any of the following as measured cumulatively from the effective date of this provision:
  - a. The addition of 25 percent or more of floor area to a structure;

- b. The increase by 25 percent or more of impervious area (including building area) on the parcel; or,
  - c. Any increase in impervious area which will result in the generation of stormwater runoff in such volume as will not be controlled by existing stormwater management facilities pursuant to the requirements of this Ordinance.
- B. Unless any of the thresholds established by §A3 above are exceeded, the following shall not be considered land developments:
1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units unless such units are intended to be a condominium.
  2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
  3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the Township.

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

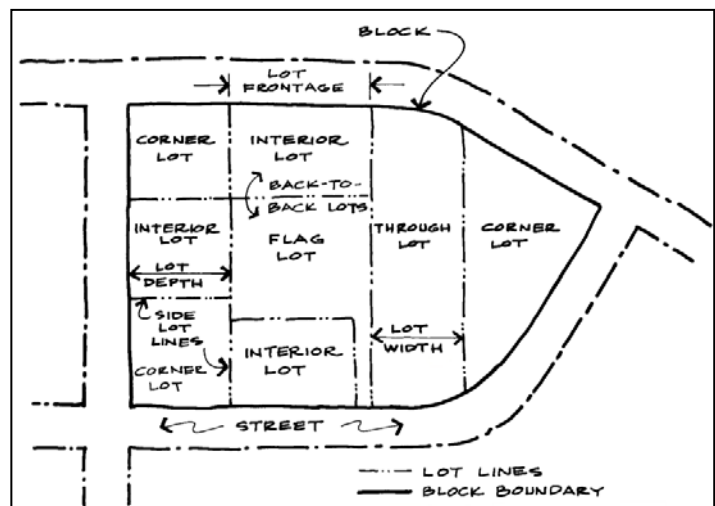
**LOT:** A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

**LOT, CORNER:** A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

**LOT, EXISTING OF RECORD:** Any lot or parcel of property which is legally in existence and properly on file with the Carbon County Recorder of Deeds.

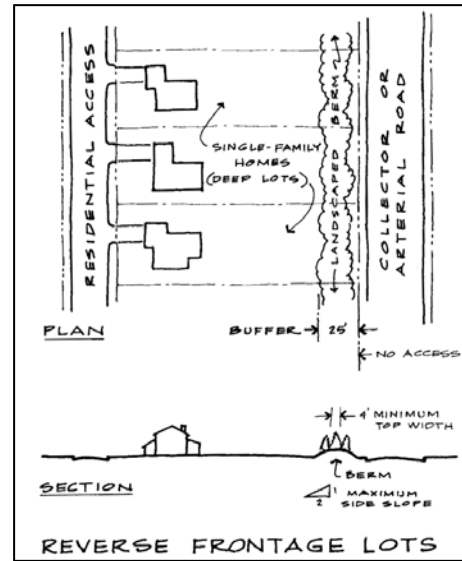
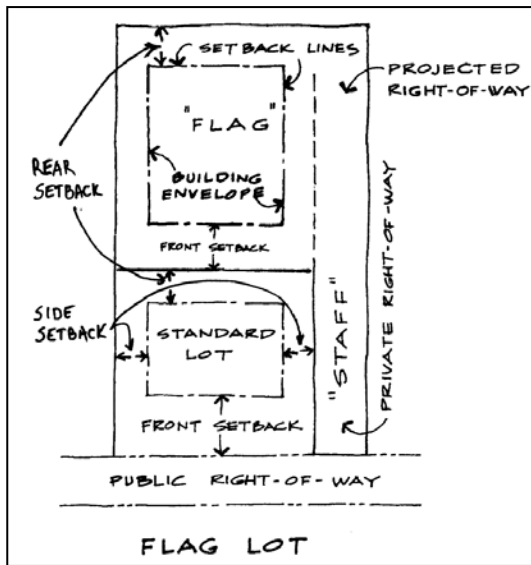
**LOT, FLAG:** A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way.

**LOT, INTERIOR:** A lot other than a corner lot, the two side lines of which do not abut a street.



**LOT, REVERSE FRONTAGE:** A through lot with frontage on two streets with vehicular access restricted to only one of the streets.

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



**LOT AREA, GROSS:** The total area within the property or lot lines; the gross area. The term includes *area of land, land area, lot size, parcel area, parcel size, tract area* and any similar terms.

**LOT AREA, MINIMUM REQUIRED:** The horizontal land area contained within the property lines of a lot, measured in acres or square feet, determined by multiplying the area of each listed resource by the applicable protection factor and deducting the total area of constrained land from the gross lot area. If two or more resources overlap, only the resource with the highest protection factor shall be used.

CONSTRAINED LAND				
	Resource	Area of Resource (acres)	Protection Factor	Constrained Land (acres)
A	existing public or private road rights-of-way and existing utility or other rights-of-way		X 1.00	=
B	that portion of lands under conservation easement that are restricted from further development		X 1.00	=
C	floodway (if not mapped by FEMA assume 50 feet each side of top-of-bank of stream)		X 1.00	
D	100-year floodplain (if not mapped by FEMA area is included in floodway above)		X 0.25	
E	wetlands as determined by a delineation		X 0.90	
F	steep slopes (25% or greater)		X 0.75	=
G	steep slopes (15% up to 25%)		X 0.10	=
H	ponds, lakes and streams to the high water mark		X 0.50	=
I	<b>CONSTRAINED LAND = SUM OF A through H =</b>			

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

**LOT DEPTH:** The horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line. On corner lots, lot depth shall be measured along the longest dimension of the lot.

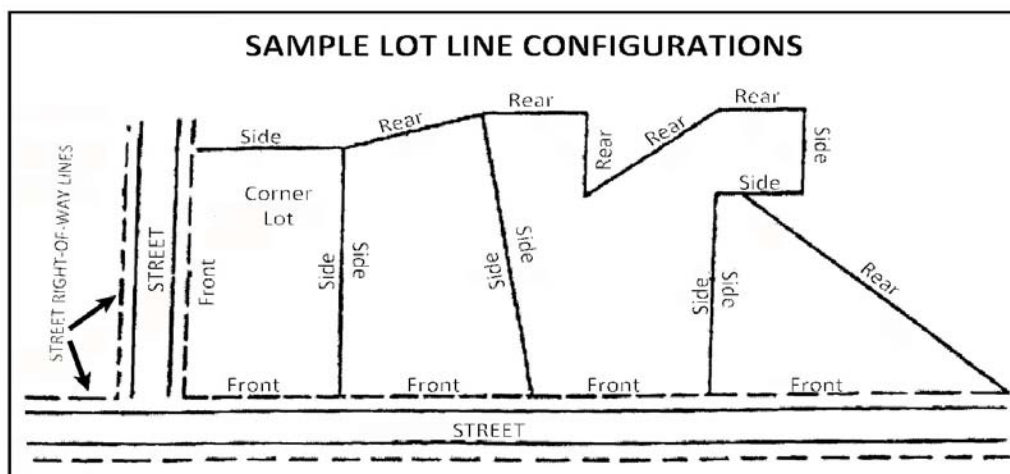
**LOT FRONTAGE:** The horizontal distance between side lot lines at their foremost points (where they intersect with the street right-of-way line).

**LOT LINE:** A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space. See also *setback, required*.

**LOT LINE, FRONT:** The lot line(s) separating the lot from any street. In the case of a flag lot, the lot line where the narrow access corridor widens shall be considered the front lot line.

**LOT LINE, REAR:** The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

**LOT LINE, SIDE:** Any lot line other than a front or rear lot line.



**LOT WIDTH:** The horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines, provided that the length of the line constituting the rear line of the required front yard shall never be less than 50 feet.

**MAJOR SUBDIVISION:** See *subdivision*.

**MANUFACTURED HOUSING OR HOUSE (MOBILE HOME):** Housing which bears a label as required by and referred to in the act of November 17, 1982 PL.676. No. 192). known as the Manufactured Housing Construction and Safety Standards Authorization Act, certifying that it conforms to Federal construction and safety standards adopted under the Housing and Community Development Act of 1974 (Public Law 93-383, 88 Stat. 633).

MANUFACTURED HOUSING (MOBILE HOME) LOT: A parcel of land in a manufactured housing park which is leased by the park owner to the occupants of the manufactured house erected on the lot and which is improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured house.

MANUFACTURED (MOBILE HOME) HOUSING PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more manufactured housing lots for the placement thereon of manufactured houses.

MANUFACTURED (MOBILE HOME) HOUSING SALES: See *vehicle and equipment sales operation*.

MASS: A grouping of three or more trees, each at least 1.5-inch in caliper, within an area of 100 square feet.

MATURE TREE: Any tree of six inches or more in caliper, whether standing alone, in tree masses, or woodlands. A mature tree shall be a healthy specimen and shall be a desirable species, as specified in §59H.

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, possibly culminating in a written agreement which the parties themselves create and consider acceptable.

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

MINOR SUBDIVISION: See *subdivision*.

MOBILE HOME: See *manufactured housing*.

MOBILE HOME LOT: See *manufactured housing lot*.

MOBILE HOME PARK: See *manufactured housing park*.

MPC: The Pennsylvania Municipalities Planning Code.

MULTI-FAMILY DEVELOPMENT: Any development of a single parcel of property that includes one or more buildings containing three or more dwelling units. Any residential development which proposes the construction of two or more two-family dwellings on one parcel of property is also considered a multi-family development. Two-family dwellings in a multi-family development are considered townhouses.

MUNICIPALITY: Franklin Township, Carbon County, Pennsylvania.

NONRESIDENTIAL BUILDING: A building which houses a nonresidential use.

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

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



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

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

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

OPEN SPACE, REQUIRED PUBLIC: Open space that is dedicated or reserved for the use of the general public in accord with the requirements of this ordinance.

OWNER: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to apply for the development or use of land.

PA DEP: The Pennsylvania Department of Environmental Protection.

PA DOT OR PENNDOT: The Pennsylvania Department of Transportation.

PARCEL: See *lot*.

PARENT TRACT: Any lot or parcel of property which is legally in existence and properly on file with the County Recorder of Deeds and from which a lot or lots have been subdivided or are proposed for subdivision. (See *lot, existing of record*.)

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

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

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

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

- A. SKETCH PLAN: An informal plan, identified as such with the title Sketch Plan on the map, indicating

salient existing features of a tract and its surroundings and the general layout of the proposal to be used as a basis for consideration by the Township. This plan is drawn on tracing paper or similar material enabling municipal officials to see the relationship between the proposed layout and the property's features as identified on the Existing Resources and Site Analysis.

- B. PRELIMINARY PLAN: A complete plan identified as such with the wording Preliminary Plan in the title accurately showing proposed streets and lot layout and such other information as required by this ordinance, such plan having been prepared by a qualified professional (see definition of qualified professional).
- C. FINAL PLAN: A complete and exact plan identified as such with the wording Final Plan in the title, with a qualified professional's seal (see definition of qualified professional) affixed and prepared for official recording as required by this ordinance to define property rights, proposed streets and other improvements.
- D. RECORD PLAN: The copy of the final plan or plans which contains the original endorsements of the Board of Supervisors and which is intended to be recorded with the County Recorder of Deeds.

PLANNING COMMISSION: The Planning Commission of the Franklin Township, Carbon County, PA.

POND OR LAKE – See *lake or pond*.

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

PRIMARY RESOURCES: See *resources, primary*.

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

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

PRINCIPAL BUILDING – See *building, principal*.

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

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

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

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

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

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

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

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

**RECREATIONAL VEHICLE PARK:** See *campground or recreational vehicle park*.

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

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

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

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

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

**RESOURCES, SECONDARY:** Natural or cultural features outside primary conservation areas that are worthy of conservation by inclusion in conservation open space. See the prioritized list of such features in this ordinance. Lands containing secondary resources that are conserved are called secondary conservation areas.

**RESUBDIVISION:** Any revision, replatting or subdivision of land which includes changes to a recorded plan.

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

**RUNOFF:** That portion of rainfall or snowmelt which does not enter the soil but moves over the surface.

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

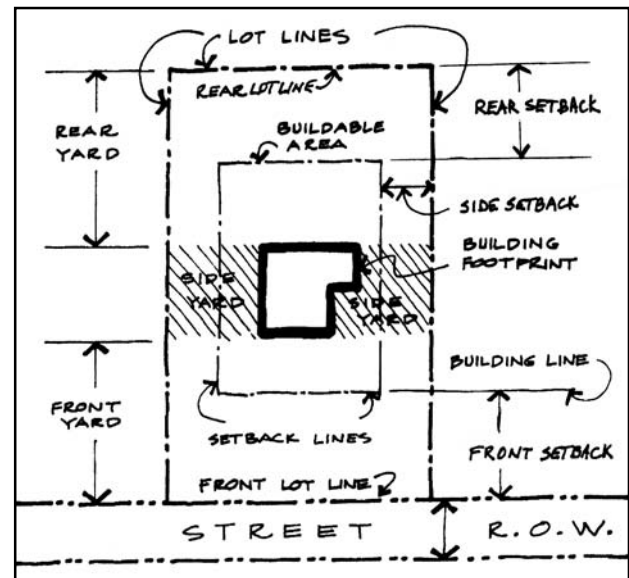
**SCREENING:** A method of visually shielding or obscuring a structure or use from another by topography, fencing, walls, berms, planted vegetation or a combination of these methods.

**SECONDARY RESOURCES:** See *resources, secondary*.

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

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

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



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

**SEWAGE DISPOSAL, CENTRAL, COMMUNITY OR OFF-SITE:** A sewage collection and disposal system in which sewage is carried from more than one individual lot, dwelling or other unit by a system of pipes to a central treatment and subsurface or other type of disposal area or stream discharge in compliance with the Pennsylvania Department of Environmental Protection regulations and/or regulations of the Township, whichever may be more stringent.

**SEWAGE DISPOSAL, ON-SITE:** Any structure designed to biochemically treat sewage within the boundaries of an individual lot from one individual dwelling or one individual nonresidential building.

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

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

waters or to a soil-based or other treatment system.

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

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

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

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

SLOPE: The change in elevation over a horizontal distance usually expressed in percent. (See *grade*.)

- A. PRECAUTIONARY SLOPES: Areas of land where the grade is 15 to 25 percent.
- B. PROHIBITIVELY STEEP SLOPES: Areas of land where the grade is 25 percent or greater.

Slope shall be measured as the change in elevation over the horizontal distance between consecutive contour lines. For this ordinance, slope shall be measured over three two-foot contour intervals (six cumulative vertical feet of slope). All slope measurements shall be determined by a topographic survey signed and sealed by a registered surveyor or engineer licensed to practice in the Commonwealth of Pennsylvania.

SPECIMEN TREE: Any tree that is 12 inches or more in diameter at breast height.

STREAM: A natural watercourse. See *watercourse*.

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

STREET: A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation. Classes of streets are as follows:

- A. ARTERIAL STREET: Serves large volumes of comparatively high-speed and long-distance traffic. Streets classified as main and secondary highways by the Pennsylvania Department of Transportation, State Routes 0209 and 0443, and any street classified as an arterial street in the Township Comprehensive Plan are arterial streets.
- B. COLLECTOR STREET: In addition to giving access to abutting properties, intercepts minor streets and provides routes, carrying moderate volumes of traffic, to community facilities and to arterial streets. State Routes 0902 (Franklin Drive), 3001 (Mill Road), 3002 (Franklin Mountain Road) and 3006 (Hemlock Drive) and any street classified as a collector street in the Township Comprehensive Plan are collector streets.
- C. LOCAL STREET: Used primarily to provide access to abutting property and carrying low volumes of traffic. All streets not defined as an arterial or collector street are local streets.

D. PUBLIC STREETS: Streets dedicated to public use.

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

STREET, LOOP: A minor street which intersects other streets on each end and may intersect a cul-de-sac street at some point between each end.

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

STRUCTURE, PERMANENT: Any structure, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

STRUCTURE, PORTABLE: Any structure, that is not permanently affixed to the ground but is designed to be moved from place to place including, but not limited to, accessory structures constructed of metal frameworks with plastic or cloth covering.

STRUCTURE, TEMPORARY: Any structure that is erected for the limited period specified in the zoning permit.

SUBDIVIDER: See *developer*.

SUBDIVISION -The division or redivision of a lot, tract, or parcel of land by any means into two 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 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

- A. MINOR SUBDIVISION: A subdivision that creates five lots or less, or the cumulative development on a lot by lot basis for a total of five lots or less of any original tract of record and which does not require the construction or extension of any streets or municipal facilities and creates no public or private community facilities such as, but not limited to, stormwater control facilities, a central water supply, a central sewage disposal system, or streets. The enumeration of lots shall include all lots created from the parent tract after the effective date of this ordinance and the residual tract (land under the same ownership and adjacent).
- B. MAJOR SUBDIVISION: Any subdivision that is not a minor subdivision or a lot improvement subdivision.
- C. LOT LINE ADJUSTMENT SUBDIVISION: (Also known as *add-on subdivision*.) A minor subdivision involving:
  - 1. COMBINATION OF LOTS OF RECORD: The consolidation of contiguous lots of record which are shown on a map on file at the office of the County Recorder of Deeds and which do not involve the creation of any new lot lines. (Also known as a *lot joinder*.)
  - 2. CREATION OF NEW LOT LINES: The realignment of lot lines or the transfer of land to increase the size of an existing lot provided the grantor's remaining parcel complies with all provisions of this ordinance and no new lots are created.

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

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

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

TOWNSHIP: The Township of Franklin, Carbon County, Pennsylvania.

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

TRACT: See *lot*.

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

TRACT AREA, GROSS – See *lot area, gross*.

TRAVELWAY: The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

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

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

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

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

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

WATER SUPPLY, CENTRAL, COMMUNITY OR OFF-SITE: A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses.

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

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

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

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

WOODLAND: A tree mass or plant community in which tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete, aerial canopy. Any area, grove, or stand of mature or largely mature trees (i.e., larger than six inches DBH) covering an area of one-quarter acre or more or consisting of 10 individual trees larger than six inches DBH, shall be considered a woodland. For the purposes of this ordinance, the extent of any woodland plant community for any part thereof shall be measured from the outermost drip line of all the trees in the community. Woodlands do not include orchards or old fields (former agricultural fields or pastures where natural succession has been allowed to occur, but where most trees are smaller than six inches DBH). Woodlands shall include any area where timber has been harvested within the previous three years and/or woodland disturbance has occurred within the previous three years which would have met the definition of woodland prior to timbering or disturbance.

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



**ARTICLE III**  
**PLAN PROCESSING**  
**OUTLINE OF PROCEDURE**

- A. Submission of Sketch Plan showing general concept. (optional, but VERY STRONGLY ENCOURAGED)
- B. Submission of application form (See Appendix B) and preliminary/final plan (see §21 for preliminary/final plans) showing proposal in detail (preliminary plan not required for minor subdivision or lot consolidations).
- C. Review by non-township agencies.
- D. Review and recommendation by Township Planning Commission.
- E. Review and action by Board of Supervisors on preliminary plan.
- F. Obtain permits and fulfill preliminary plan conditions.
- G. Submit final plan.
- H. Review of final plan by Township Planning Commission and recommendation.
- I. Submission of development agreement.

**FINANCIAL SECURITY POSTED**

- J. Posting of financial security for completion of improvements.
- K. Review and action by Board of Supervisors on final plan.
- L. Recording of final plan.
- M. Verification by Township Engineer of completed improvements.
- N. Submission of as-built plan.
- O. Dedication of improvements to Township (if applicable).

**IMPROVEMENTS CONSTRUCTED**

- J. Completion of improvements.
- K. Verification by Township Engineer of completed Improvements.
- L. Review and action by Board of Supervisors on final plan.
- M. Recording of final plan.
- N. Submission of as-built plan.
- O. Dedication of improvements to Township (if applicable).

**§16    General**

All plans for subdivision and/or land development within the corporate limits of the Township shall be submitted and reviewed as provided in this ordinance and shall be approved or disapproved by the Township in accord with the procedures specified in this Part.

- A. Required Plans. Preliminary and final plans and required fees and supporting data for all proposed Major Subdivisions and Land Developments shall be provided by the Applicant. A Preliminary Plan shall not be required for Minor Subdivisions. A Sketch Plan, as detailed in §17, shall not be considered a required plan, but is strongly encouraged.

SKETCH	PRELIMINARY	FINAL
<b>Minor Subdivision</b>		
optional, encouraged (§17)	not required	required (§20)
<b>Major Subdivision</b>		
optional, encouraged (§17)	required (§18)	required (§19)
<b>Land Development</b> (see §21 for preliminary/final plans)		
optional, encouraged (§17)	required (§18) OR optional (§21)	required (§18) OR required (§21)
<b>Lot consolidation</b>		
optional, encouraged (§17)	not required	new lot lines - required (§23B)

B. Requirement for Plan Filing.

(Note: For the purposes of this ordinance, the words *day* and *days* refer to calendar days.

- (1) Filing with Administrator. Unless otherwise provided by this ordinance, all required plans, applications, fees and supporting data shall be delivered in person to the Administrator not less than 10 days prior to the Planning Commission meeting at which the same is to be considered for acceptance for review by the Planning Commission. Any filing received less than 10 days prior to a regularly scheduled meeting of the Planning Commission will not be placed on the agenda for consideration until the next regularly scheduled meeting of the Planning Commission.
- (2) Folded Plans. All plans submitted to the Township shall be folded to a size which will fit into a standard filing cabinet.
- (3) Electronic Documents. In addition to the required number of paper copies, all filings shall include a digital copy with all documents in electronic format approved by the Township.
- (4) Official Map. The Applicant shall, prior to filing any plan, determine if any of the land proposed for subdivision or land development is subject to the Franklin Township Official Map, if adopted. The Applicant is encouraged to contact the Township Zoning Officer prior to filing the plan.
- (5) Filing Verification. The Administrator shall review the filed documents to make a preliminary determination whether the required documents have been filed in proper number and form. If complete, the Administrator will issue a verification indicating the date the filing was received by the Administrator. If not complete, all documents and the fee shall be returned to the Applicant.

C. Re-filing of Plans.

- (1) The re-filing of plans shall be done in the same manner and number as required for the initial filing.
- (2) All revised plan submittals shall include a letter responding to any review comments and describing revisions made to the plan.

D. Attendance. The Applicant or a duly authorized representative shall attend each Planning Commission and Board of Supervisors meeting at which the application is on the agenda.

- E. Public Hearing. Before acting on any plan, the Planning Commission and/or Board of Supervisors may, at their option, hold a public hearing thereon after public notice.
- F. Action. All Minor, Preliminary and Final Plans and all Land Development Plans (but excluding Combination of Existing Lots of Record Plans) shall be reviewed by the Planning Commission for compliance with this ordinance. Plans and supportive data which are complete shall be recommended to the Board of Supervisors for approval, approval with conditions, or denial.
- G. Field Inspections.
- (1) Landowner Permission. It shall be implicit in any request for plan approval that the landowner automatically grants the Planning Commission, the Township Board of Supervisors, or anyone designated by either body, the right to enter upon the area proposed for the subdivision or land development to become familiar with the property, making necessary observations or for any other reasonable and lawful purpose.
  - (2) Scheduling. The Planning Commission or Board of Supervisors may, at the time of Sketch Plan or Preliminary Plan Filing or at any other time deemed appropriate, schedule a Field Inspection of the parcel proposed for subdivision or development. The Applicant or his representative shall, upon request by the Township, accompany the Township official or designated representative, and to facilitate the inspection, the Applicant shall have the approximate centerline(s) of any proposed streets marked with temporary stakes.
- H. Recording Final Plans.
- (1) Time Limit. Upon the approval of a final plan, the Applicant shall within 90 days of such final approval, or 90 days after the date of delivery of an approved and signed Record Plan following completion of conditions imposed for such approval, whichever is later, record such Record Plan in the Office of the Carbon County Recorder of Deeds, and provide to the Township proof of recording within 105 days of the said approval/delivery.
  - (2) Failure to Record. If the Applicant fails to record the Record Plan in the Recorder's office within the required ninety (90) day period and provide the proof of recording within the one hundred and five (105) day period, the action of the Township shall be deemed null and void and a re-submission of the plan shall be made to the Township.
  - (3) Lot Consolidation Plans. In the case of lot consolidation plans, the Applicant shall provide proof of recording the required deeds within 90 days of recording the plan for the lot joinder. If the Applicant fails to provide the proof of deed recording within the required 90-day period, the action of the Township shall be deemed null and void and a re-submission of the plan shall be made to the Township.

## **§17     Sketch Plan**

- A. Optional Sketch Plans. Applicants are **VERY STRONGLY ENCOURAGED**, but not required, to provide a Sketch Plan to the Planning Commission prior to the Filing of a Preliminary Plan, Land Development Plan or Minor Plan. The purpose of the Sketch Plan is to:
- (1) Avoid costly revisions to detailed Preliminary Plans prepared before a consensus on the layout is reached with the Planning Commission.

- (2) Identify the overall objectives of the Applicant using a diagrammatic approach showing broad areas of development and broad areas of conservation.
- (3) Determine if the plan is a major or a minor subdivision and/or land development.
- (4) Assist applicants and officials to develop a better understanding of the property.
- (5) Establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the zoning ordinance.
- (6) Ensure that the plan generally conforms to the provisions of this ordinance.
- (7) Demonstrate compliance with any design parameters deemed necessary by the Township for conformance to the Township Comprehensive Plan.

The critical part of the Sketch Plan review process is to lay the Sketch Plan on top of the Existing Resources and Site Analysis, prepared in accord with the requirements of §28C, to determine the extent to which the proposed layout of conservation areas, streets, and building lots succeeds in designing around and conserving significant site features. The Sketch Plan should be prepared on paper and translucent material (such as tracing paper or mylar) and at the same scale as the Existing Resources and Site Analysis.

- B. Contiguous Holdings. When an application includes only a portion of a landowner's entire tract, or when such portion is contiguous to an adjoining tract of the landowner, a sketch layout should be included showing future potential subdivision of all the contiguous lands belonging to the landowner to ensure that subdivision may be accomplished in accordance with current codes and with appropriate access. Submission and review of the sketch plan described in this §17 shall not constitute approval of the future subdivision shown thereon.
- C. Non-formal Filing. A Sketch Plan shall be considered only for discussion between the Applicant and the Planning Commission and shall not constitute a formal filing of a plan with the Planning Commission. All Sketch Plans shall be so noted on the Plan and in the minutes of the Planning Commission.
- D. Major Subdivisions and Land Developments - Sketch Plans
  - (1) Pre-Application Meeting. A pre-application meeting is encouraged between the applicant, the site designer, and the Planning Commission (and/or its planning consultant), to introduce the applicant to the Township's zoning and subdivision regulations and procedures, to discuss the applicant's objectives, and to schedule site inspections, meetings and plan Filings as described below. Applicants are also encouraged to present the Existing Resources and Site Analysis at this meeting.
  - (2) Existing Resources and Site Analysis. Applicants are encouraged to provide an Existing Resources and Site Analysis, in its context, prepared in accord with the requirements of §28C. The purpose of this key element is to familiarize officials with existing conditions on the applicant's tract and within its immediate vicinity, and to provide a complete and factual reference for conducting a site inspection. This Plan should be provided prior to or at the site inspection and shall form the basis for the development design as shown on the Sketch Plan (or on the Preliminary Plan, if the optional Sketch Plan is not provided).
  - (3) Site Inspection. After preparing the Existing Resources and Site Analysis, applicants are encouraged to arrange for a site inspection of the property by the Planning Commission and other Township officials

and shall distribute copies of said Site Analysis at that on-site meeting. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission. The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated conservation open space (if applicable), and potential locations for proposed buildings and street alignments. Comments made by Township officials or their staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the site inspection.

- (4) Pre-Sketch Conference. Following the site inspection and prior to a diagrammatic sketch plan, the applicant is encouraged to meet with the Planning Commission to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing and/or developing the tract in accordance with the four-step design process described in §46, where applicable. At the discretion of the Commission, this conference may be combined with the site inspection.

(5) Sketch Plan Review.

- (a) Six copies of a Sketch Plan, meeting the requirements set forth in §27 shall be delivered to the Administrator during business hours at least 10 days prior to the Planning Commission meeting at which the Sketch Plan is to be discussed. The Sketch Plan diagrammatically illustrates initial thoughts about a conceptual layout for conservation open space, house sites, and street alignments, and shall be based closely upon the information contained in the Existing Resources and Site Analysis. The Sketch Plan should also be designed in accordance with the four-step design process described in §46, and with the conservation open space standards listed in §47.

- (b) The Planning Commission shall review the Sketch Plan in accordance with the criteria contained in this ordinance and with other applicable ordinances of the Township. Its review shall informally advise the applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this ordinance and may suggest possible plan modifications that would increase its degree of conformance. The Commission may provide written comments to the Applicant. The Sketch Plan may also be forwarded by the Planning Commission to the Carbon County Planning Commission for its review and comment. The reviews may include, but not be limited to:

- [1] The location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's Existing Resources and Site Analysis;
- [2] The potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels;
- [3] The location of proposed access points along the existing road network;
- [4] The proposed building density and impervious coverage;
- [5] The compatibility of the proposal with respect to the objectives and policy recommendations of the Township Comprehensive Plan; and

[6] Consistency with the zoning ordinance.

**§18 Preliminary Plans for Major Subdivisions and Land Developments**

(See §21 for optional combined preliminary/final land development process.) All applications for preliminary plans for major subdivisions and land developments shall be filed with the Township and processed in accord with this §18.

Filings Not Preceded by a Sketch Plan. If an applicant opts not to provide a Sketch Plan, the Preliminary Plan shall include all information required for Sketch Plans listed in §17 specifically including the Existing Resources and Site Analysis, plus further details as required by this ordinance.

Site Inspection. If requested by the Planning Commission, a site inspection shall be arranged and conducted in accord with §17D(3).

A. Official Filing of Preliminary Plans.

(1) Plan to be Filed with the Township.

(a) Initial Filing. Copies of the Preliminary Plan and all required supporting documentation shall be delivered to the Administrator by the Applicant or authorized representative by the end of the business day at least 10 days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Preliminary Plan Submission".

(b) Subsequent Materials. All materials provided in support of an application after the initial Filing, whether an amended plan, an expert or agency report or review letter, or any other data in support of an application shall be provided to the Administrator at least 10 days prior to the meeting at which the Applicant wishes to have those materials considered.

(c) Electronic Documents. In addition to the required number of paper copies, all filings shall include one digital copy with all documents in an electronic format approved by the Township.

(2) Number of Copies to be Filed. The Filing of the Preliminary Plan shall include the following: (The Township may require the Applicant to provide additional copies of any required information. The required number of copies required for initial submission may be changed by resolution of the Board of Supervisors.)

(a) Six completed copies of the subdivision plan application.

(b) Six full-size legible paper prints of the Preliminary Plan.

(c) Five copies of the required sewage planning module(s) and associated documentation.

(d) Two copies of all other required supporting data and information as required in Article IV.

(3) Preliminary Plan Filing Fee. The Administrator shall collect a preliminary plan filing fee as established by resolution of the Board of Supervisors for all subdivisions.

(a) Fees charged shall cover the costs listed in §89C and other administrative expenses associated with the review of subdivision.

- (b) The Applicant shall pay the fee at the time of initial filing of the application to the Administrator.
- (4) Preliminary Plan Filing Verification and Distribution. Upon receipt of the Preliminary Plan and supporting data, the Administrator shall verify the filing for the required number of copies of all documents.
- (a) If the filing is verified, the Administrator shall accept the said plans and documentation, complete the filing verification, noting same, and provide a copy of the plan filing verification to the Applicant. The Administrator shall, as directed by the Planning Commission, then provide copies of the applicable plans and documents to:
- [1] The Township Planning Commission.
  - [2] The Township Engineer
  - [3] The Township Solicitor.
  - [4] The Township Sewage Enforcement Officer.
  - [5] The Township Zoning Officer.
  - [6] Any other agency, engineer or consultant designated by the Township.
- Note: The developer will be required to submit the appropriate number of copies to the Carbon County Planning Commission with application fees.
- (b) If the filing is not verified, the Administrator shall complete the plan filing verification, noting all deficiencies or omissions in the filing, provide a copy of the plan filing verification to the Applicant, and return all documents to the Applicant.
- (c) The plan filing verification shall only verify that the correct number of copies of all plans and documentation have been provided and shall in no way be construed to be a plan submission receipt.
- (5) Official Date of the Preliminary Plan Submission. The official date of the Preliminary Plan submission shall be determined by the Planning Commission which shall examine the filed documents to determine that all are complete and in proper form.
- (a) If the filed documents are not complete or not in the proper form, the Applicant shall be notified, in writing, of the deficiencies; and, the filed documents shall be rejected until the said deficiencies are corrected and then examined again at the next regularly scheduled or special meeting after the re-filing.
- (b) If the filed documents are complete and acceptable, the Administrator shall execute an official submission receipt listing the date of the said meeting as the Official Date of the Preliminary Plan Submission and forward said receipt to the Applicant.
- (c) If the first meeting of the Planning Commission following the date of filing verification occurs more than 30 days following the date of filing verification established in accord with §18A(4), the 90- day review period shall be measured from the 30th day following the day of said filing verification.
- (d) If the application is being filed after a final order of the court remanding the application to the Township, the 90-day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than 30 days following the final order of the court, the 90-day review

period shall be measured from the 30<sup>th</sup> day following the final order of the court.

- (6) Distribution to Other Agencies. When authorized by the Administrator, the Applicant shall provide the Plan, and all required supporting documentation, to the Carbon County Planning Commission for review. The Applicant shall be responsible for providing the Plan and all required supporting documentation to the Carbon County Conservation District, PennDOT, and all other agencies.

B. Preliminary Plan Review and Action.

- (1) Planning Commission Review and Action Period. The Planning Commission shall review the properly filed Preliminary Plan to determine compliance with this ordinance and act to reject, or recommend to the Board of Supervisors denial, approval, or approval with conditions and modifications of such plan as provided in this §18B. The Planning Commission shall make its recommendation to the Board of Supervisors and communicate, in writing, such recommendation to the Applicant within 10 days of when the decision was made.
- (a) If approval is recommended, the plan and written notice of said recommendation, along with the other documentation, shall be forwarded to the Board of Supervisors.
- (b) If approval with conditions is recommended, such approval recommendation shall be communicated to the Board of Supervisors and the Applicant, in writing, along with a statement of such conditions.
- (c) If denial is recommended, the specific reasons for such denial, citing specific provisions of this ordinance or other applicable statute, and the date of the denial recommendation, shall be communicated to the Board of Supervisors and the Applicant, in writing.
- (2) Board of Supervisors Review and Action Period. Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Preliminary Plan and communicate, in writing, such decision to the Applicant within 15 days of when the decision is made. However, in no case shall the period for Township review and action, including the written communication to the Applicant, exceed 90 days from the *Official Date of the Preliminary Plan Submission* as established pursuant to §18A(5).
- (3) Board of Supervisors Approval with Conditions. When a Preliminary Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Preliminary Plan is considered and communicated, in writing, to the Applicant as provided in §18B(2). When a Preliminary Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept, the said conditions and/or modifications, in writing, within 15 days of receipt of said written notice, the said conditional approval of the Preliminary Plan shall become an automatic disapproval and the said plan may be re-filed as required by §18, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions shall constitute a denial of the plan.
- (4) Board of Supervisors Denials. When a Preliminary Plan is denied, the reasons for such denial, citing specific provisions of this ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Preliminary Plan is considered and communicated, in writing, to the Applicant as provided in §18B(2).



- C. Reviewing Agency and Officials Comments. The Planning Commission and the Board of Supervisors may consider the comments and the recommendations provided pursuant to §18A(6) and may request such additional information as deemed necessary.
- D. Carbon County Planning Commission Comments. No official action shall be taken by the Board of Supervisors until it has received and considered the comments of the Carbon County Planning Commission or after 30 days following transmittal of the Preliminary Plan to the County Planning Commission.
- E. Sewage Facilities Planning Modules. The Board of Supervisors shall concurrently make its decision on the Sewage Facilities Planning Module; and, if approval is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Protection. Preliminary Plan approval shall be conditional upon Department of Environmental Protection sewage planning approval.
- F. Highway Occupancy/Driveway Permit. If a permit is required for access to a Township or State road, approval of the preliminary plan shall be conditional upon the issuance of a permit by the Township or PA DOT.
- G. Soil Erosion and Sedimentation Control. Approval of the Preliminary Plan shall be conditional upon the approval of the soil erosion and sedimentation control plan by the Carbon County Conservation District/PA DEP and the issuance of any associated permits.
- H. Public Hearing. The Planning Commission or the Board of Supervisors may conduct a public hearing on the proposed Preliminary Plan pursuant to public notice.
- I. Time Extension. The time for review of the plan may be extended by agreement of the Applicant and the Township; and, any such agreement shall be in writing.

#### **§19 Final Plans for Major Subdivisions and Land Developments**

(See §21 for optional combined preliminary/final land development process.) All Final Plans for major subdivisions and land developments shall be filed and processed in accord with this §19.

- A. Final Plan Application. An application for Final Plan approval can be filed only when all the following conditions have been met:
  - (1) The subdivision has previously been granted an unconditional Preliminary Plan approval in accord with §18 or all conditions established by the Board of Supervisors for the Preliminary Plan approval have been fulfilled by the Applicant.
  - (2) All improvements, such as roads and drainage facilities (see definition of *improvement* in Article II) which are shown on the Preliminary Plan, have been completed or guaranteed in accord with Article V.
- B. Final Plan Conformation; Five-Year Protection from Ordinance Changes. The Final Plan shall conform in all principal respects to the previously approved Preliminary Plan. The Planning Commission shall determine whether a modified Final Plan shall be accepted or whether a new Preliminary Plan shall be filed pursuant to §18. In accord with §5 and §508(4)(ii) of the MPC, when a Preliminary Plan has been approved without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and to complete any aspect of the approved development in accord with the terms of such approval within five years from such approval.

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

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

D. Official Filing of Final Plans.

(1) Plan to be Filed with the Township.

- (a) Initial Filing. Copies of the Final Plan and all required supporting documentation shall be filed with the Administrator by the Applicant or authorized representative by the end of the business day at least 10 days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Final Plan Submission".
- (b) Subsequent Material. All materials provided in support of an application after the initial filing, whether an amended plan, an expert or agency report or review letter, or any other data in support of an application shall be provided to the Administrator at least 10 days prior to the meeting at which the Applicant wishes to have those materials considered.
- (c) Electronic Documents. In addition to the required number of paper copies, all filings shall include one digital copy with all documents in an electronic format approved by the Township.

(2) Number of Copies to be Filed. The official filing of the Final Plan shall include the following: (The Township may require the Applicant to provide additional copies of any required information. The required number of copies required for initial submission may be changed by Resolution of the Board of Supervisors.)

- (a) Six completed copies of the subdivision plan review application
- (b) Six full-size legible paper prints of the Final Plan. Following recommendation for approval by the Planning Commission and when all corrections have been made to the Final Plan, seven full size paper prints shall be provided for final signature.
- (c) Six copies of all required sewage disposal approvals and/or permits from the Pennsylvania Department of Environmental Protection.
- (d) Two copies of the applicable highway occupancy permit.
- (e) Two copies of all other required supporting data and information as required in Article IV.

(3) Final Plan Filing Fee. The Administrator shall collect a Final Plan filing fee as established by resolution of the Board of Supervisors for all subdivisions.

- (a) Fees charged shall cover the costs listed in §89C and other administrative expenses associated with the review of subdivision.
  - (b) The Applicant shall pay the fee at the time of initial submission of the application to the Administrator.
- (4) Final Plan Filing Verification and Distribution. Upon receipt of the Final Plan and supporting data the Administrator shall verify the filing for the required number of copies of all documents.
- (a) If the filing is verified, the Administrator shall accept the said plans and documentation, complete the filing verification, noting same, and provide a copy of the plan filing verification to the Applicant. The Administrator shall, as directed by the Planning Commission, then provide copies of the applicable plans and documents to:
    - [1] The Township Planning Commission.
    - [2] The Township Engineer
    - [3] The Township Solicitor.
    - [4] The Township Sewage Enforcement Officer.
    - [5] The Township Zoning Officer.
    - [6] Any other agency, engineer or consultant designated by the Township.Note: The developer will be required to submit the appropriate number of copies to the Carbon County Planning Commission with application fees.
  - (b) If the filing is not verified, the Administrator shall complete the plan filing verification, noting all deficiencies or omissions in the filing, provide a copy of the plan filing verification to the Applicant, and return all documents to the Applicant.
  - (c) The plan filing verification shall only verify that the correct number of copies of all plans and documentation have been filed and shall in no way be construed to be a plan submission receipt.
- (5) Official Date of the Final Plan Submission. The official date of the Final Plan submission shall be determined by the Planning Commission which shall examine the filed documents to determine that all are complete and in proper form.
- (a) If the filed documents are not complete or not in the proper form, the Applicant shall be notified, in writing, of the deficiencies; and, the filed documents shall be rejected until the said deficiencies are corrected and then examined again at the next regularly scheduled or special meeting after the re-filing.
  - (b) If the filed documents are complete and acceptable, the Chairman of the Planning Commission shall execute an official submission receipt listing the date of the said meeting as the Official Date of the Final Plan Submission and forward said receipt to the Applicant.
  - (c) If the first meeting of the Planning Commission following the date of filing verification occurs more than 30 days following the date of filing verification established in accord with §19D(4), the 90-day review period shall be measured from the 30<sup>th</sup> day following the day of said filing verification.
  - (d) If the application is being filed after a final order of the court remanding the application to the

Township, the 90-day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than 30 days following the final order of the court, the 90-day review period shall be measured from the 30<sup>th</sup> day following the final order of the court.

- (6) Distribution to Other Agencies. When authorized by the Administrator, the Applicant shall provide the Plan, and all required supporting documentation, to the Carbon County Planning Commission for review. The Applicant shall be responsible for providing the Plan and all required supporting documentation to the Carbon County Conservation District, PennDOT, and all other agencies.

E. Final Plan Review and Action.

- (1) Planning Commission Review and Action Period. The Planning Commission shall review the properly filed Final Plan to determine compliance with this ordinance and act to reject, or recommend to the Board of Supervisors denial, approval, or approval with conditions and modifications of such plan as provided in this §19E. The Planning Commission shall make its recommendation to the Board of Supervisors and communicate, in writing, such recommendation to the Applicant within 15 days of when the decision was made.
- (a) If approval is recommended, the plan and written notice of said recommendation, along with the other documentation, shall be forwarded to the Board of Supervisors.
- (b) If approval with conditions is recommended, such approval recommendation shall be communicated to the Board of Supervisors and the Applicant, in writing, along with a statement of such conditions.
- (c) If denial is recommended, the specific reasons for such denial, citing specific provisions of this ordinance or other applicable statute, and the date of the denial recommendation, shall be communicated to the Board of Supervisors and the Applicant, in writing.
- (2) Board of Supervisors Review and Action Period. Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make the decision regarding the Final Plan and communicate, in writing, such decision to the Applicant within 15 days of when the decision is made. However, in no case shall the period for Township review and action, including the written communication to the Applicant, exceed 90 days from the *Official Date of the Final Plan Submission* as established pursuant to §19D(5).
- (3) Board of Supervisors Approval with Conditions. When a Final Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Final Plan is considered and communicated, in writing, to the Applicant as provided in §19E(2). When a Final Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications, in writing, within 15 days of receipt of said written notice, the said conditional approval of the Final Plan shall become an automatic disapproval and the said plan may be re-filed as required by §19, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions shall constitute a denial of the plan.
- (4) Board of Supervisors Denials. When a Final Plan is denied by the Board of Supervisors, the reasons for such denial, citing specific provisions of this ordinance or other applicable statute, shall be expressly

included in the minutes of the Board of Supervisors meeting at which the Final Plan is considered and communicated, in writing, to the Applicant as provided in §19E(2).

- F. Reviewing Agency and Officials Comments. The Planning Commission and the Board of Supervisors shall consider the comments and the recommendations provided pursuant to §19D(6) and may request such additional information as deemed necessary.
- G. Carbon County Planning Commission Comments. No official action shall be taken by the Board of Supervisors until it has received and considered the comments of the Carbon County Planning Commission or after 30 days following transmittal of the Final Plan to the County Planning Commission.
- H. Public Hearing. The Planning Commission or the Board of Supervisors may conduct a public hearing on the proposed Final Plan pursuant to public notice.
- I. Planned Improvements. The Board of Supervisors shall not approve or sign the Final Plan until all the improvements shown on the Final Plan have been installed by the Developer and verified as complete by the Township Engineer; or, a performance guarantee has been provided by the Applicant pursuant to Article V.
- J. Signature of Final Plan. When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been provided and approved, the Board of Supervisors shall endorse the Final Plan for recording purposes and shall retain at least one endorsed print.
- K. Applicant's Duty to Record the Final Plan.
  - (1) Deadline. The Applicant shall record the approved final plan with the Carbon County Recorder of Deeds within 90 days of the date of endorsement by the Board of Supervisors.
  - (2) Notification. The Applicant shall notify the Board of Supervisors in writing of the date of such recording and the plan book and page wherein such plan is recorded.
  - (3) Failure to Record. If the plan is not recorded within the required time the approval shall lapse and become void.
- L. As-Built Plans. Upon the completion of all improvements, the Applicant shall provide to the Township plans certified by the Applicant's surveyor and engineer showing all such improvements as installed. Failure of the Applicant to provide the as-built plans shall constitute a violation of this ordinance and shall be subject to all the enforcement proceedings contained in this ordinance.
- M. Time Extension. The time for review of the plan may be extended by agreement of the Applicant and the Board of Supervisors; and any such agreement shall be in writing.

## **§20    Minor Subdivisions**

Preliminary Plans for minor subdivisions shall not be required. However, a Final Plan for all minor subdivisions shall be filed with the Township and be processed in accord with this §20.

### **A.    Official Filing of Minor Subdivision Plans.**

- (1) Plan to be Filed with the Township

- (a) Initial Filing. Copies of the Minor Subdivision Plan and all required supporting documentation shall be filed with the Administrator by the Applicant or authorized representative by the end of the business day at least 10 days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Minor Subdivision Plan Submission".
  - (b) Subsequent Materials. All materials provided in support of an application after the initial filing, whether an amended plan, an expert or agency report or review letter, or any other data in support of an application shall be filed with the Administrator at least 10 days prior to the meeting at which the Applicant wishes to have those materials considered.
  - (c) Electronic Documents. In addition to the required number of paper copies, all filings shall include one digital copy with all documents in an electronic format approved by the Township.
- (2) Number of Copies to be Provided. The official filing of the Minor Subdivision Plan shall include the following: (The Township may require the Applicant to provide additional copies of any required information. The required number of copies required for initial submission may be changed by Resolution of the Board of Supervisors.)
- (a) Six completed copies of the subdivision plan application.
  - (b) Six full-size folded legible paper prints of the Minor Subdivision Plan.
  - (c) Five copies of the required sewage planning module(s) and associated documentation.
  - (d) Two copies of all other required supporting data and information as required in Article IV of this ordinance.
- (3) Minor Subdivision Plan Filing Fee. The Administrator shall collect a Minor Subdivision Plan filing fee as established by resolution of the Board of Supervisors for all subdivisions.
- (a) Fees charged shall cover the costs listed in §89C and other administrative expenses associated with the review of subdivision.
  - (b) The Applicant shall pay the fee at the time of initial filing of the application to the Administrator.
- (4) Minor Subdivision Plan Filing Verification and Distribution. Upon receipt of the Minor Subdivision Plan and supporting data, the Administrator shall verify the filing for the required number of copies of all documents.
- (a) If the filing is verified, the Administrator shall accept the said plans and documentation, complete the filing verification, noting same, and provide a copy of the plan filing verification to the Applicant. The Administrator shall, as directed by the Planning Commission, then provide copies of the applicable plans and documents to:
    - [1] The Township Planning Commission.
    - [2] The Township Engineer
    - [3] The Township Solicitor.
    - [4] The Township Sewage Enforcement Officer.
    - [5] The Township Zoning Officer.

[6] Any other agency, engineer or consultant designated by the Township.

Note: The developer will be required to submit the appropriate number of copies to the Carbon County Planning Commission with application fees.

- (b) If the filing is not verified, the Administrator shall complete the plan filing verification, noting all deficiencies or omissions in the filing, provide a copy of the plan filing verification to the Applicant, and return all documents to the Applicant.
  - (c) The plan filing verification shall only verify that the correct number of copies of all plans and documentation have been provided and shall in no way be construed to be a plan submission receipt.
- (5) Official Date of the Minor Subdivision Submission. The official date of the Minor Subdivision Plan submission shall be determined by the Planning Commission which shall examine the filed documents to determine that all are complete and in proper form.
- (a) If the filed documents are not complete or not in the proper form, the Applicant shall be notified, in writing, of the deficiencies; and, the filed documents shall be rejected until the said deficiencies are corrected and then examined again at the next regularly scheduled or special meeting after the re-filing.
  - (b) If the filed documents are complete and acceptable, the Chairman of the Planning Commission shall execute an official submission receipt listing the date of the said meeting as the Official Date of the Minor Subdivision Plan Submission and forward said receipt to the Applicant.
  - (c) If the first meeting of the Planning Commission following the date of filing verification occurs more than 30 days following the date of filing verification established in accord with §20A(4), the 90-day review period shall be measured from the 30<sup>th</sup> day following the day of said filing verification.
  - (d) If the application is being filed after a final order of the court remanding the application to the Township, the 90-day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than 30 days following the final order of the court, the 90-day review period shall be measured from the 30<sup>th</sup> day following the final order of the court.
- (6) Distribution to Other Agencies. When authorized by the Administrator, the Applicant shall provide the Plan, and all required supporting documentation to the Carbon County Planning Commission for review. The Applicant shall be responsible for providing the Plan and all required supporting documentation to the Carbon County Conservation District, PennDOT, and all other agencies.

B. Minor Subdivision Plan Review and Action.

- (1) Planning Commission Review and Action Period. The Planning Commission shall review the properly filed Minor Subdivision Plan to determine compliance with this ordinance and act to reject, or recommend to the Board of Supervisors denial, approval, or approval with conditions and modifications of such plan as provided in this §20B. The Planning Commission shall make its recommendation to the Board of Supervisors and communicate, in writing, such recommendation to the Applicant within 15 days of when the decision was made.

- (a) If approval is recommended, the plan and written notice of said recommendation, along with the other documentation, shall be forwarded to the Board of Supervisors.
  - (b) If approval with conditions is recommended, such approval recommendation shall be communicated to the Board of Supervisors and the Applicant, in writing, along with a statement of such conditions.
  - (c) If denial is recommended, the specific reasons for such denial, citing specific provisions of this ordinance or other applicable statute, and the date of the denial recommendation, shall be communicated to the Board of Supervisors and the Applicant, in writing.
- (2) Board of Supervisors Review and Action Period. Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Minor Subdivision Plan and communicate, in writing, such decision to the Applicant within 15 days of when the decision is made. However, in no case shall the period for Township review and action, including the written communication to the Applicant, exceed 90 days from the *Official Date of the Minor Subdivision Plan Submission* as established pursuant to §20A(5).
- (3) Board of Supervisors Approval with Conditions. When a Minor Subdivision Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Minor Subdivision Plan is considered and communicated, in writing, to the Applicant as provided in §20B(2). When a Minor Subdivision Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications, in writing, within 15 days of receipt of said written notice, the said conditional approval of the Minor Subdivision Plan shall become an automatic disapproval and the said plan may be re-filed as required by §20, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions shall constitute a denial of the plan.
- (4) Board of Supervisors Denials. When a Minor Subdivision Plan is denied, the reasons for such denial, citing specific provisions of this ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Minor Subdivision Plan is considered and communicated, in writing, to the Applicant as provided in §20B(2).
- C. Reviewing Agency and Officials Comments. The Planning Commission and the Board of Supervisors shall consider the comments and the recommendations pursuant to §20A(6) and may request such additional information as deemed necessary
- D. Carbon County Planning Commission Comments. No official action shall be taken by the Board of Supervisors until it has received and considered the comments of the Carbon County Planning Commission or after 30 days following transmittal of the Minor Subdivision Plan to the County Planning Commission.
- E. Sewage Facilities Planning Modules. The Board of Supervisors shall concurrently make its decision on the Sewage Facilities Planning Module; and, if approval is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Protection. Minor Subdivision Plan approval shall be conditional upon Department of Environmental Protection sewage planning approval.
- F. Highway Occupancy Permit. If a highway occupancy permit shall be required for access to a Township or State road, approval of the Minor Subdivision Plan shall be conditional upon the issuance of a highway



occupancy permit by the Township or PA DOT.

- G. Soil Erosion and Sedimentation Control. Approval of the Minor Subdivision Plan shall be conditional upon the approval of the soil erosion and sedimentation control plan by the Carbon County Conservation District/PA DEP and the issuance of any associated permits.
- H. Public Hearing. The Planning Commission or the Board of Supervisors may conduct a public hearing on the proposed Minor Subdivision Plan pursuant to public notice.
- I. Signature of Minor Subdivision Plan. When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been provided and approved, the Board of Supervisors shall endorse the Minor Subdivision Plan for recording purposes and shall retain at least one endorsed print.
- J. Applicant's Duty to Record the Final Minor Plan.
  - (1) Deadline. The Applicant shall record the approved final plan with the Carbon County Recorder of Deeds within 90 days of the date of endorsement by the Board of Supervisors.
  - (2) Notification. The Applicant shall notify the Board of Supervisors in writing of the date of such recording and the plan book and page wherein such plan is recorded.
  - (3) Failure to Record. If the plan is not recorded within the required time, the approval shall lapse and become void.
- K. Time Extension. The time for review of the plan may be extended by agreement of the Applicant and the Board of Supervisors; and, any such agreement shall be in writing.

## **§21 Combined Preliminary/Final Plans for Land Developments (OPTIONAL)**

All plans for land developments, except for non-qualifying land developments, may be submitted and processed in accord with this §21. Non-qualifying land developments include land developments (e.g., condominiums or townhouses transferred in fee), other than rental or short-term lease, and such land developments shall comply with §18 and §19.

The intent of this §21 is to combine the preliminary and final plan approval stages into one step for land developments which do not involve the transfer of any interest in real estate, other than rental or short-term lease. Requiring preliminary and final approval for such land developments is not necessary because no transfer of real estate is proposed; and the preliminary-final process is not necessary to assure the completion of improvements for the protection of individual purchasers. Occupancy of any structures which are part of the land development shall not be permitted until all required improvements have been completed by the developer and approved by the Township.

- A. Land Development Plan Application. An application for Land Development Plan approval shall be filed in accord with this §21.
- B. Official Filing of Land Development Plans.
  - (1) Plan to be Filed with the Township.

- (a) Initial Filing. Copies of the Land Development Plan and all required supporting documentation shall be filed with the Administrator by the Applicant or his authorized representative at least 10 days prior to the Planning Commission meeting at which the Applicant applies for the *Official Date of Land Development Plan Submission*.
  - (b) Subsequent Material. All materials provided in support of an application after the initial filing, whether an amended plan, an expert or agency report or review letter, or any other data in support of an application shall be filed with the Administrator at least 10 days prior to the meeting at which the Applicant wishes to have those materials considered.
  - (c) Electronic Documents. In addition to the required number of paper copies, all filings shall include one digital copy with all documents in electronic format approved by the Township.
- (2) Number of Copies to be Provided. The official filing of the Land Development Plan shall include the following: (The Township may require the Applicant to provide additional copies of any required information.)
- (a) Six completed copies of the land development plan review application.
  - (b) Six full-size folded legible paper prints of the Land Development Plan. Following recommendation for approval by the Planning Commission and when all corrections have been made to the Land Development Plan, seven full size prints shall be provided for final signature.
  - (c) Five copies of all required sewage disposal approvals and/or permits from the Pennsylvania Department of Environmental Protection.
  - (d) Two copies of all other required supporting data and information as required in Article IV.
- (3) Land Development Plan Filing Fee. The Administrator shall collect a Land Development Plan filing fee as established by resolution of the Board of Supervisors.
- (a) Fees charged shall cover the costs listed in §89C and other administrative expenses associated with the review of subdivision.
  - (b) The Applicant shall pay the fee at the time of initial filing of the application to the Administrator.
- (4) Land Development Plan Filing Verification and Distribution. Upon receipt of the Land Development Plan and supporting data the Administrator shall verify the filing for the required number of copies of all documents.
- (a) If the filing is verified, the Administrator shall accept the said plans and documentation, complete the filing verification, noting same, and provide a copy of the plan filing verification to the Applicant. The Administrator shall, as directed by the Planning Commission, then provide copies of the applicable plans and documents to:
    - [1] The Township Planning Commission.
    - [2] The Township Engineer
    - [3] The Township Solicitor.
    - [4] The Township Sewage Enforcement Officer.

[5] The Township Zoning Officer.

[6] Any other agency, engineer or consultant designated by the Township.

Note: The developer will be required to submit the appropriate number of copies to the Carbon County Planning Commission with application fees.

- (b) If the filed documents are not verified, the Administrator shall complete the plan filing verification, noting all deficiencies or omissions in the filing, provide a copy of the plan filing verification to the Applicant, and return all documents to the Applicant.
  - (c) The plan filing verification shall only verify that the correct number of copies of all plans and documentation have been filed and shall in no way be construed to be a plan submission receipt.
- (5) Official Date of the Land Development Plan Submission. The official date of the Land Development Plan submission shall be determined by the Planning Commission which shall examine the filed documents to determine that all documents are complete and in proper form.
- (a) If the filed documents are not complete or not in the proper form the Applicant shall be notified, in writing, of the deficiencies; and, the filed documents shall be rejected until the said deficiencies are corrected and then examined again at the next regularly scheduled or special meeting after the re-filing.
  - (b) If the filed documents are complete and acceptable, the Chairman of the Planning Commission shall execute an official submission receipt listing the date of the said meeting as the Official Date of the Land Development Plan Submission and forward said receipt to the Applicant.
  - (c) If the first meeting of the Planning Commission following the date of filing verification occurs more than 30 days following the date of filing verification established in accord with §21B(4), the 90-day review period shall be measured from the 30<sup>th</sup> day following the day of said filing verification.
  - (d) If the application is being filed after a final order of the court remanding the application to the Township, the 90-day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than 30 days following the final order of the court, the ninety (90) day review period shall be measured from the 30<sup>th</sup> day following the final order of the court.
- (6) Distribution to Other Agencies. When authorized by the Administrator, the Applicant shall provide the Plan and all required supporting documentation to the Carbon County Planning Commission for review. The Applicant shall be responsible for providing the Plan and all required supporting documentation to the Carbon County Conservation District, PennDOT, and all other agencies.

C. Land Development Plan Review and Action.

- (1) Planning Commission Review and Action Period. The Planning Commission shall review the properly filed Land Development Plan to determine compliance with this ordinance and act to reject, or recommend to the Board of Supervisors denial, approval or approval with conditions and modifications of such plan as provided in this §21C. The Planning Commission shall make its recommendation to the Board of Supervisors and communicate, in writing, such recommendations to the Applicant within 15 days of when the decision was made.

- (a) If approval is recommended, the signed and dated plan shall be forwarded to the Board of Supervisors.
  - (b) If approval with conditions is recommended, the plan shall not be signed; but, such approval recommendation shall be communicated to the Board of Supervisors and the Applicant, in writing, along with a statement of such conditions.
  - (c) If denial is recommended, the specific reasons for such denial, citing specific provisions of this ordinance or other applicable statute, and the date of denial shall be communicated to the Board of Supervisors and the Applicant, in writing.
- (2) Board of Supervisors Review and Action Period. Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Land Development Plan and communicate, in writing, such decision to the Applicant within 15 days of when the decision is made. However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed 90 days from the "Official Date of the Land Development Submission" as established pursuant to §21B(5).
- (3) Board of Supervisors Approval with Conditions. When a Land Development Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Land Development Plan is considered and communicated, in writing, to the Applicant as provided in §21C(2). When a Land Development Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications, in writing, within 15 days of receipt of said written notice, the said conditional approval of the Land Development Plan shall become an automatic disapproval and the said plan may be re-filed as required by §21, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions shall constitute a denial of the plan.
- (4) Board of Supervisors Denials. When a Land Development Plan is denied, the reasons for such denial, citing specific provisions of this ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Land Development Plan is considered and communicated, in writing, to the Applicant as provided in §21C(2).
- D. Reviewing Agency and Officials Comments. The Planning Commission and the Board of Supervisors shall consider the comments and the recommendations provided pursuant to §21B(6) and may request such additional information as deemed necessary.
- E. Carbon County Planning Commission Comments. No official action shall be taken by the Board of Supervisors until it has received and considered the comments of the Carbon County Planning Commission or after 30 days following transmittal of the Land Development Plan to the County Planning Commission.
- F. Sewage Facilities Planning Modules. The Board of Supervisors shall concurrently make its decision on the Sewage Facilities Planning Module; and, if approval is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Protection. Land Development Plan approval shall be conditional upon Department of Environmental Protection sewage planning approval.
- G. Highway Occupancy Permit. If a highway occupancy permit shall be required for access to a Township or State road, approval of the Land Development Plan shall be conditional upon the issuance of a highway

occupancy permit by the Township or PA DOT.

- H. Soil Erosion and Sedimentation Control. Approval of the Land Development Plan shall be conditional upon the approval of the soil erosion and sedimentation control plan by the Carbon County Conservation District and the issuance of any associated permits.
- I. Public Hearing. The Planning Commission or the Board of Supervisors may conduct a public hearing on the proposed Land Development Plan pursuant to public notice.
- J. Authorization to Proceed with Land Development or to Provide a Financial Guarantee. Following any approval granted pursuant to §21C(2) and when all requirements and conditions have been fulfilled by the Applicant to satisfy any conditional approval, the Board of Supervisors shall provide to the Applicant a letter authorizing the Applicant to proceed with site development and construction in accord with the approved plan. In lieu of constructing the improvements, the Applicant may provide a financial guarantee in accord with Article V.
- K. Final Approval; Signature of Land Development Plan. The Board of Supervisors shall not sign the Land Development Plan until all the improvements shown on the Land Development Plan have been installed by the Applicant and have been verified as complete by the Township Engineer; or, a performance guarantee has been provided by the Applicant pursuant to §38. When all these requirements and conditions have been fulfilled by the Applicant, the Board of Supervisors shall endorse the Land Development Plan for recording purposes.
- L. Applicant's Duty to Record the Final Land Development Plan.
  - (1) Deadline. The Applicant shall record the approved final plan with the Carbon County Recorder of Deeds within 90 days of the date of endorsement by the Board of Supervisors.
  - (2) Notification. The Applicant shall notify the Board of Supervisors in writing of the date of such recording and the plan book and page wherein such plan is recorded.
  - (3) Failure to Record. If the plan is not recorded within the required time the approval shall lapse and become void.
- M. As-Built Plans. Upon the completion of all improvements, the Applicant shall provide to the Township plans certified by the Applicant's engineer showing all such improvements as installed. Failure of the Applicant to provide the as-built plans shall constitute a violation of this ordinance and shall be subject to all the enforcement proceedings contained in this ordinance.
- N. Certificate of Conformance. No use of land or structure within the land development shall be initiated until a certificate of conformance has been issued by the Board of Supervisors for the land and structure(s) in accord with this ordinance. In cases where a financial guarantee for final approval has been provided in lieu of the construction of improvements, no certificate of conformance shall be issued until all the improvements shown on the Land Development Plan have been installed by the Applicant and have been certified as complete by the Applicant's Engineer and verified by the Township Engineer pursuant to §39, and as built plans have been provided by the Applicant.
- O. Time Extension. The time for review of the plan may be extended by agreement of the Applicant and the Board of Supervisors; and any such agreement shall be in writing.

**§22 Plans for Minor Residential Land Developments**

The intent of this §22 is to simplify the review and approval procedure for Minor Residential Land Developments. Preliminary Plans for Minor Residential Land Development shall not be required; however, a Final Plan shall be submitted to the Township and be processed in accord with this §22.

- A. Minor Residential Land Development Criteria. A land development may be considered a *Minor Residential Land Development* for the purposes of this ordinance provided said development does not involve more than two (2) dwelling units or is not by definition considered a major subdivision. Multi-family dwellings, mobile home parks, and campgrounds and recreational vehicle parks shall not qualify as Minor Land Developments.
- B. Procedure and Other Requirements. Minor Residential Land Development Plans shall be processed in accord with the requirements for minor subdivisions in §20. All information and design requirements of this ordinance applicable to land developments shall also apply to Minor Residential Land Developments except as provided in this §22. The Board of Supervisors may, based upon the character of the project and site conditions, waive the applicability of any or all the land development requirements including the requirement for a survey of the project parcel.
- C. Minor Residential Land Development Determination.
  - (1) Request to be Filed with The Planning Commission. The request for Minor Residential Land Development determination shall be submitted to the Township Administrator by the Applicant or his authorized representative in writing at least 10 days prior to the Planning Commission meeting which the Applicant will attend. The request shall contain such information as may be necessary for the Township to determine the Minor Land Development status of the proposed project in accord with this §22. The Township shall have the right to require any additional information deemed necessary.
  - (2) Status of Application for Minor Residential Land Development Determination. The application for Minor Residential Land Development determination shall not constitute a formal land development submission and shall not initiate the ninety (90) day review period normally required for land developments.
  - (3) Determination of Minor Residential Land Development. The Planning Commission shall determine the Minor Residential Land Development status of the application in accord with the criteria in this §22 and report their determination regarding the same to the Applicant.
    - (a) In cases where the Planning Commission determines that the proposed development does meet the requirements for a Minor Residential Land Development, the information required for the application shall be submitted in accord with §22D.
    - (b) If the Planning Commission determines that the subject development does not meet the criteria for a Minor Residential Land Development, said development shall be considered a regular Land Development governed by §21 and the information required for the application shall be submitted in accord with all the applicable sections of this ordinance and all other applicable requirements.
- D. Minor Residential Land Development Application Information. The plan requirements in §20 for Minor Subdivisions shall apply to Minor Residential Land Development Plans. However, the Township may require any additional information necessary as site specific conditions dictate to determine compliance with this ordinance and any other requirements. A survey of the parcel of property containing the proposed minor

residential land development shall generally not be required; however, the Township shall have the right to require a survey by a Registered Surveyor in cases where circumstances dictate the need for same to assure compliance with applicable requirements. The Township shall also have the right to apply any of the standards and requirements contained in this ordinance.

### **§23     Lot Line Adjustment Subdivisions**

A. Combination of Lots of Record. Lot line adjustment subdivisions which involve the combination of lots of record which are shown on a map on file at the office of the County Recorder of Deeds, and which do not involve the creation of any new lot lines, may be submitted directly to the Board of Supervisors.

- (1) The applicant shall certify to the Board that the subject map is, in fact, on record.
- (2) A new map for combination of lots of record shall not be required unless the Township determines such map is required for any just cause in which case §23B shall apply.
- (3) The combination shall be executed by deed from the owners to themselves which shall contain a restriction combining the lots into one parcel.
- (4) The lot combination deed shall be in such form as required by the Board of Supervisors upon the recommendation of the Township Solicitor and shall include:
  - (a) A reference to the lot numbers of the subject lots.
  - (b) The plat book and page number where the map is recorded.
  - (c) The new revised combined lot numbers.
  - (d) Language restricting the sale or transfer of the individual lots being combined.

B. Creation of New Lot Lines. Lot line adjustment subdivisions which involve the creation of new or reconfigured lot lines shall require a new subdivision map and shall be processed in the manner set forth in §20 for Minor Subdivisions; however, sewage planning modules may not be required unless additional, new sewage disposal areas are proposed. The applicable notes listed in §30C shall be included on the map; and the combination language shall also be included in the deed from the grantor to the grantee and shall also be made binding on the combined parcel(s) of the grantee via Articles of Restrictive Covenants.

C. Easements and Rights-of-Way of Record. No lot line adjustment subdivision shall have the effect of altering, redefining, or extinguishing any easement of record or any right-of-way of record existing on or over subject property.

D. Applicant's Duty to Record the Lot Line Adjustment. All documents to be recorded to execute any lot line adjustment subdivision shall be in such form as approved by the Board of Supervisors with the recommendation of the Township Solicitor.

- (1) Deadline. The Applicant shall record the approved final plan and corresponding deed with the County Recorder of Deeds within 90 days of the date of endorsement by the Board of Supervisors.
- (2) Notification. The Applicant shall notify the Board of Supervisors in writing of the date of such recording and the plan book and page wherein such plan is recorded and provide a copy of the corresponding recorded deed.

- (3) Failure to Record. If the plan and deed are not recorded within the required time the approval shall lapse and become void.

**§24     Subdivision from Large Parcel**

- A. Parent Parcel. As determined by the Township Engineer, a survey of the parent parcel in a subdivision may not be required provided:
- (1) The parent parcel when subdivided remains 10 acres or more in size.
  - (2) The Applicant can demonstrate that an adequate description of the parent parcel is on record which may be a recorded survey map or recorded deed description.
- B. Subdivided Parcels. All parcel(s) subdivided from the parent parcel shall be surveyed and platted in accord with all the requirements of this ordinance.
- C. Other Ordinance Provisions. The subdivision shall in all other respects comply with this ordinance.

**§25     Contiguous Municipalities**

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

**§26     Reserved**



## ARTICLE IV PLAN REQUIREMENTS

### **§27     Sketch Plan Overlay Sheet**

To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Planning Commission, the Sketch Plan should include the information listed below. Many of these items can be taken from the Existing Resources and Site Analysis (See §28C), a document that must in any case be prepared and submitted no later than the date of the Site Inspection, which precedes the Preliminary Plan. The Sketch Plan shall be prepared as a simple overlay sheet placed on top of the Existing Resources and Site Analysis.

- A. Name and address of the legal owner, the equitable owner, and/or the applicant;
- B. Name and address of the professional engineer, surveyor, planner, architect, landscape architect, or site designer responsible for preparing the plan;
- C. The deed reference, parcel identification number and tax assessment number for each involved parcel.
- D. Graphic scale not greater than 1" = 10', 20', 30', 40', 50' or 60' and north arrow.; however, dimensions on the plan need not be exact at this stage;
- E. Tract boundaries, adequate to locate the tract on a map of the Township;
- F. Location map;
- G. Zoning district;
- H. Streets on and adjacent to the tract (both existing and proposed);
- I. 100-year floodplain limits;
- J. Location of wetlands;
- K. Topographic, physical, and cultural features including fields, pastures, meadows, wooded areas, trees with a diameter of fifteen inches or more, hedgerows and other significant vegetation, steep slopes (over 25%), rock outcrops, soil types, ponds, ditches, drains, dumps, storage tanks, streams within 200 feet of the tract, and existing rights-of-way and easements, and cultural features such as all structures, foundations, walls, wells, trails, and abandoned roads;
- L. Schematic layout indicating a general concept for land conservation and development;
- M. Proposed general street and lot layout;
- N. General description of proposed method of water supply, sewage disposal, and stormwater management;
- O. In the case of land development plans, proposed location of buildings and major structures, parking areas and other improvements;
- P. A map of the entire contiguous holdings of the owner or developer showing anticipated locations of roads.

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

**§28 Preliminary Plan Requirements for Major Subdivisions** (See §32 and Article IX for Land Developments.) Preliminary Plans shall be prepared by a Qualified Professional (see definition in Article II), as applicable, and required by State law. The submission requirements for a Preliminary Plan shall consist of the following elements and shall be prepared in accordance with the drafting standards and plan requirements described herein:

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

A. Drafting Standards.

- (1) The plan shall be clearly and legibly drawn at a scale of 1" = 10', 20', 30', 40', 50' or 60'.
- (2) Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes and seconds for the boundary of the entire tract; and dimensions in feet for lot lines.
- (3) The surveyor shall certify on the plan that the map or plat, and the survey on which it is based, were made in accord with current accepted Pennsylvania practice, and the date which the field work was completed.
- (4) The sheet size shall be no larger than 24"x36". If the plan is prepared in two or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- (5) Plans shall be legible in every detail.

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

C. Existing Resources and Site Analysis. For all subdivisions and land developments, an Existing Resources and Site Analysis Plan shall be prepared to provide the developer and the Township with a comprehensive analysis of existing conditions, both on the proposed development site and within 200 feet of the site. Conditions beyond the parcel boundaries may be described based on existing published data available from governmental agencies and from aerial photographs. The Township shall review the Plan to assess its

accuracy, conformance with Township ordinances, and likely impact upon the natural and cultural resources on the property. The following information shall be required:

- (1) Complete current perimeter boundary survey of the property to be subdivided or developed prepared by a registered surveyor, showing all courses, distances, and area and tie-ins to all adjacent intersections.
- (2) Natural Features, including:
  - (a) Contour lines at intervals of not more than two feet. (10-foot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps.) Contour lines shall be based on information derived from a topographic survey for the property, evidence of which shall be submitted including the date and source of the contours. Datum to which contour elevations refer and references to known, established benchmarks and elevations shall be included on the plan.
  - (b) Steep slopes in the following ranges: 15 to 25 percent, 25 percent and greater. The location of these slopes shall be graphically depicted by category on the plan. Slope shall be measured over three or more two-foot contour intervals.
  - (c) Watercourses, either continuous or intermittent and named or unnamed, and lakes, ponds, or other water features.
  - (d) Wetlands as defined by Article II.
  - (e) 100-year floodplains, including delineation of floodway and flood fringe, established by study of FEMA, with base flood elevations for the 100-year storm. For those watercourses for which studies have not been performed by FEMA, calculated 100-year flood plains shall be established by the developer. When a subdivision or land development contains a floodplain, the elevation of roads, building sites and public utilities in the vicinity of the floodplain shall be given. In the case of a proposed revision of a FEMA-mapped flood plain, a letter of approval of such revision from FEMA shall be submitted.
  - (f) Soil types and their boundaries, as mapped by the USDA Natural Resource Conservation Service, including a table listing the soil characteristics pertaining to suitability for construction and, in unsewered areas, for septic suitability. Alluvial and hydric soils shall specifically be depicted on the plan.
  - (g) Existing vegetation, denoted by type, including woodlands, hedgerows, and specimen vegetation, as defined in this ordinance, tree masses, tree lines, wetland vegetation, pasture or crop lands, orchards, permanent grass land, old fields, and any other notable vegetative features on the site.
  - (h) Any portion of the tract identified, as a Pennsylvania Natural Diversity Inventory (PNDI) site. If such habitats exist on the tract, the measures proposed to protect the habitats shall be indicated.
  - (i) Ridgelines and watershed boundaries.
  - (j) Geologic formations on the tract, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.

(3) Existing Man-Made Features, and including:

- (a) Any easements, deed restrictions, rights-of-way, or any other encumbrances upon the land, including location, size, and ownership.
- (b) Locations of Historic and Archaeological Resources which have been identified and/or inventoried by the Township, the County, the Carbon County Planning Commission, and/or the Pennsylvania Historical and Museum Commission and all significant sites or structures on the tract, including, but not limited to foundations, cellar holes, stone walls, earthworks, and burial sites.

(4) The Gross Tract Area, Total Tract Area, Adjusted Tract Area, where applicable, and the constrained land area with detailed supporting calculations.

D. Preliminary Resource Impact and Conservation Analysis.

- (1) A Preliminary Resource Impact and Conservation Analysis shall be prepared for all major subdivision and land development applications to categorize the impacts of the proposed activities and physical alterations on those resources shown on the Existing Resources and Site Analysis (as required under §28C). All proposed improvements including, but not necessarily limited, to grading, fill, streets, buildings, utilities and stormwater detention facilities, as proposed in the other Preliminary Plan documents, shall be considered in preparing the Preliminary Resource Impact and Conservation Analysis, which shall clearly demonstrate that the applicant has minimized site disturbance to the greatest extent practicable.
- (2) Using the Existing Resources and Site Analysis as a base map, impact areas shall be mapped according to the following categories:
  - (a) primary impact areas (i.e., areas directly impacted by the proposed subdivision);
  - (b) secondary impact areas (i.e., areas in proximity to primary areas which may be impacted); and,
  - (c) designated protected areas, either to be included in a proposed conservation open space or an equivalent designation such as dedication of a neighborhood park site.

E. Preliminary Improvements Plan. This plan shall include the following items:

- (1) Historic resources, trails and significant natural features, including topography, areas of steep slope, wetlands, 100-year floodplains, swales, rock outcrops, vegetation, existing utilities, and other site features, as indicated on the Existing Resources and Site Analysis.
- (2) Existing and proposed lot lines, lot areas, any existing easements and rights-of-way.
- (3) Conservation open space.
- (4) Location, alignment, width, profile and tentative names of all proposed streets and street rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate street connections and facilities to adjoining development or undeveloped areas, and preliminarily engineered profiles for proposed streets.

- (5) Location of proposed swales, drainage easements, stormwater, and other management facilities.
- (6) Where community sewage service is proposed, the conceptual layout of proposed sewage systems including, but not limited to, the tentative locations of sewer mains and sewage treatment plants, showing the type and degree of treatment intended and the size and capacity of treatment facilities
- (7) Where central water service is proposed, the layout of proposed water distribution facilities including water mains, fire hydrants, storage tanks and, where appropriate, wells or other water sources.
- (8) Location of all percolation tests as may be required under this ordinance, including all failed test sites or pits, as well as those approved, and including an approved alternate site for each lot. All approved sites shall be clearly distinguished from unapproved sites.
- (9) Location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
- (10) If land to be subdivided lies partly in or abuts another municipality, the applicant shall submit information concerning the location and conceptual design of streets, layout and size of lots and provisions of public improvements on land subject to his control within the adjoining municipality. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of approval of this information by appropriate officials of the adjoining municipality also shall be submitted.
- (11) Where the applicant proposes to install the improvements in phases, he shall submit with the Preliminary Plan a delineation of the proposed sections and a schedule of deadlines within which applications for final approval of each section are intended to be filed.
- (12) Utilities and Easements
  - (a) Layout of all proposed sanitary and storm sewers and location of all inlets and culverts, and any proposed connections with existing facilities. (This data may be on a separate plan.)
  - (b) The tentative location of proposed on-site sewage and water facilities.
  - (c) Locations of existing and proposed utility easements. Where the applicant proposes to locate a street, access drive, driveway or other improvement within a portion of a utility right-of-way, or to relocate an existing utility line, a letter from the appropriate utility company giving permission to locate within the right-of-way or relocate the existing line shall be submitted.
- (13) Location of proposed shade trees, plus locations of existing vegetation to be retained.
- (14) Signature block for the Planning Commission Chairman and Secretary and the Board of Supervisors Chairman and Secretary, and a review acknowledgement block for the Carbon County Planning Commission on the right-hand side.
- (15) Zoning data, including all the following, when applicable:
  - (a) Zoning district designations.

- (b) Zoning district boundary lines transversing the proposed subdivision and/or development.
  - (c) Zoning district boundary lines within 1,000 feet of the proposed subdivision and/or development, shown on location map.
  - (16) A title block in the lower right corner.
  - (17) Name of project.
  - (18) Name and address of the owner of record (if a corporation, give name of each officer), and a notarized certificate of ownership and acknowledgment of the plan per §34A.
  - (19) Name and address of developer if different from landowner (if a corporation, give name of each officer).
  - (20) Name, address, license number, seal, and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the plan.
  - (21) Date, including the month, day, and year that the Preliminary Plan was completed and the month, day and year for each Plan revision.
  - (22) The deed reference, parcel identification number and tax assessment number for each involved parcel.
  - (23) A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses and any area subject to flooding.
  - (24) North arrow (true or magnetic).
  - (25) Graphic scale and written scale.
  - (26) Names of present adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent roads, along with the current property identification number for each property shown.
  - (27) Location of all areas or features of the project parcel which are subject to the Township Official Map and the type of reservations as specified on the Official Map.
- F. Supporting Documents and Information. The following supporting documents, plans and information shall be submitted with Preliminary Plans for all major subdivisions:
- (1) Typical street cross-section drawings for all proposed streets showing the following:
    - (a) Typical cut sections.
    - (b) Typical fill sections.
    - (c) Superelevated sections.
    - (d) Typical parallel drainage.
  - (2) Profiles along the top of the cartway centerline, or as otherwise required by this ordinance, showing existing and proposed grade lines and printed elevations of the proposed grade lines at 50-foot

intervals.

- (3) Any existing or proposed deed restrictions, and protective and restrictive covenants that apply to the subdivision and/or development plan.
- (4) All proposed offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- (5) Existing documents of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- (6) Proof of legal interest in the property and the latest deed of record.
- (7) Water Supply Information. In the case of individual on-lot wells, information documenting water table depth and potential for affecting the ground water supply. In the case of community systems:
  - (a) A statement from a Professional Engineer of the type and adequacy of any community water supply system proposed to serve the project.
  - (b) Preliminary design of any central water supply system.
  - (c) Connection to central system. A letter from the water company or authority stating that the said company or authority will supply the development, including a verification of the adequacy of service.
  - (d) New central system - A statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
  - (e) A copy of any application for any permit, license or certificate required by PA DEP or the PA Public Utility Commission for the construction and operation of any proposed central water supply system. Preliminary plan approval shall be conditioned on the issuance of said permits by PA DEP and/or PA PUC.
- (8) Sewage Disposal Information.
  - (a) Completed sewage facilities planning module(s) for land development and other required sewage planning documents as required by the PA Sewage Facilities Act and PA DEP.
  - (b) Connection to central system. Documentation from the system owner that service will be provided, and that the Applicant has complied with all system owner requirements.
  - (c) Private sewage treatment plants and community on-lot systems. A preliminary design of the system and a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
- (9) A list of any public utility, environmental or other permits required; and, if none are required, a statement to that effect. The Township may require a Professional Engineer's certification of such list.
- (10) Soil erosion and sedimentation control plan.

- (11) Drainage/stormwater management plan meeting the requirements of this ordinance and any Stormwater Management Ordinance adopted by the Township.
  - (12) Bridge designs and copies of any required permits from PA DEP or other applicable agency for any water obstruction or encroachment.
  - (13) A statement indicating any existing or proposed zoning variances or subdivision waivers/modifications.
  - (14) Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Preliminary Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.
  - (15) Highway occupancy permit.
  - (16) A plan for the ownership and maintenance of all improvements and common areas as required by §41 and §42.
  - (17) A Traffic Impact Study if required by the zoning ordinance.
  - (18) Documentation of compliance with Pennsylvania Historical and Museum Commission requirements.
  - (19) Documentation of submission to the Pennsylvania Natural Diversity Index and compliance with any findings.
- G. Additional Information. The Planning Commission or the Board of Supervisors may require any other necessary information based on the specific characteristics of the proposed project.
- H. Application Forms and Certifications. The applicant shall complete and submit such application forms and certifications as prescribed by the Township for submission with the Preliminary Plan application.

**§29 Final Plan Requirements for Major Subdivisions** (See §32 and Article IX for Land Developments.) Final Plans shall be prepared by a Qualified Professional (see definition in Article II), as applicable, and required by State law. Final Plans shall be submitted pursuant to the following:

- A. Existing Resources and Site Analysis. A plan, as required by §28C, consistent with the terms and requirements of the approved Preliminary Plan and modified, as necessary, to show the proposal for final approval.
- B. Final Resource Impact and Conservation Analysis.
  - (1) This plan shall comply with all the requirements for the Preliminary Resource Impact and Conservation Analysis, as set forth in §28D, to show all proposed improvements described in the other Detailed Final Plan documents as required by this §29.
  - (2) In addition to the requirements of §28D, the applicant shall submit an accompanying Resource Assessment Report divided into the following sections:



- (a) Description of existing resources (as documented in §28C).
- (b) Impacts of the proposed development on existing resources, correlated to the areas depicted in the Final Resource Impact and Conservation Analysis.
- (c) Measures taken to minimize and control such impacts both during and following the period of site disturbance and construction.
- (d) The qualifications and experience of the preparer of the report.

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

- (1) The full plan of the proposed development including, but not limited to, the following information and data:
  - (a) Sufficient bearings, lengths of lines, radii, arc lengths and chords of all lots, streets, rights-of-way, easements, community or public areas and areas to be dedicated to accurately and completely reproduce all courses on the ground.
  - (b) All dimensions in feet and hundredths of a foot.
  - (c) All bearings to the nearest one second of the arc.
  - (d) Street names.
  - (e) Street widths and right-of-way and easement widths.
  - (f) A clear sight triangle shall be shown for all street intersections.
  - (g) Block and lot numbers.
  - (h) Total tract area and area of each lot to the nearest 1/100<sup>th</sup> of an acre and/or the nearest square foot.
  - (i) Location and type of permanent monuments and markers which have been found or set in place.
  - (j) Building setback lines for each lot or the proposed placement of each building.
  - (k) Excepted parcels or sections shall be marked "not included in this plat" and their boundary completely indicated by bearings and distances.
  - (l) A statement of intended use of all lots, with reference to restrictions of any type which exist as covenants in the deed for the lots contained in the subdivision and, if the covenants are recorded including the book and page.
  - (m) The deed reference, parcel identification number and tax assessment number for each involved parcel.

- (n) The location, ownership and maintenance responsibility of common facilities and conservation open space.
  - (o) Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the plan.
  - (p) Final Improvements Plan meeting the requirements of §28E with updated information.
- (2) The following items shall be on all Final Plans, when applicable, in the form of protective and/or restrictive covenants:
- (a) Building setbacks.
  - (b) Corner lot easements for clear sight triangles.
  - (c) Corner lot driveway locations.
  - (d) Utility and drainage easements, including ownership and maintenance responsibility.
- (3) The following general notes shall be included on all Final Plans, if applicable:
- (a) "All lots shown on this plan are subject to the rules and regulations contained in the Franklin Township Zoning Ordinance."
  - (b) The subdivision incorporates a private access street as defined in this ordinance. "The improvement and maintenance of any private access street shall be the sole responsibility of those persons benefitting from the use thereof."
  - (c) A "lot line adjustment" proposal. "Lot/parcel \_\_\_ shall be joined to and become an inseparable part of lot/parcel\_\_\_ as recorded in Deed Book Volume\_\_\_, Page\_\_\_ and cannot be subdivided, conveyed or sold separately or apart there from without prior Township approval."
  - (d) All cases. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420)
  - (e) All cases. "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals relating to wetlands. Approval by the Board of Supervisors shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. Franklin Township shall have no liability or responsibility for the same to the Developer or purchaser(s)."
  - (f) On-site subsurface sewage disposal or an on-site well is proposed.
- [1] "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The PA DEP planning conducted as part of the subdivision plan approval process is for general suitability only; and a sewage permit will be required prior to the issuance of any building permit."

[2] "Individual owners of lots must apply to the Township for a sewage permit prior to the construction of any on-lot sewage disposal system."

[3] "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Protection and Franklin Township."

[4] "In granting this approval the Township has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."

(g) The requirement for sewage planning is waived by the Township. "The lot(s) shown on this plan have not been approved for any type of sewage disposal based upon the representation by the developer that the lot(s) will be used for purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit, zoning, and other applicable approvals by Franklin Township."

(h) Common land and/or facilities are involved. "Common open land, common recreation land, common facilities and development improvements shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development."

(i) All cases. "The Board of Supervisors of Franklin Township does not intend to accept the dedication any of the roads, streets or the like, other proposed public ways, spaces, or areas, or any other development improvements shown on this Final Plan. The landowner, developer or an association of lot owners shall be responsible for the maintenance of all development improvements them subsequent to the construction of the same."

(j) All cases. The surveyor shall certify on the plan that the map or plat, and the survey on which it is based, were made in accord with current accepted Pennsylvania practice, and the date which the field work was completed.

(k) Existing easements are not specifically delineated. "The approval of this plan by the Board of Supervisors of Franklin Township does not have the effect of altering, redefining or extinguishing any easements of record existing on, under or over the property".

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

D. Supporting Documents and Information. The following supporting documents and information shall be submitted with the Final Plan for major subdivisions:

(1) Typical final street cross-section drawings for all proposed streets and/or roads showing the following:

- (a) Typical cut sections.
- (b) Typical fill sections.
- (c) Typical superelevated sections.
- (d) Typical parallel drainage.

(2) Final profiles along the top of the cartway (pavement) centerline showing existing and final grade lines

and printed elevations of the final grade line at fifty (50) foot intervals, unless otherwise required by this ordinance.

(3) Any existing and finally proposed deed restrictions and protective and restrictive covenants that apply to the subdivision and/or development plan.

(4) Reserved.

(5) Proof of legal interest in the property, and the latest deed of record.

(6) Water Supply and Sewage Disposal Information:

(a) Final plan of any central water supply and/or sewage disposal system showing all pertinent details.

(b) All other documentation required to demonstrate compliance with this ordinance.

(7) All required state or federal environmental permits.

(8) Highway occupancy permits.

(9) Soil erosion and sedimentation control plan approved by the Carbon County Conservation District.

(10) Final drainage/stormwater management plan.

(11) Final bridge designs and required state or federal approvals.

(12) A statement setting forth any zoning variances or subdivision waivers/modification obtained.

(13) Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Final Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.

E. Additional Information. The Planning Commission or the Board of Supervisors may require any other necessary information based on the specific characteristics of the proposed project.

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

G. Maintenance of Development Improvements. The Developer shall provide a proposed plan for the succession of ownership and continued operation and maintenance of all development improvements, amenities, and common use or open space areas in accord with Article V. The Board of Supervisors shall determine the adequacy of the plan and shall require any additional assurance to provide for proper operation and maintenance.

### **§30 Minor Subdivisions, Final Plan Requirements**

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

A. Drafting Standards.

- (1) The plan shall be clearly and legibly drawn at a scale of 1" = 10', 20', 30', 40', 50' or 60'.
- (2) Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes, and seconds for the boundary of the entire tract; and dimensions in feet for lot lines.
- (3) The surveyor shall certify on the plan that the map or plat, and the survey on which it is based, were made in accord with current accepted Pennsylvania practice, and the date which the field work was completed.
- (4) The sheet size shall be no larger than 24" x 36". If the plan is prepared in two or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- (5) Plans shall be legible in every detail.

B. Minor Subdivision Plan Information.

- (1) Name of subdivision.
- (2) Name and address of the owner of record (if a corporation, give name of each officer), and a notarized certificate of ownership and acknowledgment of the plan per §34A.
- (3) Name and address of Developer, if different from landowner (if a corporation, give name of each officer).
- (4) Name, address, license number, seal, and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the subdivision plan.
- (5) Date, including the month, day, and year that the Final Plan for the minor subdivision was completed and the month, day and year of each Plan revision, along with a description of the revision.
- (6) The deed reference, parcel identification number and tax assessment number for each involved parcel.
- (7) North arrow (true or magnetic).
- (8) Graphic scale and written scale.
- (9) Lots numbered in consecutive order, along with lots previously subdivided from the parcel.
- (10) A plat of the area proposed to be subdivided, including the tract boundaries, if appropriate, street lines and names, lot lines, rights-of-way, or easements (existing and/or proposed, if any).
- (11) Sufficient data, acceptable to the Township, to determine readily the location, bearing and length of

every boundary, street, or lot line. All dimensions shall be shown in feet and hundredths of a foot. All bearings shall be shown to the nearest one second of the arc.

- (12) The area of each lot or parcel shall be shown within each lot or parcel; and the area of each shown in the nearest 1/100<sup>th</sup> of an acre or nearest square foot.
- (13) Reference monuments and/or lot markers shall be shown on the plan and shall be placed as required by §52.
- (14) The locations of any existing buildings and significant improvements, including access drives and driveways, located on the tract being subdivided to demonstrate compliance with setback requirements.
- (15) The proposed building reserve (setback) lines for each lot, or the proposed placement of each building.
- (16) The name and/or number and pavement width and right-of-way lines of all existing public streets and the name, location and pavement width and right-of-way lines of all other roads within or abutting the property.
- (17) Names of adjoining property owners including those across adjacent roads; and, the names of all adjoining subdivisions including those across adjacent roads with the deed book volume and page number where each property and/or subdivision is recorded; along with the property identification number for each property shown.
- (18) Water courses, lakes, streams, ponds with names, rock outcrops and stone fields, location of existing tree masses and other significant features, constructed or natural including utilities, wells and sewage systems.
- (19) Wetlands
- (20) A clear sight triangle shall be clearly shown for all street intersections.
- (21) Site data, including total acreage, number of lots, existing zoning district and property identification number.
- (22) Contour lines at an interval of not greater than 20 feet as superimposed from the latest U.S.G.S. quadrangle or from a field survey. A minimum of two contour lines are required to show direction and amount of slope.
- (23) Location of all flood hazard areas as shown on the most recent FIA/FEMA mapping.
- (24) The location and extent of various soil types by NRCS classification for each type.
- (25) The location of any soil test pits and/or percolation tests. The logs of the test pit evaluations and the results of the percolation tests shall accompany the plan.
- (26) Any existing or proposed areas of wells and subsurface sewage disposal fields when on-site disposal is proposed.
- (27) A key map for locating the property being subdivided.

- (28) Signature block for the Planning Commission Chairman and Secretary and the Board of Supervisors Chairman and Secretary, and a review acknowledgement block for the Carbon County Planning Commission on the right-hand side.
- (29) A title block on the lower right corner.
- (30) The following items and notes shall be on all Final Plans, when applicable, in the form of protective and/or restrictive covenants:
  - (a) Building setbacks.
  - (b) Corner lot easements for clear sight triangles.
  - (c) Corner lot driveway locations.
  - (d) Utility and drainage easements, including ownership and maintenance responsibility.
- C. General Notes. The following general notes shall be included on all Minor Plans, if applicable:
  - (a) "All lots shown on this plan are subject to the rules and regulations contained in the Franklin Township Zoning Ordinance."
  - (b) A "lot line adjustment" proposal. "Lot/parcel \_\_\_\_ shall be joined to and become an inseparable part of lot/parcel \_\_\_\_ as recorded in Deed Book Volume \_\_\_\_, Page \_\_\_\_ and cannot be subdivided, conveyed or sold separately or apart there from without prior Township approval."
  - (c) All cases. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420).
  - (d) All cases. "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals relating to wetlands. Approval by the Board of Supervisors shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. Franklin Township shall have no liability or responsibility for the same to the Developer or purchaser(s)."
  - (e) On-site subsurface sewage disposal or an on-site well is proposed.
    - [1] "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The PA DEP planning conducted as part of the subdivision plan approval process is for general suitability only; and a sewage permit will be required prior to the issuance of any building permit."
    - [2] "Individual owners of lots must apply to the Township for a sewage permit prior to the construction of any on-lot sewage disposal system."
    - [3] "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Protection and Franklin Township."

[4] "In granting this approval the Township has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."

- (f) The requirement for sewage planning is waived by the Township. "The lot(s) shown on this plan have not been approved for any type of sewage disposal based upon the representation by the developer that the lot(s) will be used for purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit, zoning, and other applicable approvals by Franklin Township."
- (g) Common land and/or facilities are involved. "Common open land, common recreation land, common facilities and development improvements shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development."
- (h) All cases. The surveyor shall certify on the plan that the map or plat, and the survey on which it is based, were made in accord with current accepted Pennsylvania practice, and the date which the field work was completed.
- (i) Existing easements are not specifically delineated. "The approval of this plan by the Board of Supervisors of Franklin Township does not have the effect of altering, redefining or extinguishing any easements of record existing on, under or over the property".

D. Supporting Documents and Information.

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

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

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

**§31 Plan Requirements for Lot Line Adjustment Subdivisions**

A. Combination of Lots of Record. A new map shall not generally be required for lot line adjustment subdivisions which involve the combination of contiguous lots of record which are shown on a map on file at the office of the Carbon County Recorder of Deeds and which do not involve the creation of any new lot lines. (See §23A for cases which require a new map.)



- B. Creation of New Lot Lines. The plan requirements in §30 for Minor Subdivisions shall also apply to lot consolidation subdivisions which create new lot lines. (i.e., not the combination of lots shown on a map on file with the Carbon County Recorder of Deeds.) In addition, copies of the deeds prepared for recording shall be provided; and said deeds shall execute the lot consolidations on the approved plans and shall be recorded along with the approved plans.

### **§32 Plan Requirements for Land Developments**

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

- A. Plan Requirements. The plan requirements for preliminary plans in §28 and final plans for major subdivisions in §29 shall serve as the guide for the types of information which may be required. In addition to the that information, the land development plan shall include all details of required improvements necessary to confirm compliance with this ordinance and all other applicable Township ordinances. See also Article IX.
- B. Survey. A survey of the parcel of property containing the proposed land development shall generally be required; however, the Board of Supervisors shall have the right to waive the requirement for a survey in cases where circumstances do not dictate the need for a survey to assure compliance with applicable requirements.
- C. Design Standards and Improvements. All design standards and required improvements specified by this ordinance shall apply to land developments. The Board of Supervisors shall also have the right to apply any reasonable additional standards and requirements necessary to execute the purposes of this ordinance.

### **§33 Requirements for As-Built Plans**

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

A. Submission; Failure to Submit.

- (1) Three legible paper prints of the As-Built Plans and one digital copy with the Plans in a format approved by the Township shall simultaneously be submitted to the Township and one of each to the Township Engineer.
- (2) The Township may withhold the release of any performance guarantee and may refuse to issue zoning and building permits if any required as-built plan is not submitted in accord with this §33.

B. Format.

- (1) The As-Built Plans shall be generated using the approved plans (as revised through construction) with the plan/design figures struck through with a single line and the as-constructed measurement annotated immediately adjacent.

- (2) All deviations from approved plan data shall be documented by field measurement by a registered land surveyor, licensed in good standing to practice surveying in the Commonwealth of Pennsylvania.

C. Water and Sewer. Water and sewer As-Built Plans shall be coordinated with any governing authorities.

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

- (1) Storm sewer, including revised topography for basin/BMPs (if needed), basin/BMP berm height and width, outlet structure elevations, emergency spillway elevation and length, basin/BMP volume calculations, storm pipes and inlets (including pipe size, slope, inverts, grate elevations), and location of all BMPs including snouts, bottomless inlets, depressed landscape islands, infiltration trenches, porous pavement, etc.
- (2) Deviations in grade on gravity dependent improvements (e.g. ditches and pipes) to verify that the installed flow capacity meets or exceeds the design capacity.
- (3) Light pole locations.
- (4) Sidewalk locations.
- (5) Road and traffic signs
- (6) Road elevations, layout, and striping; and if intersections have been revised significantly, sight distance. Finished roadway improvements shall be measured at cross section intervals matching the design stations and shall include information across the entire improved section from tie slope to tie slope to document that the design ditch, shoulder and roadway sections have been met.
- (7) Parking spaces including handicapped spaces and access points.
- (8) Retaining wall locations and elevations.
- (9) Where permanent monuments have been set for right of way or tract boundary, the four-decimal state plane coordinates, and two-decimal elevation of the center of the monument.
- (10) Building locations with tie distances to property lines.
- (11) Any improvement where setbacks from property lines to critical points (building corners, etc) have been shown on the approved plans.
- (12) Utility location in association with easements (i.e., is the utility centered on the easement, etc.).
- (13) Field changes not otherwise required by this Section.
- (14) Cross section plots for any or all stations of the project may be required at the discretion of the Engineer.

(15) Other information as deemed necessary by the Township Engineer depending on site conditions.

**§34 Requirements for Plans to be Recorded**

In addition to all other requirements, each final plan approved for recording shall comply with this §34.

A. Requirements. The following information shall appear on the Record Plan, in addition to the other information required by this ordinance:

- (1) The seal of the licensed engineer and/or licensed surveyor who prepared the Plan.
- (2) The impressed corporation seal, if the subdivider is a corporation.
- (3) The impressed seal of a notary public or other qualified officer acknowledging owner's statement of intent.
- (4) A statement to the effect that the applicant is the owner of the land proposed to be subdivided and that the subdivision or land development shown on the Final Plan is made with his or their free consent and that it is desired to record the same.
- (5) An acknowledgment of said statement before an officer authorized to take acknowledgments.
- (6) The following original signatures shall be placed directly on the plan in black ink:
  - (a) The signature of the owner or owners of the land. If the owner of the land is a corporation, the signatures of the president and secretary of the corporation shall appear.
  - (b) The signature of the notary public or other qualified officer, acknowledging the owner's statement of intent.
  - (c) The signatures of the licensed engineer or licensed surveyor who prepared the plan.
  - (d) The signatures of the Chairman and Secretary of the Planning Commission.
  - (e) Proof of review by the Carbon County Planning Commission.
  - (f) The signatures of the Chairman and the Secretary of the Board of Supervisors.

B. Effect of Recording.

- (1) Official Map. After a subdivision or land development has been duly recorded, the streets, parks, and other public improvements shown thereon shall be considered a part of the Official Map of the Township.
- (2) Improvements Private. Every street, park, or other improvement shown on a subdivision or land development plan that is recorded in accord with this ordinance shall be deemed to be a private street, park, or improvement until the same has been offered for dedication to the Township and accepted, by resolution, and recorded in the Office of the Clerk of Common Pleas of Carbon County, or until it has been condemned for use as a public street, park, or improvement.
- (3) Dedication of Improvements. Streets, parks, and other public improvements shown on a subdivision or

land development plan to be recorded may be offered for dedication to the Township by formal notation thereof on the plan, or the owner may note on the plan that such improvements have not been offered for dedication to the Township. In no event shall an offer of dedication be accepted in the absence of express written approval by the Township.

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

**§35     General**

- A. Applicant Responsibility. In all cases, the Applicant shall be responsible for the installation of all improvements required by this ordinance.
- B. Preliminary Plan Approval Required. Applicants shall not initiate installation of any required improvements, site alterations or erection of any buildings or structures in any proposed subdivision or land development prior to preliminary plan approval has been granted and prior to receipt of all required local, state and federal permits and other approvals.
- C. Compliance. No project shall be considered in compliance with this ordinance until the streets, parking facilities, storm drainage facilities, water and sewer facilities, lot line markers and survey monuments and all other required or proposed improvements have been installed in accord with this ordinance.
- D. Signature of Final Plan. No final plan shall be signed by the Board of Supervisors for recording in the office of the County Recorder of Deeds until:
- (1) All improvements required by this ordinance and/or shown on the plan are installed to the specifications contained in Article VI and other Township requirements and such improvements are verified by the Township Engineer and are certified as complete and in compliance with this ordinance by the Applicant's Engineer; or,
  - (2) An Improvements Construction Guarantee in accord with §38 and the Pennsylvania Municipalities Planning Code has been accepted by the Board of Supervisors.
- E. Dedication of Improvements. The approval of a Final Plan by the Board of Supervisors shall not constitute an acceptance of the dedication of any road, street, other proposed public way, space, or area, or any other development improvement shown on the Final Plan. The Board of Supervisors of Franklin Township does not intend to accept the dedication any of the roads, streets, other proposed public ways, spaces, or areas, or any other development improvements shown on this Final Plan. The landowner, developer or an association of lot owners shall be responsible for the maintenance of all development improvements after the construction of the same.
- F. Development Agreement Required. A development agreement shall be required in accord with §43.

**§36     PA DOT Required Improvements**

An applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Pennsylvania Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to §420 of the Act of June 1, 1945 (P.L. 1242, No.428) known as the "State Highway Law." Proof of such security shall be provided to the Township prior to final approval.

**§37     Sections/Stages**

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

**§38    Improvement Construction Guarantees**

A. Acceptable Guarantees. The following are acceptable forms of improvement construction guarantees:

- (1) Surety Performance Bond. A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania and approved by the Board of Supervisors. The bond shall be payable to Franklin Township.
- (2) Escrow Account. A deposit of cash either with the Township or in escrow with a financial institution. The use of a financial institution for establishing an escrow account shall be subject to approval by the Board of Supervisors.
- (3) Irrevocable Letter of Credit. A letter of credit provided by a Developer from a financial institution or other reputable institution subject to the approval of the Board of Supervisors.
- (4) Other Forms. Other forms of collateral including, but not limited to, real estate mortgages as the Board of Supervisors may require or accept as part of the security.
- (5) Additional Requirements. The following requirements shall apply to the financial guarantees set forth in §38A:
  - (a) The funds of any guarantee shall be held in trust until released by the Board of Supervisors and may not be used or pledged by the Developer as security in any other matter during that period.
  - (b) In the case of a failure on the part of the Developer to complete said improvements, the institution shall immediately make the funds available to the Board of Supervisors for use in the completion of those improvements approved as part of the final plan and as may be required to service any lots or dwelling units as determined by the Board of Supervisors.
  - (c) The creditor shall guarantee funds in the amount required by this ordinance.
  - (d) The guarantee shall not be withdrawn, or reduced in amount, until released by the Board of Supervisors.

B. Amount of Security. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110 percent of the cost of completion estimated as of 90 calendar days following the date scheduled for completion by the Developer. Annually, the Board of Supervisors may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th calendar day after either the original date scheduled for completion or a rescheduled date of completion. After said adjustment, the Board of Supervisors may require the Developer to post additional security to ensure that the financial security equals said 110 percent. Any additional security shall be posted by the Developer in accord with this §38.

- (1) Cost Estimate. The amount of guarantee required shall be based upon an estimate of the cost of completion of the required improvements, prepared by the developer's engineer licensed as such in Pennsylvania and certified, in writing, by such engineer to be a fair and reasonable estimate of such cost. The Board of Supervisors, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the Developer and the Board of Supervisors are unable

to agree upon an estimate, then the estimate shall be recalculated and certified by another professional engineer licensed as such in Pennsylvania and chosen mutually by the Board of Supervisors and the developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. If a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the Applicant or Developer.

- (2) More than One Year for Completion. If the Developer requires more than one year from the date of posting the guarantee to complete the required improvements, the amount of the guarantee may, as determined by the Board of Supervisors, shall be increased up to an additional 10 percent for each one year period beyond the first anniversary date of posting the guarantee or to an amount not exceeding 110 percent of the cost of completing the improvements as reestablished on or about the expiration of the preceding one year period as estimated using the procedure established by this §38B.

- C. Terms of Guarantee. Construction guarantees shall be submitted in a form and with such surety as approved by the Board of Supervisors to assure that all improvements shall be completed within a fixed period but not to exceed five years from the date of Preliminary Plan approval.
- D. Release of Improvement Construction Guarantees. The release of improvement construction guarantees shall follow the procedure of the Development Agreement.

### **§39     Improvements Construction**

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

- A. Construction Plans and Drawings. The construction of any improvements shown on an approved Preliminary Plan or in conjunction with the Final Plan application and guarantee proposal shall be accomplished only in accord with the approved final construction plans detailing the design and installation of all improvements and documenting compliance with this ordinance.
- B. Schedule. The Developer shall coordinate the initiation of construction of all required improvements with the Township.
- C. Verifications. Based upon the nature of the required improvements, the Township Engineer shall prepare Township verification requirements to ensure the construction of the required improvements in accord with the approved plan and Township standards. In addition to all final verifications required for all improvements, verifications shall be required at all phases of construction when a failure to verify would result in a physical impossibility to verify compliance at the time of the final verification (e.g., backfilling of sewer or water line trenches). This may require a full-time person.
- D. Notice. The Developer shall provide a minimum of five working days' notice prior to the time when construction will have proceeded to the time of a required verification. Construction shall not proceed further until the Township Engineer conducts the verification and approves the improvements.
- E. Cost. The cost of all verifications conducted by the Township shall be borne by the Developer.

### **§40     Reserved**

### **§41     Continued Ownership and Maintenance of Improvements**

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

improvements. To the extent that a subdivision or land development is subject to the Pennsylvania Uniform Planned Community Act, as amended, and/or the Pennsylvania Uniform Condominium Act, as amended, the provisions of said Act(s) shall apply in lieu of the requirements of this §41, and the developer shall provide documentation of compliance.

A. Private Operation and Maintenance

- (1) Land Developments. In the case of land developments such provision shall be in the form of deed covenants and restrictions clearly placing the responsibility of maintenance of all development improvements with the owner of the land development.
- (2) Residential Developments. In the case of subdivisions, multi-family housing projects and other residential developments involving the transfer of property, the Developer shall provide, by deed covenants and restrictions, for the creation of a Property Owners Association (POA), or equivalent entity, to assume the ultimate ownership of all development improvements and responsibility for maintenance of such improvements. Membership in the POA shall be mandatory for all property owners in the development. Until the developer no longer owns any property in the development, the developer shall also be a member of the POA and shall remain responsible for payment of any per lot dues or fees assessed by the POA which are associated with improvements serving said lots. The deed covenants and restrictions creating the POA shall be approved by the Board of Supervisors.
- (3) Any Improvements Which Will Remain Private. In the case of any subdivision or land development where roads, drainage facilities, a central sewage treatment system or central water supply, or any other improvements are to remain private, the Developer shall provide for the establishment of an escrow fund in accord with §38A to guarantee the operation and maintenance of the improvements. Said fund shall be established on a permanent basis with administrative provisions approved by the Board of Supervisors. The amount of said fund shall be established by the Board of Supervisors, but in no case shall be less than fifteen (15) percent nor more than twenty-five (25) percent of the construction cost of the system as verified by the Township Engineer. The maintenance and operation of the improvements and the administration of any required maintenance fund account shall be clearly established as the joint responsibility of the owner(s) of each structure or dwelling unit served by such system. Such responsibility and the mechanism to accomplish same shall be established by deed covenants and restrictions which shall be approved by the Board of Supervisors. All issues concerning performance and enforcement of such improvements shall be with the property owners of said subdivision and/or land development as identified herein.

- B. Dedication of Improvements. The approval of a Final Plan by the Board of Supervisors shall not constitute an acceptance of the dedication of any road, street other proposed public way, space, or area, or any other development improvement shown on the Final Plan. The Board of Supervisors of Franklin Township does not intend to accept the dedication any of the roads, streets, other proposed public ways, spaces, or areas, or any other development improvements shown on this Final Plan. The landowner, developer or an association of lot owners shall be responsible for the maintenance of all development improvements after the construction of the same.

**§42 Open Land and Recreation Land -- Ownership and Maintenance**

This §42 shall apply to any development which involves the ownership and maintenance of open land or recreation land held in common or owned and maintained through other arrangements approved by the Board of Supervisors (referred to as "common open space") as required by this ordinance.

- A. Purpose. The requirements of this §42 are intended to assure in perpetuity the ownership, use and



maintenance of common open space. The general principle shall be to assign ownership and maintenance responsibility to that entity which is best suited for the same and which will allocate any associated costs to the individuals which directly benefit from the use of the common open space.

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

(1) The Plan shall define ownership.

(2) The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e., lawns, playing fields, meadow, pasture, crop land, woodlands, etc.).

(3) The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the conservation open space and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.

- C. Use Restriction. The use of any common open space shall be limited to those uses which are specifically permitted or required by the applicable sections of this ordinance and the zoning ordinance.

- D. Development Plan Designations. The subdivision/land development plan which will be recorded following final approval of the development shall clearly show all common open space and specifically note the use, ownership and maintenance responsibility of the same. Reference to the legal document(s) governing the use, ownership and maintenance of common open space shall be noted on the plan.

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

All methods for use dedication and common open space ownership and maintenance, and any combination of methods, and any change in method which may be proposed by the ownership and maintenance entity, shall be subject to the approval of the Board of Supervisors. Operation and maintenance provisions shall include, but not be limited to, capital budgeting for repair and/or replacement of development improvements and common facilities, working capital, operating expenses, casualty and liability insurance, and contingencies.

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

(a) The POA/CA is established by the Developer as a nonprofit corporation for the express purpose of ownership and maintenance of the common open space, or as otherwise may be required by state statute.

- (b) Participation in the POA/CA is mandatory for all owners.
  - (c) Provision is made for the maintenance of common open space during the sale period and the orderly transition of responsibility from the Developer to the POA/CA.
  - (d) The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the common open space responsibilities.
- (2) Transfer to a Private Conservation Organization. In the case of open land and recreation land, the landowner may transfer fee simple title to the said areas, or parts thereof, to a private, non-profit organization among whose purposes is the conservation of open land and/or natural resources; provided that:
- (a) The deed contains the necessary covenants and restrictions in favor of the Township to effect the use dedication and common open space ownership and maintenance standards of this Article and this ordinance.
  - (b) The organization proposed is a bona fide, operating, and stable conservation organization with a perpetual existence, as approved by the Board of Supervisors.
  - (c) The conveyance of title contains the necessary provisions for proper retransfer or reversion should the organization be unable to continue to execute the provisions of title.
  - (d) A maintenance agreement acceptable to the Township is executed between the Developer and organization.
- (3) Deed Restricted (Non-Common) Private Ownership. Deed restrictions on privately held lands may be used to preserve open land provided such restrictions include a conservation easement in favor of the Township, with provisions for reversion to the Township, POA or trustee holding the remainder of the common open space.
- (4) Deed or Deeds of Trust. The landowner may provide, as approved by the Board of Supervisors, for the use, ownership, and maintenance of common open space by establishing a trust for the same via a deed or deeds. The trustee shall be empowered to levy and collect assessments from the property owners for the operation and maintenance of the development.
- (5) Conservation Easements Held by the Township. In the case of open lands and recreation lands, the Board of Supervisors may, but shall not be required to, accept title to conservation easements on any such lands. In such cases, the land remains in the ownership of an individual, POA/CA, while the development rights are held by the Township. The lands may be used in accord with the requirements of this ordinance; and, title to such lands may be transferred to other parties for use as restricted by the conservation easement.
- (6) Fee Simple and/or Easement Dedication to the Township. In the case of open lands or recreation lands, the Board of Supervisors may, but shall not be required to, accept in fee, the title to any such lands, or any interests (such as development rights or conservation easements) therein, for public use and maintenance, provided:
- (a) There is no consideration paid by the Township.

- (b) Such land is freely accessible to the public.
- (c) The Board of Supervisors agrees to and has access to maintain such lands.

F. Failure to Preserve Dedication of Use and Operation and Maintenance of Common Open Space. If the method established for the dedication of use, operation, and maintenance of common open space fails to do so in reasonable order and condition in accord with the approved development plan, the Board of Supervisors shall have the right and authority to take all necessary legal action to execute such use dedication, operation, and maintenance. The action of the Board of Supervisors shall be in accord with the following:

- (1) Notice. The Board of Supervisors shall serve written notice on the assigned entity or the property owners in the development setting forth the details of the failure of the entity about the use dedication and operation and maintenance of common open space.
- (2) Correction of Deficiencies. The notice shall include a demand that the deficiencies be corrected in a reasonable period which shall be stated in the notice.
- (3) Public Hearing. A public hearing shall be conducted after the notice and shall be advertised in accord with the definition of "public notice" contained in this ordinance. At such hearing, the Board of Supervisors may modify the terms of the original notice as to the deficiencies and may extend the time for correction of the deficiencies.
- (4) Failure to Correct. In the event the deficiencies in the notice, as may have been modified at the public hearing, are not corrected in accord with the established time, the Board of Supervisors may enter upon the common open space and maintain the same and/or correct the deficiencies. The Board of Supervisors shall continue such action for such time as may be necessary to correct the deficiencies. Said action shall not constitute a taking or dedication of any common open space, nor vest in the public the right to use any common open space.
- (5) Reinstatement of Responsibility. The responsibility of operation and maintenance shall not be reinstated to the assigned entity until the entity has demonstrated to the Board of Supervisors that the proper steps have been taken to modify the terms of use dedication, operation, and/or maintenance; and/or, to reorganize or replace the responsible entity so that use dedication, operation, and maintenance established by the approved development plan will be assured.
- (6) Appeal. Any party to the action of the Board of Supervisors may appeal such action to court as provided for in the Pennsylvania Municipalities Planning Code, as amended.
- (7) Public Costs. The costs of the preservation of use dedication, maintenance and operation of any open land conducted by the Township in accord with this Article, including any administrative and legal costs, shall be assessed ratably against the properties in the subject development which have a right of enjoyment and/or use of the common open space. The assessment shall be made a lien on the properties; and, the Board of Supervisors shall, at the time of the notice in §42F(1), file the required notice of lien against the properties.

#### **§43     Development Agreement**

All applicants proposing any subdivision or land development which provides for the installation of improvements required by this ordinance or any improvements or amenities which appear on the Final Plan shall be required to enter into a legally binding Development Agreement with the Township prior to Final Plan approval guaranteeing the installation of said improvements in accord with all Township requirements.

- A. Execution. The Final Plan shall not be approved by the Board of Supervisors prior to the execution of this agreement.
- B. Form and Level of Detail. The development agreement shall be in the form required by the Township and a detailed and itemized listing of all improvements in the subdivision or land development shall be included in the Agreement. The improvements may vary from project to project, but at a minimum include:
- (1) All facilities authorized by the approved plans (streets, drainage, etc.).
  - (2) Survey monuments and markers.
  - (3) Water, sewer, and utility lines.
  - (4) The practices for the prevention of erosion, sedimentation and water damage to the subject, adjacent and downstream properties.

**§44     Reserved**

## ARTICLE VI DESIGN STANDARDS

### **§45     General Design Standards; Township Zoning Requirements**

In addition to the standards in this Article VI, all subdivisions and land developments shall be designed in accord, and comply, with the applicable requirements of the zoning ordinance.

- (1) Application. The standards and requirements contained in this Article VI shall apply to all subdivisions and land developments and are intended as the minimum for the preservation of the environment and promotion of the public health, safety, and general welfare; and, then shall be applied as such by the Planning Commission and Board of Supervisors in reviewing and evaluating plans for all proposed subdivisions and/or land developments. Compliance with all standards shall be documented by the Applicant at the time of initial application.
- (2) Planning. The development shall conform to the proposals and conditions shown in the Franklin Township Comprehensive Plan and any local or regional plans adopted by the Township. The streets, drainage, rights-of-way, school sites, public parks and playgrounds shown on the officially adopted plan or the Township Official Map shall be considered in the approval of all plans. In the case of major subdivisions and land developments, the Applicant shall submit a narrative detailing how the development conforms to any applicable plan.
- (3) Effect of Official Map. If adopted per Article IV of the Pennsylvania Municipalities Planning Code, all proposed streets and intersections, water and sewer lines, stormwater facilities and other improvements shall conform to the Franklin Township Official Map in terms of layout, existing and required rights-of-way, and coordination with reservations identified on the Official Map for street widenings and improvements. All improvements shall, to the greatest extent possible, be designed to avoid encroachment on areas subject to the Official Map. In cases where only a portion of a tract is being developed or dead-end streets are proposed, the Township may require future streets to be shown to ensure connection to abutting tracts or existing streets.
- (4) Improvements, Specifications. Additional improvements, or improvements of more stringent specifications, may be required in specific cases where, in the opinion of the Board of Supervisors, such specifications are necessary to create conditions essential to the health, safety, and general welfare of the citizens of the Township and/or to protect the environment of the Township.
- (5) Hazard Areas. Those areas which may present such hazards to life, health, or property as may arise from fire, flood or noise, or are considered uninhabitable for other reasons, shall not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards against the hazards. Sources for determining and evaluating potential hazards may include historical records, soil evaluations, engineering studies, expert opinions, standards used by licensed insurance companies, and adopted regional, county or local municipal policies.
- (6) Development Design; Remnants; Neighboring Development. All portions of a tract being subdivided shall be taken up in lots, streets, open lands, or other proposed uses, so that remnants and landlocked areas shall not be created. The layout of a subdivision shall also be planned with consideration for existing nearby developments or neighborhoods so that they are coordinated in terms of interconnection of open space, traffic movement, drainage, and other reasonable considerations.
- (7) Natural Features. Care shall be taken to preserve natural features such as agricultural land, woodland and specimen trees, wetlands, water courses, views, and historical features, such as buildings and stone

walls, which will maintain the attractiveness and value of the land. Damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Township and, where appropriate, the PA DEP and the US Army Corps of Engineers.

- (a) Groundwater Resources. This section is intended to ensure that the Township's limited groundwater resources are protected for purposes of providing water supplies for its residents and businesses, and to protect the base flow of surface waters. These regulations shall be applied in conjunction with those provided for in other sections dealing with groundwater conservation and replenishment. The proposed subdivision and land development of any tract shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table, through careful planning of vegetation and land disturbance activities, the use of bio-retention areas and infiltration trenches, and the placement of streets, buildings and other impervious surfaces in locations other than those identified on the Existing Resources and Site Analysis Plan as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater.
- (b) Stream Valleys, Swales, Springs, and Other Lowland Areas. Stream valleys (which include stream channels and flood plains), swales, springs and other lowland areas are resources that warrant restrictive land use controls because of flooding hazards to human life and property, ground water recharge functions, importance to water quality, and the health of aquatic communities and wildlife habitats. Such areas are generally poorly suited for subsurface sewage disposal systems. Stormwater management shall be provided in accord with Township stormwater regulations and the following activities shall be minimized:
- [1] Disturbance to streams and drainage swales.
  - [2] Disturbance to year-round wetlands, areas with seasonally high water tables, and areas of surface water concentration.
  - [3] Stream valleys, swales and other lowland areas warrant designation as conservation open space because of extreme limitations. They may also require adjoining buffer lands to be included in the conservation open space, to be determined by an analysis of the protection requirements of such areas on a case-by-case basis. In certain instances, hydric soils may be excluded from the conservation open space where it can be demonstrated that they are suitable for low density residential uses and on-lot sewage systems.
- (c) Very Steep Slopes. The purpose of steep slope regulations is to conserve and protect those areas having steep slopes from inappropriate development and excessive grading; to prevent potential dangers caused by erosion, stream siltation, and soil failure; and to promote uses in steep slope areas that are compatible with the preservation of existing natural features, including vegetative cover by restricting grading of steep slope areas. Very steep slope area is defined and established as those areas having an original, unaltered slope of 25 percent or greater. The establishment of slopes shall be made by a topographic survey performed by a registered surveyor, or other means acceptable to the Township.
- (d) Significant Natural Areas and Features. Natural areas containing rare or endangered plants and animals, as well as other features of natural significance exist throughout the Township. Some of these have been carefully documented (e.g., by the Statewide Natural Diversity Inventory), whereas for others, only the general locations are known. Subdivision applicants shall take all reasonable

measures to protect significant natural areas and features either identified by the Township Comprehensive Plan or by the Applicant's Existing Resources and Site Analysis Plan by incorporating them into proposed conservation open space areas or limiting their disturbance in areas proposed for development.

- (8) Historic Structures and Sites. Plans requiring subdivision and land development approval shall be designed to protect existing historic resources. The protection of an existing historic resource shall include the conservation of the landscape immediately associated with, and significant to, that resource, to preserve its historic context. Where, in the opinion of the Township, a plan will have an impact upon an historic resource, the Developer shall mitigate that impact to the satisfaction of the Township by modifying the design, relocating proposed lot lines, providing landscape buffers, or other approved means. Township participation, review, and approval of the Applicant's interaction with the State Historical and Museum Commission (if required) about the preservation of historic resources, as required for PA DEP approval of proposed sewage disposal systems, shall be required prior to Preliminary Plan approval.
  - (9) Boundary Lines and Reserve Strips. Lot lines should follow municipal and county boundary lines, rather than cross them. Reserve strips controlling access to lots, public rights-of-way, public lands, or adjacent private lands are prohibited.
  - (10) Water Frontage and Surface Drainage. The damming, filling, relocating, or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural watercourse shall not be permitted except with approval of the Township, and, where required by state statute, the PA DEP, or other applicable state agencies. Stormwater management shall be provided in accord with Township stormwater regulations.
  - (11) Community Facilities and Adopted Plan Requirements. Where a proposed park, playground, school, or other public use is shown in an adopted plan of the Township and is located in whole or in part in a proposed development, the Board of Supervisors may require the reservation of such area provided that such reservation is acceptable to the developer.
  - (12) Walkways. Pedestrian interior walks or trails may be required, where necessary, to assist circulation or provide access to community facilities (e.g., a park or school).
  - (13) Storm Drainage. Lots and/or parcels shall be laid out and graded to provide positive drainage away from buildings and to prevent damage to neighboring lots, tracts, or parcels. Stormwater management shall be provided in accord with Township stormwater regulations.
- B. Planned Improvements. Physical improvements to the property being subdivided and/or developed shall be provided, constructed, and installed as shown on the approved plan.
- C. Improvements Specifications. All improvements installed by the Developer shall be constructed in accordance with the design specifications and construction standards of the Township and advice of the Township Engineer.
- (1) Where there are no applicable Township specifications, improvements shall, if approved by the Board of Supervisors, be constructed in accordance with specifications furnished by the Township Engineer, Carbon County Conservation District, PA Department of Transportation, Pennsylvania Department of Environmental Protection, Bureau of Forestry or such other County, State or Federal agency as may be applicable.

- (2) If there are no applicable Township or State specifications, the Board of Supervisors may authorize that such specifications be prepared by the Township Engineer or an Engineering Consultant.

D. Other Township Regulations. Whenever the zoning ordinance and/or other regulations impose more restrictive standards and requirements than those contained herein, such other regulations shall be observed, otherwise, the standards and requirements of the zoning ordinance shall apply.

**§46 Four-Step Design Process for Major Subdivisions and Land Developments**

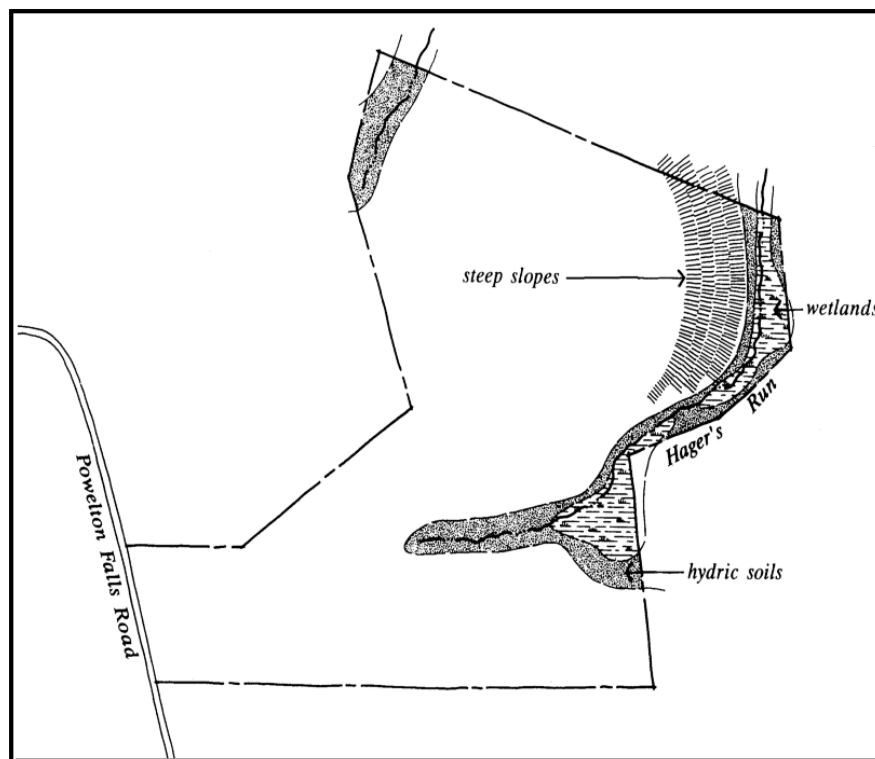
All Preliminary Plans for all major subdivisions and all land developments shall include documentation of a four-step design process in determining the layout of proposed conservation open space, house and development sites, streets and lot lines, as described below. (NOTE: Diagrams are for residential illustrative purposes only.) See the zoning ordinance, for conservation subdivision design development and design of commercial establishments and nonresidential uses.

A. Resource Inventory and Analysis. The tract's resources shall be delineated on an Existing Resources and Site Analysis, as required in §28C.

B. Four-Step Design Process.

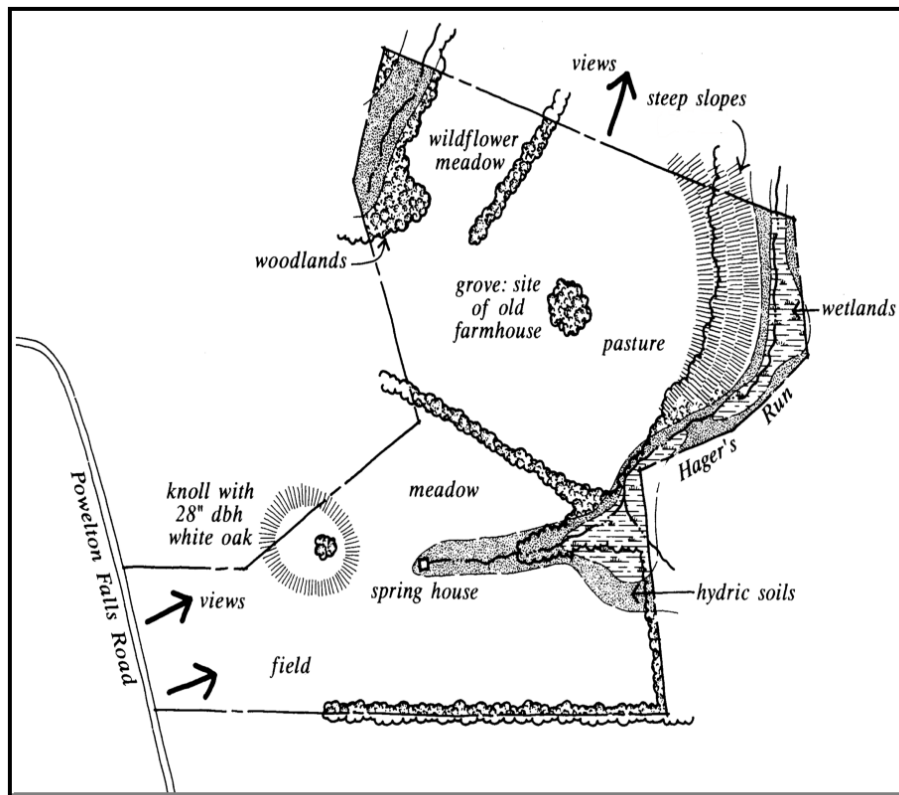
(1) Step 1: Delineation of Conservation Open Space

- (a) Conservation open space should include all primary conservation areas and those parts of the remaining buildable lands with the highest resource significance, as described below and in §47A and §47B.

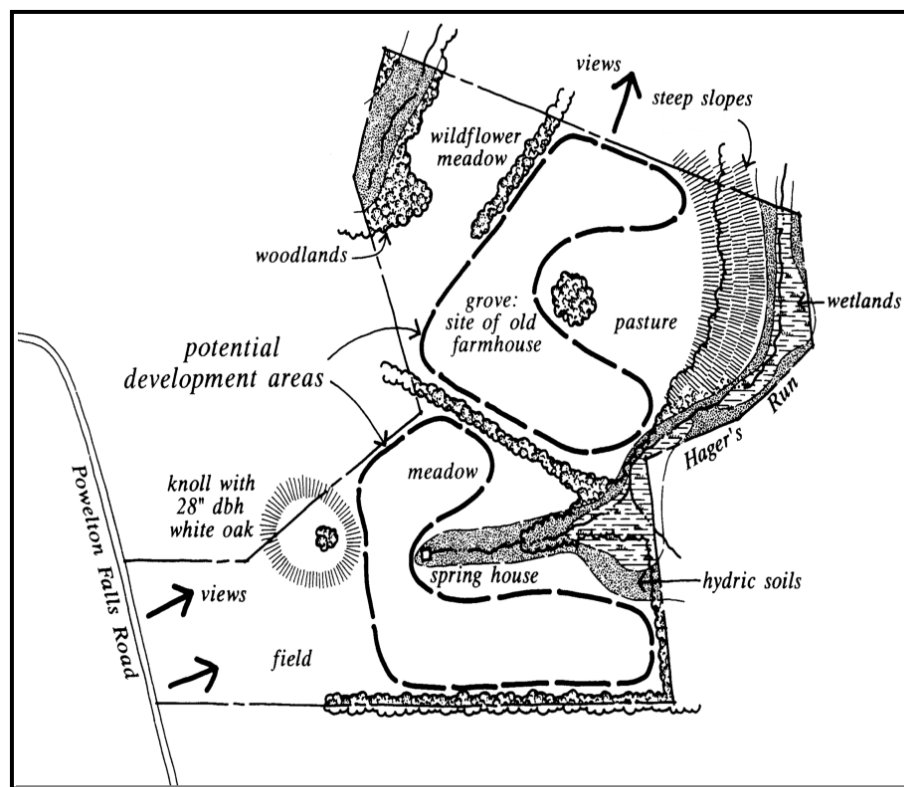


Step 1, Part 1 – Identifying Primary Conservation Areas



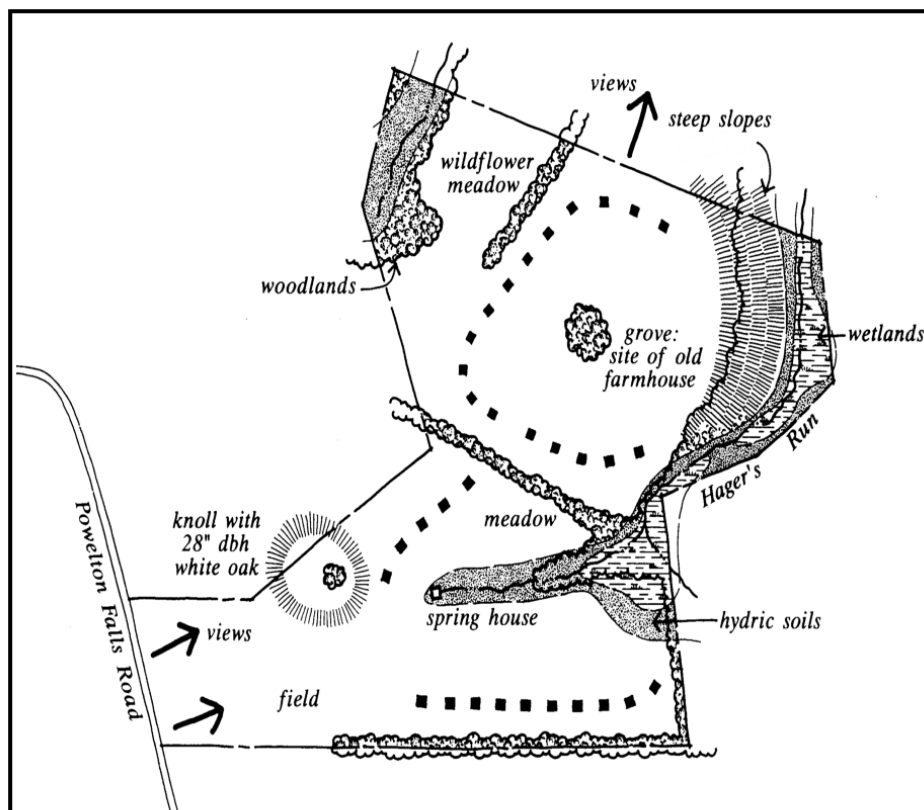


Step 1, Part 2 – Identifying Secondary Conservation Areas



Step 1, Part 3 – Identifying Potential Development Areas

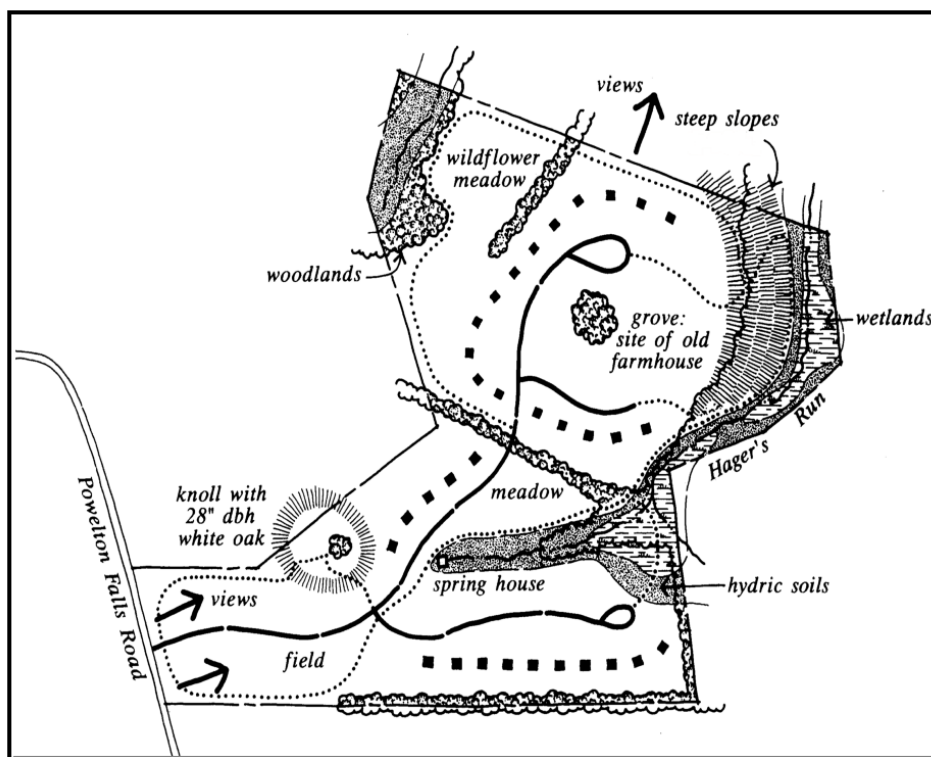
- (b) Proposed conservation open space shall be designated using the Existing Resources and Site Analysis Plan as a base map. The Comprehensive Plan shall also be referenced and considered. Primary conservation areas shall be delineated comprising floodplains, wetlands, and slopes over twenty-five (25) percent.
  - (c) In delineating secondary conservation areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed conservation open space, in consultation with the Planning Commission.
  - (d) Based on those priorities and practical considerations given to the tract's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicant's subdivision objectives, secondary conservation areas shall be delineated in a manner clearly indicating their boundaries as well as the types of resources included within them.
  - (e) Development areas should constitute the remaining lands of the tract outside of the designated conservation open space areas.
- (2) Step 2: Location of House/Development Sites. Potential house/development sites shall be located, using the proposed conservation open space as a base map as well as other relevant data on the Existing Resources and Site Analysis Plan such as topography and soils. House sites should generally be located not closer than 100 feet to Primary Conservation Areas and 50 feet to Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.



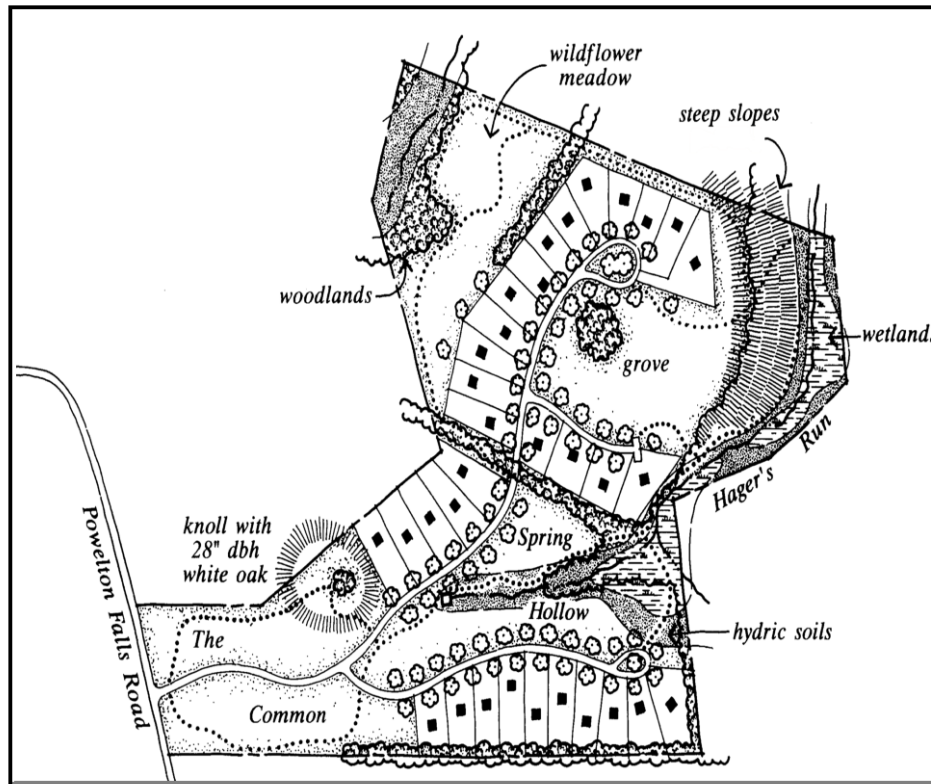
Step 2 – Locating Potential House Sites

(3) Step 3: Designing Infrastructure

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



Step 3 – Designing Infrastructure



Step 4 – Drawing in the Lot/Development Lines

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

#### **§47 Conservation Open Space Standards**

The design of conservation open space proposed in any subdivision or land development plan shall reflect the standards set forth in §45 and §46 and the resources identified in the Comprehensive Plan and the development's Existing Resources and Site Analysis.

- A. Primary Conservation Areas. The design shall include the following primary conservation areas in the conservation open space and strictly minimize the disturbance of such areas:
- (1) Delineated wetlands.
  - (2) Floodway and floodplain as shown on the Township Flood Insurance Rate Map issued by FEMA.
  - (3) Slopes of 25 percent or more.
- B. Prioritized List of Secondary Conservation Areas. The design shall, to the fullest extent possible, incorporate the following secondary conservation areas. (Listed in higher to lower order of significance):
- (1) Vernal ponds, wet soils, swales, springs, and other lowland areas, including adjacent buffer areas which may be required to ensure their protection.
  - (2) Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide Natural Diversity Inventory or the Carbon County Natural Areas Inventory.

- (3) Moderately steep slopes (15%-25%), particularly those adjoining water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- (4) Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands, and wildlife habitats.
- (5) Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- (6) Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetation features representing the site's rural past.
- (7) Class I and II agricultural soils as defined by the USDA Natural Resource Conservation Service.
- (8) Historic structures and sites.
- (9) Visually prominent topographic features such as knolls, hilltops, and ridges, and scenic viewsheds as seen from public streets (particularly those with historic features).
- (10) Existing trails connecting the tract to other locations in the Township.

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

- (1) Be free of all structures except historic buildings, stone walls, and structures related to conservation open space uses. The Board of Supervisors may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the conservation open space provided that such facilities are not detrimental to the conservation open space (and that the acreage of lands required for such uses is not credited towards minimum conservation open space acreage requirements for the tract, unless the land they occupy is appropriate for passive recreational use).
- (2) Not include parcels smaller than three acres, have a length-to-width ratio of more than four-to-one (4:1), or be less than 75 feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.
- (3) Be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to conservation open space.
- (4) Be suitable for active recreational uses to the extent deemed necessary by the Board of Supervisors, without interfering with adjacent dwelling units, parking, driveways, and streets.
- (5) Be interconnected wherever possible to provide a continuous network of conservation open space within and adjoining the subdivision.
- (6) Provide buffers to adjoining parks, preserves or other protected lands.
- (7) Except in those cases where part of the conservation open space is located within private house lots,

provide for pedestrian pathways for use by the residents of the subdivision. Provisions should be made for access to the conservation open space, as required for land management and emergency purposes.

- (8) Be undivided by public or private streets, except where necessary for proper traffic circulation.
- (9) Be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect conservation open space resources.
- (10) Be made subject to such agreement with the Township and such conservation easements duly recorded in the office of the Carbon County Recorder of Deeds as may be required by the Planning Commission to preserve the conservation open space for such uses.

#### **§48 Easements**

Easements and reservations for easement shall be provided as necessary to accommodate the proposed development. As a minimum, the following easements shall be provided, indicated on the plans, and included in the covenants:

- A. Drainage Easements. The Board of Supervisors may require easements for drainage purposes to be granted to Franklin Township, the property owners association, and other appropriate parties, as follows:
  - (1) Drainage easements shall completely contain the proposed stormwater management controls, including pipes, swales, basins, ponds, other structures, and all other facilities which may require improvement, maintenance or replacement.
  - (2) Drainage easements with a minimum width of 10 feet shall be provided along all road lines, exterior property lines and centered on all common lot lines.
  - (3) Where a subdivision is traversed by a stream or other watercourse or a drainage way, a drainage easement shall be provided which conforms to the boundary of such stream, watercourse, or drainage way.
- B. Slope Easements. The Board of Supervisors may require temporary slope easements to be granted to Franklin Township, the property owners association, and other appropriate parties.
- C. Utility Easements. Utility easements shall be granted to Franklin Township, the property owners association, appropriate utility companies and other appropriate parties, as follows:
  - (1) Utility easements with a minimum width of 10 feet shall be provided along all road lines, all exterior property lines and centered on all common lot lines.
  - (2) Additional utility easements minimum width of 20 feet shall be provided as necessary to accommodate required utility services.
- D. Clear View Easements. Easements for the maintenance of clear sight triangles as required by §51N shall be granted to Franklin Township.
- E. Clear Zone Easements. See §51J(3).
- F. Other Easements. Additional easements for access, construction or other purposes shall be provided, as

necessary.

**§49 Resource Conservation Standards for Site Preparation and Cleanup**

(Note: This section applies only in cases where earth disturbance is involved as part of a subdivision or land development as defined by this ordinance. A minor subdivision often results in the eventual construction of a house, but the issuance of a building permit would not occur until after the subdivision has been approved and recorded. The construction of one dwelling on one lot is not subject to regulation by this ordinance.)

- A. Protection of Vegetation from Mechanical Injury. Where earthwork, grading, or construction activities will take place in or adjacent to woodlands, old fields or other significant vegetation or site features, the Township may require that the limit of disturbance to be delineated and vegetation protected through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of, and shall be maintained throughout, the period of construction activity.
- B. Protection of Vegetation from Grading Change. Grade changes to occur at any location of the property shall not result in an alteration to soil or drainage conditions which would adversely affect existing vegetation to be retained following site disturbance, unless adequate provisions are made to protect such vegetation and its root systems.
- C. Protection of Vegetation from Excavations. When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be minimized. If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as quickly as possible.
- D. Protection of Topsoil.
  - (1) Except as approved on the Preliminary Plan, no topsoil shall be removed from the site and shall be retained on the site as necessary for proper site stabilization.
  - (2) Prior to grading operations or excavation, topsoil in the area to be disturbed shall be removed and stored on site, except as approved on the Preliminary Plan.
  - (3) Topsoil removed shall be redistributed and stabilized as quickly as possible following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be stabilized in accord with best management practices.
  - (4) Grading and earthmoving operations shall be scheduled to minimize site disturbance during the period from November 1 to April 1, when re-vegetation of exposed ground is difficult.

**§50 Access, Blocks and Lots** (See Article IX for additional standards applicable to nonresidential uses.)

- A. Access. Except as permitted in the case of a private access street in a residential subdivision, all lots shall front on a public street or on an approved private street constructed in accord with this ordinance and be subject to the following design standards:
  - (1) Within any subdivision and/or land development, a maximum of 12 lots or dwelling units shall be served by a single means of access.
  - (2) A minimum of two means of access shall be provided for any subdivision and/or land development, or portion thereof, which contains more than 12 lots or dwelling units.

(3) When two means of access are required or proposed, the streets or portions of a street which provide such access shall comply with the minimum offset requirements in §51H(3).

(4) Residential subdivisions shall be provided with enough accesses to limit the maximum anticipated average daily traffic to 1,500 vehicles per day on any access.

B. Configuration. The configuration of blocks and lots shall be based on the area and dimensional requirements of the zoning ordinance topography and natural features, existing and proposed improvements, the adjacent development pattern, the Comprehensive Plan, the Official Map and other Plans. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.

C. Blocks

(1) All Blocks

(a) Blocks shall be of enough width to permit two tiers of lots except where a public street, stream, other natural barrier or unsubdivided land prevents the platting of two tiers of lots.

(2) Residential Blocks

(a) Blocks in residential subdivisions shall have a minimum length of two times the minimum lot width, but not less than 300 feet, and a maximum length of 10 times the minimum lot width, but not greater than 1,500 feet for blocks which contain lots with an average area of less than one acre, nor greater than 2,000 feet in other cases.

(b) In the design of residential blocks, special consideration should be given to requirements for safe and convenient vehicular and pedestrian circulation, including minimization of the number of intersections with collector and arterial streets.

(c) Pedestrian interior walks may be required to assist circulation or provide access to community facilities in blocks over 1,000 feet or to provide pedestrian walkway continuity within a given subdivision. Such interior walks shall have a width of not less than 10 feet and a paved walk of not less than four feet.

D. Lot Standards. Minimum lot sizes and dimensions shall comply with the zoning ordinance and lots shall comply with the following:

(1) To avoid jurisdictional problems, lots divided by municipal boundaries shall be avoided. Where a lot is divided by a municipal boundary, the minimum standards of both municipalities shall apply. Where a subdivision is divided by a municipal boundary, the Applicant shall so notify the governing body of each municipality affected so that an administrative agreement for the platting and taxing of lots between the municipalities can be executed, if such agreement is necessary.

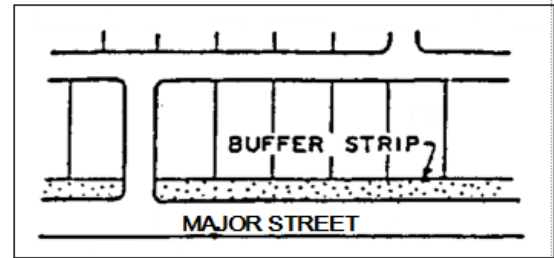
(2) Lot lines shall be perpendicular or radial to street right-of-way lines.

(3) Double frontage lots are prohibited except where provided as reserve frontage lots to reduce the number of driveway intersections along a street with a high volume of traffic or where existing



topographic conditions and/or property configuration make the development of single frontage lots impractical. Where double frontage lots are permitted, the following requirements shall apply:

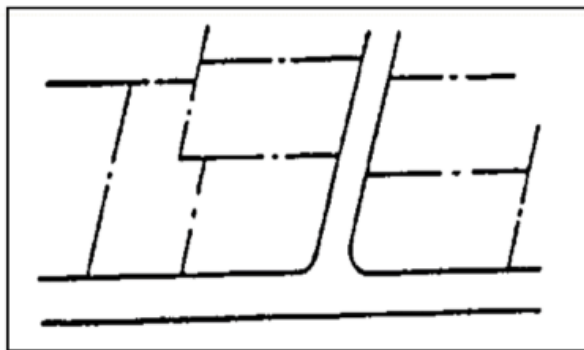
- (a) The lot depth and the rear yard of each double frontage lot shall be a minimum of 20 feet more than the minimums prescribed by the zoning ordinance.



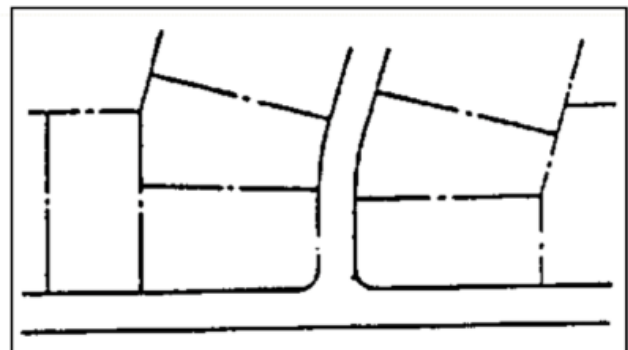
Reverse Frontage Lots

- (b) An undisturbed natural buffer with a minimum width of 20 feet shall be provided along the designated rear of the lot, with a suitable landscaped screen provided by the developer in accord with landscaping standards the zoning ordinance.

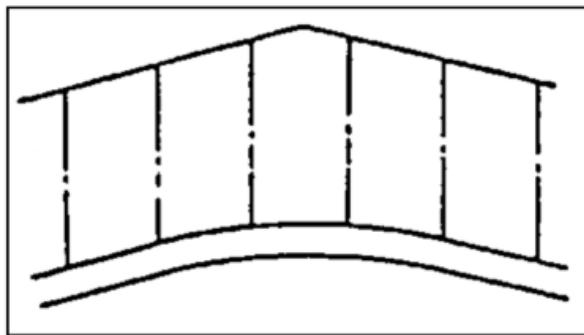
- (4) Odd-shaped lots should be avoided and may be approved solely at the discretion of the Township.



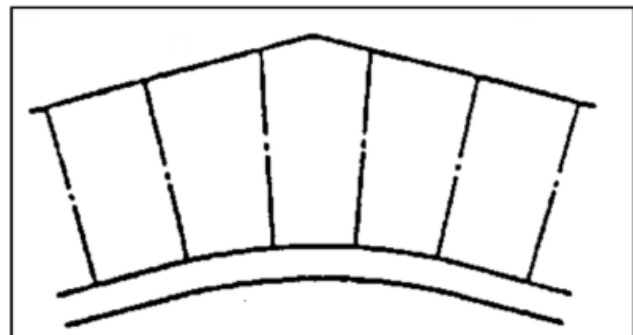
Unacceptable Lot Layout



Acceptable Lot Layout



Unacceptable Lot Layout



Acceptable Lot Layout

- (5) Lots shall be laid out to the edge of the required right-of-way of any proposed street and lot lines along existing public or private streets shall be maintained as they exist.
- (6) Remnants of land, other than rights-of-way or required buffers, shall not be created; they shall be incorporated into existing or proposed lots, properties, or rights-of-way.
- (7) Subdivisions which result in lots which have two or more times the minimum lot area and are otherwise suitable, shall be designed for the potential subdivision of such lots unless further subdivision is prohibited by deed covenants and restrictions. A sketch plan may be required to demonstrate that

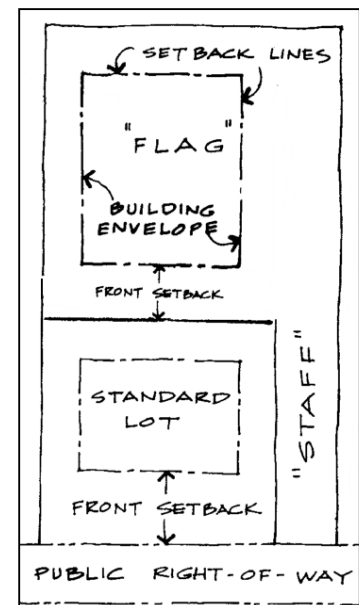
potential future subdivision will conform to this ordinance.

E. Lot Width and Depth. The minimum width of residential and nonresidential lots shall be as follows:

Lot Size* (square feet)	Minimum Lot Width (feet)
9,000 – 12,499	60
12,500 – 19,999	60
20,000 – 24,999	70
25,000 – 29,999	80
30,000 – 39,999	90
40,000 – 49,999	110
50,000 – 59,999	120
60,000 – 79,999	130
80,000 – 99,999	150
100,000 – 119,999	180
120,000 – 159,999	190
160,000 +	210
*Rounded to the nearest whole number.	

F. Flag Lots (See also §51G, Private Access Streets.). Flag lots shall not be created when lots can be designed that directly access a public or private street. The Board of Supervisors may approve the creation of a limited number of flag lots in accord with the standards in this section. The Board of Supervisors may attach any reasonable conditions to the creation of flag lots as it finds necessary or desirable to provide for the orderly development of land and street systems.

- (1) Further Subdivision Restriction. The flag lot shall be restricted from further subdivision unless the required access street right-of-way width is provided.
- (2) Access Corridor Length. The access corridor (*staff*) portion of the lot is the area of the lot that extends between the street and main portion of the lot and shall not exceed 450 feet in length as measured from the street right-of-way.
- (3) Access Corridor Width. The access corridor (*staff*) shall, at a minimum, be 25 feet in width.



Flag Lot

- (4) Driveway Grade. The proposed driveway shall not exceed a grade of 15 percent and shall otherwise provide adequate access for emergency vehicles. The Township may require the installation of the driveway as part of final approval.
- (5) Curves in the access corridor of greater than 45 degrees shall not be permitted
- (6) Lot Width. The lot width measurement shall be made on the main portion of the lot and shall not include the access corridor (*staff*).
- (7) Front Lot Line. The lot line where the narrow access corridor (*staff*) widens shall be considered the front lot line for applying setback requirements.
- (8) Minimum Lot Area. The area of the access corridor (*staff*) shall not be included in the calculation of the required minimum lot area.
- (9) Adjoining Flag Lots. No more than two flag lots shall be permitted side-by-side and shall not be stacked more than one tier.

## **§51     Streets**

### **A.   General.**

- (1) Conformance. All streets, whether public or private, shall be constructed to conform to the requirements of the zoning ordinance.
- (2) Street Access. Every subdivision and land development shall have access to a public street
- (3) Street System. In general, all streets shall be continuous and in alignment with existing streets and shall compose a convenient system to ensure circulation of vehicular and pedestrian traffic, with the exception that local streets shall be laid out, including the use of loop streets and cul-de-sacs, so that their use by through traffic will be discouraged.
- (4) Improvement. Streets shall be graded, improved, and surfaced to the grades and specifications shown on the plans, profiles, and cross sections as required by this ordinance
- (5) Adopted/Filed Plans. Proposed streets shall further conform to such Township, County and State highway plans as have been prepared, adopted, and/or filed as prescribed by law.
- (6) Street Hierarchy. Streets shall be classified in a street hierarchy system with the design based on function and average daily traffic (ADT).
  - (a) Definition of Function. The street hierarchy system and each proposed street shall be defined by function as defined in §15 or from such other sources demonstrated by the applicant to better reflect local conditions.
  - (b) Classification and Design. Each street shall be classified and designed for its entire length to meet the standards for one street classification as set forth herein.

### **B.   Existing Access. Existing private streets or private rights-of-way proposed to provide access to a subdivision**

and/or land development shall meet all the requirements of this §51 or shall otherwise be improved to such standards.

C. Street Continuation; Further Subdivision.

- (1) Exterior Property Lines. Rights-of-way of proposed streets shall be extended to exterior property lines to ultimately provide access to adjoining lands and shall be designed in conformance with the design requirements of a street, and the contiguous parcels must contain proper setbacks and sight distances.
- (2) Use of the Future Right-of-way. The Township may require the area within the future right-of-way to be included within the deeds to the abutting lots with a right-of-way in favor of the Property Owners Association to permit the use of the future right-of-way for public street purposes should the adjoining lands be developed. Reserved rights-of-way are permitted only when they will be no longer than the depth of one lot and will not be the primary means of access to any lot or dwelling unit. For lengths longer than one lot a fully constructed stub street and temporary cul-de-sac are required.
- (3) Future Right-of-way Maintenance. The landowners of the lots in which the future right-of-way is included shall have the duty to maintain the area included within the future right-of-way and this duty shall be indicated in a note on the Final Plan and in all deeds to such lots. However, the landowners of the lots in which the future right-of-way is included shall have no obligation concerning the improvement of such future right-of-way for street purposes.
- (4) Further Subdivision. Adequate street rights-of-way to permit further subdivision shall be provided as necessary if lots resulting from the original subdivision are large enough to permit re-subdivision or if a portion of the tract is not subdivided.

D. Existing Streets/Rights-of-Way.

- (1) Required Width. Wherever there exists a dedicated or platted portion of a street or alley along a boundary of the tract being subdivided or developed the remainder of said street or alley shall be platted to the width required by this ordinance based on the classification of the street within the proposed development
- (2) Increased Setback. Where a subdivision or land development abuts or contains an existing public or private street of inadequate right-of-way width, the building setback shall be shown on the plans measured from a line which would satisfy the right-of-way requirements for the classification of the abutting street. Additional setback and easement for right-of-way shall be provided in the case of land abutting private streets.
- (3) Transition Area. The extension of existing streets or alleys 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.

E. Subdivision Names, Street Names, 911 Addresses and Signs.

- (1) 911 Emergency Call System. Subdivision and street names shall not be repeated or be similar to those existing within the Township or adjacent areas; and all street names shall be subject to the approval of the Township for conformance with the enhanced 911 emergency call system. Streets that are extensions of, or obviously in alignment with, existing streets shall bear the names of the existing

streets.

- (2) Street Name Signs. Street name signs of a design approved by the Township shall be installed by the developer at the developer's expense at each proposed street intersection.
- (3) Address Assignment. All lots shall be assigned an address in accord with the enhanced 911 emergency call system.
- (4) Mailboxes. Common mailboxes when proposed shall be installed in accord with U.S. Postal Service standards in convenient and safe locations at the entrance(s) to the subdivision. (See also §65, Public Safety and Convenience.)

F. Cul-de-Sac Streets.

- (1) Required. Any street terminated at one end shall be provided with a turnaround and designed as a cul-de-sac street, except for stub streets provided to connect to adjacent properties when the stub street does not exceed one lot depth in length and is not necessary for access to any lot.
- (2) Use. Permanent cul-de-sac streets shall be used only when the development of a through street is not feasible.
- (3) Future Extension. Unless future extension of a cul-de-sac street is demonstrated to be impractical or undesirable, the turnaround shall be placed, adjacent to the tract boundary line with such configuration as can be extended at the full required width.
- (4) Turnaround. All cul-de-sac streets, whether permanent or designed to be extended, shall terminate in a circular turnaround with a right-of-way radius of not less than 50 feet and shall be paved to a minimum outside radius of not less than 40 feet.
- (5) Connection to Right-of-way. The circular right-of-way of the turnaround shall be connected to the approach right-of-way by a circular arc having a radius of not less than 50 feet.
- (6) Radius. The circular paving of the turnaround shall be connected to the approach by a circular arc having a radius of not less than 50 feet.
- (7) Unit Limit. In the case of a cul-de-sac street which is designed to serve solely residential uses, the cul-de-sac street shall not furnish access to more than 15 dwelling units.
- (8) Commercial or Industrial Uses. In the case of a cul-de-sac street which is designed to serve commercial or industrial uses, the cul-de-sac street shall not exceed 1,000 feet in length and shall have a street cross-section which meets the width and construction standards of a collector street.

G. Private Access Streets. Private access streets may be used to provide access for residential lots to an existing public street. Any subdivision which incorporates a private access street shall be considered a major subdivision and the private access street and any associated stormwater or other facilities shall be considered improvements which require completion or a financial guarantee prior to final approval.

- (1) Number of Dwelling Units; Access. A private access street shall be used only to provide access to three lots which cannot legally be further subdivided and cannot be improved with more than one dwelling

unit. All lots in the subdivision which adjoin the private access street shall use it for access to the adjoining public street.

- (2) Length and Width. The private access street shall not exceed 800 feet in length as measured from the edge of the right-of-way of the abutting street to the point of connection to the last lot. The width of the private access street shall conform to Table 51-1. Any proposed street exceeding the 750-foot length shall comply with all normal standards which apply to street construction.
- (3) Further Development. If the lots served by the private access street are of sufficient size to allow for further subdivision or for the placement of an additional dwelling unit on the lot, the Applicant shall provide additional right-of-way width as necessary to serve the maximum potential number of lots/dwelling units. Cartway and travelway widths may remain the same until additional lots are platted or units proposed, at which time all development and street standards applicable to a major subdivision shall apply. In the alternative, the lots may be restricted from further subdivision by deed restriction and inclusion of the following note on the plan: *Each lot served by the private access street shall be restricted from further subdivision and shall be limited to the development of one dwelling unit.*
- (4) Street Ownership. The private access street shall not under any circumstances be offered to the Township as a public street. A covenant such as follows shall be placed on the final plan and the deed of conveyance clearly assigning responsibility for the maintenance of the private access street and turnaround and establishing its future private ownership status: *The maintenance of the private access street and turnaround shall be the responsibility of the owner(s) of the lots served by the street. The private access street shall remain private and shall not be offered for dedication to the Township as a public street.*
- (5) Intersection. The intersection of the private access street with the through street shall comply with the requirements for local streets in §51H.
- (6) Storm Water; Soil Erosion. Storm water management and soil erosion and sedimentation control shall be addressed in accord with §53 and §54.
- (7) Paving. The private access street shall be paved from the connection with the adjoining street to a minimum 50 feet beyond the adjoining street right-of-way. The paving material and cross section shall meet or exceed the specifications for local streets required by this ordinance.

#### H. Intersections.

- (1) Centerlines. Centerlines of streets shall intersect at 90 degrees.
- (2) More than Two Streets. Intersections of more than two streets at one point are not permitted.

- (3) Minimum Offset. Where streets intersect other streets, the minimum offset or distance between centerlines of parallel or approximately parallel streets intersecting a cross street from the same or opposite directions shall be as follows:

MINIMUM REQUIRED OFFSETS			
	Arterial	Collector	Local
Arterial	800 feet	600 feet	400 feet
Collector	600 feet	400 feet	275 feet
Local	400 feet	275 feet	150 feet

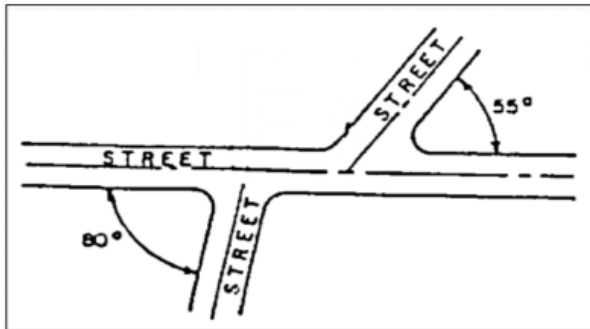
- (4) Cartway Edge Arc.

(a) The cartway edge at intersections shall be rounded by a tangential arc with a minimum radius of:

- [1] Local and private access streets: 40 feet.
- [2] Collector streets: 50 feet.
- [3] Arterial streets: 75 feet.

(b) The right-of-way lines shall be concentric or substantially concentric with the cartway arc.

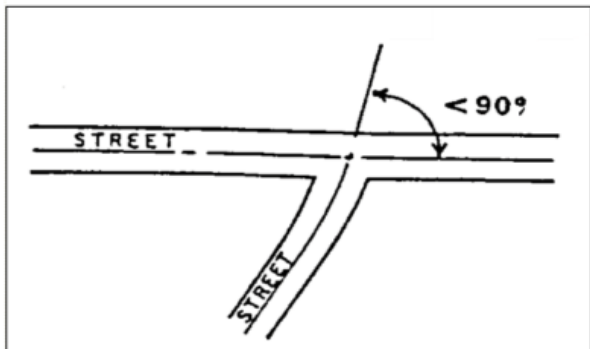
(c) As an alternative, the inner edge of the pavement may be rounded with an equivalent compound curve or simple curve and tapers, based on AASHTO standards.



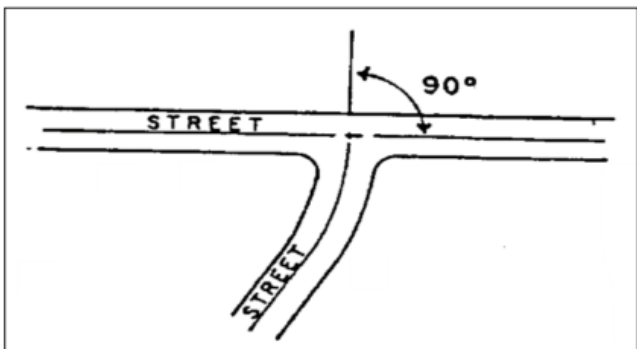
Unacceptable Street Intersection Design



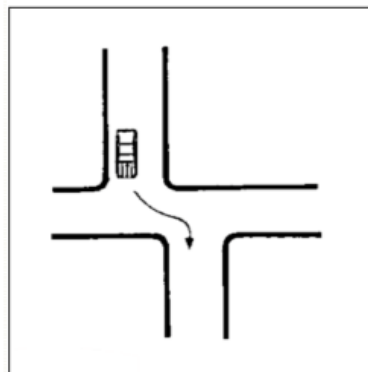
Acceptable Street Intersection Design



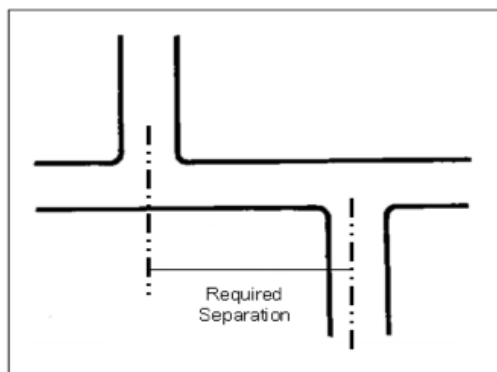
Unacceptable Street Intersection Design



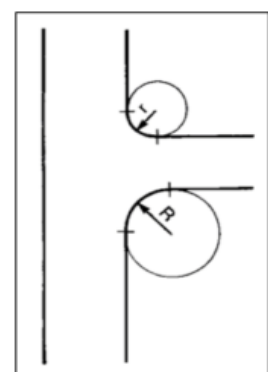
Acceptable Street Intersection Design



Corner Cutting



Required Centerline Separation



Cartway Edge Arc

#### (5) Township Road Improvements.

(a) Where necessary, based on the standards and criteria set forth in the Pennsylvania Code, Title 67, Chapter 441. Access to and Occupancy of Highways by Driveways and Local Roads, the Township

will require the developer to improve any Township road which is intersected by a road, access drive and/or driveway that is part of a subdivision and/or land development to the extent necessary to accommodate the anticipated traffic volume generated by the project, based on the Engineering Report and the Township's analysis.

(b) Such improvements may include shoulder upgrading, auxiliary lanes, signs, traffic control devices and/or other improvements which are determined to be necessary to preserve the safety of motorists and pedestrians.

(6) Leveling Area. At all street intersections, a leveling area shall be provided in the street of lesser classification. The design of the leveling area shall be as follows:

(a) The maximum grade of the leveling area shall be four percent within 50 feet of the nearest right-of-way line of the intersected street.

(b) The maximum grade of the through street shall be eight percent within any intersection.

(7) Traffic Signs and Signals. Traffic signs and traffic signals shall be required in accord with §51AA.

I. Major Street Frontage. Where a subdivision and/or land development abuts or contains an existing or proposed collector street or Township or State street, the Township may require reverse frontage lots with access from interior subdivision streets or such other treatment to provide protection for abutting properties, reduction in number of intersections with the collector or arterial street, and separation of local and through traffic. [See §50D(3).]

J. Street Cross Sections.

(1) Minimum Standards. Street right-of-way, travelway and shoulder widths shall be provided to the minimum standards provided in Table 51-1.

(2) Crown. Street crowns shall be designed and constructed as follows:

(a) Local, marginal access and private access streets and alleys: two percent per foot.

(b) Local, collector and arterial streets: two percent on straight sections, with superelevation provided on curve sections and runoffs in accord with the latest PennDOT design criteria not to exceed the maximum established by Table 51-1.

(3) Clear Zone. All street cross sections shall be designed and constructed to provide a clear zone along both sides in accord with PennDOT standards as set forth in the latest edition of PennDOT Publication 13, Design Manual, Part 2, Highway Design.

(4) Cut and Fill Slopes. Cut and fill slopes shall not exceed 3:1 horizontal to vertical.

(5) Shoulders. Shoulder surfaces shall be graded at a slope of 0.75 inch/foot away from the pavement edge.



<b>TABLE 51-1 -- DESIGN STANDARDS FOR STREETS</b>					
<b>DESIGN SPECIFICATION</b>	<b>Arterial</b>	<b>Collector</b>	<b>Local</b>	<b>Alley</b>	<b>Private Access</b>
Design speed (mph)	50	40	30	20	20
Posted speed (mph)	45	35	25	NA	NA
Average daily traffic	> 4,000	1,501 - 4,000	501 - 1,500	NA	NA
<b>CROSS SECTION STANDARDS</b>					
Street right-of-way width (feet)	80	60	50	30	50
Travelway width (feet)	24	22	20	16	18
Shoulder width, each side (feet)	8	6	4	NA	4
Cartway width (feet)					
-with shoulders	40	34 <sup>1</sup> / 36 <sup>2</sup>	28	20	26
-with curbs	26	24 <sup>1</sup> / 26 <sup>2</sup>	22	18	NA
Crown (%)	2	2	2	2	2
Superelevation per AASHTO, maximum (%)	8	8	8	NA	NA
Shoulder slope (%)	6	6	6	6	6
Clear zone width (feet)	PennDOT spec	PennDOT spec	PennDOT spec	PennDOT spec	NA
<b>GEOMETRIC STANDARDS</b>					
Grade, maximum (%)	<u>4</u>	<u>7</u>	<u>10</u>	12	14
Grade, minimum (%)	1	1	1	1	1
Center line radius, minimum (feet)	500	300	200	75	75
Stopping sight distance, minimum (feet)	425	305	200	115	115
Tangent between reverse curves, minimum (feet)	200	150	100	0	0
Minimum K, vertical curves - crest/sag	84 / 96	44 / 64	19 / 37	7 / 17	7 / 17
Vertical curve length, minimum (feet)	135	135	120	60	60
<sup>1</sup> residential <sup>2</sup> nonresidential <sup>3</sup> The Applicant may submit alternative designs for consideration in accord with §87 for residential streets serving a limited number of lots provided AASHTO standards are met. NOTE: Arterial streets shall be designed to PennDOT specifications.					

TABLE 51-2 -- MINIMUM CONSTRUCTION STANDARDS BY TYPE OF STREET				
CONSTRUCTION SPECIFICATIONS (See table for 99-51-1 for classification details.)	STREET CLASSIFICATION			
	ARTERIAL	COLLECTOR	LOCAL & ALLEY	PRIVATE ACCESS*
<b>A. Wearing Course</b>				
material	Superpave Asphalt Mixture Design, 9.5 mm			
compacted depth	2.5 inches	2.0 inches	1.5 inches	1.5 inches*
<b>B. Binder Course</b>				
material	Superpave Asphalt Mixture Design, 19 mm			
compacted depth	3.5 inches	3.0 inches	N/A	2.0 inches*
<b>C. Base Course</b>				
material	Superpave Asphalt Mixture Design, 25 mm			PennDOT No. 2A Aggregate
compacted depth	4.5 inches	4.0 inches	3.0 inches	6.0 inches*
<b>D. Sub-Base</b>				
-The Developer shall install all underground utilities in the right-of-way prior to the placement of the stone sub-base. -The stone sub-base shall extend under the required shoulder. -Once the PennDOT No. 2A stone mixture has been placed, the Developer shall not allow any vehicular access/use until the road is paved with the asphalt base course.				
material	PennDOT No. 2A Aggregate			
compacted depth	10.0 inches	8.0 inches	6.0 inches	not applicable
<b>E. Shoulders - Placed and compacted on top of the sub-base</b>				
material	PennDOT Type 1 Shoulder		PennDOT Type 6 Shoulder**	
compacted depth	9.0 inches	7.5 inches	5.5 inches	9.5 inches
maximum construction lift	6.0 inches	6.0 inches	6.0 inches	6.0 inches
- All material shall meet PennDOT Specifications, Publication 408, latest edition. - Pavement base drains will be required for poor subgrade soils. - The Applicant may submit alternative designs based on PennDOT standards for consideration in accord with §87. *Superpave Wearing and Binder Courses required for Private Access Street when it provides access to more than one dwelling unit. Increase Base Course to 8" for access to a single dwelling unit when Superpave Courses are not provided. The private access street shall be paved from the connection with the adjoining street to 50 feet beyond the adjoining street right-of-way. The paving material and cross section shall meet or exceed the specifications for local streets. **Shoulder not required when Private Access Street serves only one dwelling unit.				

K. Reserved.

L. Geometric Standards.

- (1) Horizontal Alignment. Horizontal alignment shall be measured along the street centerline, except sight distances, which shall be measured along the centerline of the appropriate lane. The minimum standards for horizontal alignment shall be as follows:
  - (a) Horizontal curves shall be used at all changes in direction whenever street lines are deflected more than two degrees within 100 feet or more than 0.50 degree at any point.
  - (b) Single, long radius curves shall be used in lieu of a series of curves of varying radii or a series of short curves and tangent sections.
  - (c) Streets shall be designed with the tangents between reverse curves as set forth in Table 51-1.
  - (d) Streets shall be designed so that the unobstructed stopping sight distance along the centerline of each lane shall be a minimum of that set forth in Table 51-1. Stopping sight distances shall be measured from a point 3.50 feet above the road surface to a point 0.50 feet above the road surface.
- (2) Vertical Alignment. Vertical alignment shall be measured horizontally along the street centerline, except for sight distances, which shall be horizontal distances measured along the lines of sight. The minimum standards for vertical alignment shall be as follows:
  - (a) The vertical alignment of streets shall be designed and constructed to meet or exceed the minimum standards set forth in Table 51-1.
  - (b) Vertical curves shall be introduced at all changes of grade exceeding one percent within 100 feet; vertical curve calculations shall be included on the road profile sheets.
  - (c) The maximum grade across the turnaround in a cul-de-sac street shall not exceed six percent.
  - (d) The minimum grade of any roadside swale shall be one percent.
  - (e) Combinations of steep slopes and short curve radii shall be avoided; the sum of the grade in percent and the degree of curve (arc definition) shall not exceed 20 percent.

M. Topography and Street Grades. The arrangement of streets shall be properly and logically related to the existing topography to yield usable lots, to minimize cuts and fills, to minimize the potential for stormwater problems and to minimize grading problems at intersections. Street grades shall be designed as follows:

- (1) Center-line grades shall not exceed the grades set forth in Table 51-1.
- (2) The maximum grade across the turnaround on a cul-de-sac street shall not exceed four percent.
- (3) Where the grade of any street at the approach to an intersection exceeds seven percent, a leveling area shall be provided having grades for four percent or less for a distance equal to the pavement width of the intersecting street or 25 feet, whichever is greater, as measured from the nearest right-of-way line of the intersecting street.

## N. Sight Distance at Street Intersections.

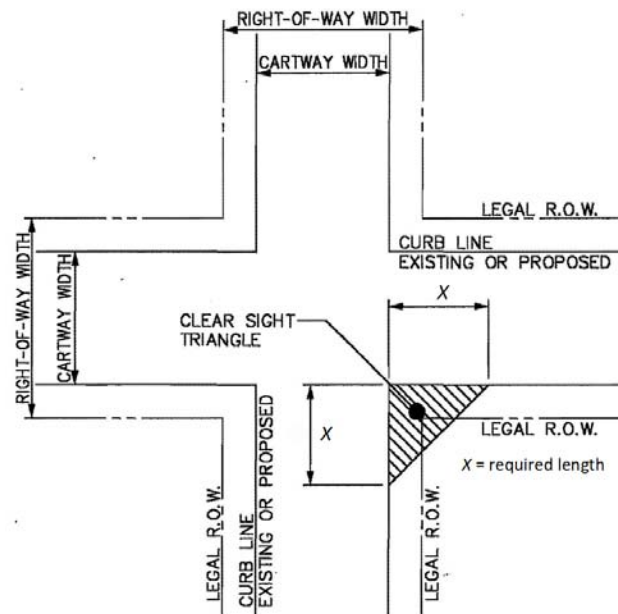
### (1) All Intersections

- (a) Proper, safe stopping sight distance shall be provided with respect to both horizontal and vertical alignment at all intersections.
- (b) Intersection sight distance shall be measured with the driver's eye assumed to be at a height of 3.5 feet from the finished grade, the vehicle which must be seen at a height of 3.5 feet above the finished grade and the location of the driver of the vehicle on the stop street at 15 feet back from the edge of the travelway of the through street
- (c) Safe stopping distances at intersections shall be provided in accord with the recommendations of the latest edition of *A Policy on Geometric Design of Highways and Streets*, published by American Association of State Highway Transportation Officials, for the configuration of the subject intersection and the type of vehicle which governs the design. An analysis of the recommended sight distances shall be provided in an accompanying report.

- (2) Clear View at Street Intersections. At all street intersections, nothing shall be erected, except street or traffic signs and utility poles, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of 30 inches and 10 feet above the grade of the triangular area defined by the accompanying clear sight triangle diagram. In the case of no existing or proposed curb the measurement shall be along the edge of the cartway.

<i>X Values</i>	Arterial	Collector	Local
Arterial	175 feet	150 feet	125 feet
Collector	150 feet	125 feet	100 feet
Local	125 feet	100 feet	75 feet

The following note shall be added to all plans involving any street intersection: "No structure, planting or other vision obstructing object shall be permitted above the height of 30 inches or below the height of 10 feet as measured from the centerline grade at the street/street intersection within the clear sight triangle."



## O. Reserved.

- P. Access Drives. All proposed access drives shall conform to the requirements of the zoning ordinance and the following requirements:

- (1) Alignment. The Township may require that an access drive location be directly across from a road, drive, driveway, etc. on the opposite side of the intersected street if it is determined that an offset location may create a safety hazard.

- (2) Angle of Intersection. Access drives and driveways used for two-way operation shall intersect the street at an angle of 90 degrees or as near thereto as site conditions permit. A two-way driveway shall not intersect the street at an angle less than 75 degrees nor more than 105 degrees.

(3) Access Drives and Residential Driveways.

(a) Access Drives

- [1] Access drives shall be designed and constructed to conform to the requirements for a street of the same function and ADT, except that an appropriate design speed shall be determined by the applicant and accepted by the Township for the determination of sight distances, vertical curve lengths and centerline radii. The minimum travelway width shall be 24 feet.
- [2] Where one-way traffic is proposed, the minimum lane width shall be 12 feet. The direction of traffic shall be clearly indicated by signs and/or markings, based on PennDOT standards.
- [3] Access drives do not require a specific right-of-way unless the access drive is extended to serve other users.
- [4] In the case of shared use of an access drive, appropriate access easements shall be created. The easements and responsibility for maintenance shall be indicated on the final plan and included in the deeds.
- [5] No portion of any access drive outside the street right-of-way shall be closer than 20 feet to a property line. Within the street right-of-way, no portion of a driveway shall be located outside the property frontage or the projected property line.
- [6] Access drives shall have a grade not exceeding eight percent.

(b) Residential Driveways.

- [1] A residential driveway which is shared by more than one dwelling unit shall be considered a private access street and shall conform to the requirements set forth in §51G.
- [2] Except for common or jointly used driveways, no portion of any driveway outside the street right-of-way shall be closer than 10 feet to a property line.
- [3] Within the street right-of-way, no portion of a driveway shall be located outside the property frontage or the projected property line.
- [4] The maximum grade of a driveway, outside of the right-of-way, shall not exceed 15 percent unless an emergency parking area is provided for at least two cars. Such parking area shall be located outside the street right-of-way and be accessible over grades which do not exceed 10 percent.
- [5] The maximum grade within the street right-of-way shall not exceed four percent and shall not result in a change in grade of more than eight (8) percent from the shoulder grade.
- [6] All driveways shall be arranged so that it is not necessary for a vehicle to back into a street.

[7] The minimum distance between the centerline of a driveway and the nearest intersecting street, road, access drive or nonresidential driveway shall be as follows:

- [a] 75 feet along a local street.
- [b] 100 feet along a collector street.
- [c] 150 feet along an arterial street.

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

R. Clearing and Grubbing. The right-of-way for all roads shall be cleared of vegetation only to the extent necessary for the installation of the required street and drainage improvements.

(1) Unsuitable Materials. All trees, stumps, roots, and other material deemed unsuitable by the Township for underlying the road improvements shall be removed from the grading area and shall be properly disposed of.

(2) Voids. Voids created by the removal of stumps or roots shall be backfilled and compacted to the satisfaction of the Township.

(3) Rocks. Rocks greater than six inches in diameter shall be removed to a minimum depth of six inches below the finished subgrade.

(4) Inspection/Approval. All cleared and grubbed areas shall be inspected and approved by the Township Engineer prior to the subbase installation.

(5) Cuts and Fills. All cuts and fills shall be constructed as follows:

(a) Maximum Earth Slope. The maximum slope of any earth embankment or excavation shall not exceed 3:1 horizontal to vertical unless stabilized by a retaining wall or cribbing, except as approved by the Board of Supervisors for special conditions

(b) Maximum Rock Slope. The maximum slope of any rock excavation shall not exceed 1:4 horizontal to vertical.

(c) Compaction. All embankments shall be compacted to prevent erosion.

(d) Stabilization. Cuts and fills shall be stabilized to prevent surface water from damaging the cut face of excavations of the sloping surfaces of fills.

(e) Lifts. Fills shall be placed in lifts and compacted in accord with specifications of PA DOT Publication 408, latest edition, to minimize sliding or erosion of the soil.

(f) Watercourses or Constructed Channels. Fills shall not encroach on natural watercourses or constructed channels; and fills placed adjacent to such natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.

- (g) Grading. Grading shall be done in a manner so as not to divert water onto the property of another landowner without the written consent of the landowner.
- (h) Dust Control. During grading operations, necessary measures for dust control shall be exercised.
- (i) Water/Wetland Crossing. Grading equipment shall not be allowed to cross streams, wetlands or other waters of the Commonwealth except by PA DEP permit; and, adequate provisions shall be made for the installation of culverts and bridges.

S. Sub-Grade, Base and Surface.

(1) Sub-Grade.

- (a) The design and construction of the roadbed shall take into consideration the supporting capacities of the subgrade, with attention to those soils which are subject to frost heave.
- (b) No forest mat, roots, or stones larger than six inches shall be incorporated into the subgrade.
- (c) The subgrade shall be compacted to not less than 100 percent of the determined dry weight (dry mass) density of the material on the site as determined in accord with Pennsylvania Test Method No. 106, Method B.
- (d) Subgrade, parallel and cross drainage facilities shall be provided when necessary and shall be located, designed, and installed to maintain proper drainage.
- (e) Unsuitable soils and materials, as identified by the Project Engineer and confirmed by the Township Engineer, shall be removed and replaced, drained or otherwise stabilized to provide adequate support for the roadbed and anticipated loads. If construction of a roadbed in such locations, and particularly, on soils identified in the Carbon County Soil Survey as subject to frost heave is proposed, the Township MAY require such drainage facilities and/or underdrains and subgrade drains as necessary to stabilize the subgrade. The design of such facilities shall be approved by the Township.

(2) Subbase and Base Course. Subbase and base course aggregate material shall conform in type and be compacted to the depths shown in Table 51-2 in accordance with the latest specifications of PA DOT (Form 408) and the requirements of the Township.

(3) Surface Course. The bituminous surface course shall conform in type and be compacted to the depths shown in Table 51-2 in accordance with the latest specifications of the PA DOT (Form 408) and the requirements of the Township.

(4) Shoulders. Where curbs are not required or provided, shoulders shall be provided and shall be constructed of the material and compacted to the width and depth shown in Table 51-2.

(5) Commercial/Industrial Areas. Any road serving a commercial or industrial area shall be designed and constructed to a minimum of collector road standards.

(6) Parking Lanes. Where curbs are required and/or provided for collector roads, if a parking lane (between

the travelway and the curb) is approved by the Township, it shall be not less than eight (8) feet wide and shall be constructed to the same standards as the cartway. Such parking lane shall be not less than eight (8) feet wide for local roads; and it shall be constructed of the same material and to the same depth as required for shoulders and be stabilized by the application of bituminous product.

- (7) Alternative Designs. Alternative roadbed designs may be proposed and shall be considered in accord with §87. The alternate design must provide load capabilities equivalent to or higher than the capabilities of the designs set forth above. Alternate designs shall be reviewed based on design recommendations of the Asphalt Institute.

T. Walls, Slopes, and Guide Rails.

- (1) Walls, Slopes. Where the grade of the road is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Township to support the road or the adjacent land. The design and construction of walls may require the certification of a registered professional engineer and guide rails and/or handrails or other restraints may be required.
- (2) Guide Rails. Streets shall be designed to preclude or minimize the need for guide rails. Guide rails shall be required where the adjoining embankment has a slope exceeding three feet horizontally to one foot vertically and the grade of the road is two feet or more above the grade of the adjacent land. However, the Township may require guide rails to be placed for protection on embankments when a barrier is indicated by the most current PennDOT standards and the required guide rail shall be installed in accord with most current PennDOT standards.

U. Curbs, Gutters, and Swales.

- (1) Curbs Required. In nonresidential developments, or higher density residential developments, or where other similar intensive uses exist or are anticipated, curbs shall be required if deemed necessary by the Board of Supervisors for public safety.
- (2) Intersections Radii. Minimum curb or pavement edge radii at road intersections shall equal that required for the cartway edge.
- (3) Existing Curbs. Where curbs exist on abutting properties, their extension shall ordinarily be required throughout the proposed subdivision.
- (4) Gutters. Where curbs are not required, adequate gutters shall be graded and protected by seeding or appropriate surfacing.
- (5) Construction. Curbs shall be constructed in accord with the most current PennDOT RC64M standard for plain concrete curbs and Americans with Disabilities Act standards.
- (6) Design. If gutters are provided, they shall be in conformance with good engineering practice and subject to the approval of the Township Engineer. Gutters and/or drainage swales shall be designed to prohibit erosive velocities and paving may be required if runoff velocities exceed 5.0 fps when calculated in accordance with PennDOT Manual, Part 2. Swales shall be triangular or parabolic in design to facilitate maintenance and the invert of the swale shall be below the subbase course to prevent saturation of the street. Swales shall be deep enough to accommodate access drive, driveway, and other culverts.



- (7) Velocity Calculation. Velocity calculation shall be placed on the centerline profile drawings or shall be submitted separately.
- V. Sidewalks; Crosswalks. Sidewalks and road crosswalks may be required where necessary to provide proper pedestrian circulation or to provide access to community facilities and common areas. Sidewalks, where required or provided, shall be located within the road right-of-way immediately adjacent to the curbs, except as may be approved by the Township to accommodate road trees or other landscaping. Sidewalks and road crosswalks shall be constructed in accord with the most current PennDOT RC67M standard and Americans with Disabilities Act standards.
- W. Parking on Roads. Off-road parking for all uses shall be provided in accord with this ordinance; and, roads shall not be designed to accommodate on-road parking except in accord with §51S(6).
- X. Access Drive/Driveway and Cross Drainage.
- (1) At each point where a road is intersected by an access drive or driveway that requires surface drainage water to be carried under the intersection, a culvert pipe shall be installed across the width of the access drive or driveway to meet the drainage requirements determined in accord with §53.
  - (2) Such cross drains as may be necessary shall also be installed under the road in accord with the drainage plan.
  - (3) Pipes shall be installed at such depth and in such manner as dictated by the site with a minimum 0.5 percent slope for cross drainage
  - (4) The minimum size of any drainage pipe shall be 18 inches in diameter. The developer shall obtain approval from the Board of Supervisors and the Township Engineer prior to the installation of the smaller pipe. (See §53 for additional requirements.)
- Y. Alleys. Alleys shall not be permitted unless approved for multi-family and conservation design development, where lot sizes are small, to improve the subdivision design and lot layout, reduce the number of driveways entering roads, and maintain a pedestrian-scaled community by providing for rear access to lots.
- Z. Reserved.
- AA. Traffic Signs, Signals and Pavement Markings. Traffic signs, traffic signals and pavement markings shall be required when considered necessary by the Board of Supervisors to ensure safe traffic or pedestrian circulation. All traffic signs traffic signals and pavement markings shall meet the most current requirements of PennDOT including the Manual for Uniform Traffic Control Devices. In the case of traffic signals, the Developer, any subsequent owner, or any subsequent Property Owners Association or similar entity shall be responsible for the long-term operation, maintenance, and replacement of the traffic signal and all associated facilities, signs, and pavement markings.
- BB. Road Striping. All roads constructed or improved as part of any subdivision or land development shall be striped in accord with the most current PennDOT requirements.
- CC. Applicability of PennDOT Standards. For any required road improvements for which standards are not provided in this ordinance, the minimum standards shall be as set forth in the latest edition of PennDOT *Publication 408 - Specifications* and PennDOT *Publication 72M - Standards for Roadway Construction*.

**§52     Survey Monuments and Markers**

Monuments and markers shall be placed so that the center or a scored or marked point shall coincide with the intersection of the lines to be marked and shall be set to an accuracy of 0.03 feet; and shall be certified by the project surveyor.

**A.   Monuments.**

- (1) Monuments shall consist of either:
  - (a) Solid steel rods a minimum of 0.5 inches in diameter and a minimum of 24 inches in length, centered in a cylinder of concrete a minimum of nine inches in diameter and a minimum of 24 inches in depth, poured in place.
  - (b) Steel pipes a minimum of 0.75 inch in diameter and a minimum of twenty-four (24) inches in length, centered in a cylinder of concrete a minimum of nine (9) inches in diameter and a minimum of 24 inches in depth, poured in place.
  - (c) Precast (i.e. manufactured) reinforced concrete monuments measuring a minimum of four inches by four inches by and a minimum of 24 inches in length.
  - (d) Such other monuments as the Township may approve.
- (2) Monuments, including the rod or pipe and the concrete, shall be placed flush with the ground.
- (3) Monuments shall not be placed until road grading has been completed.
- (4) Monuments shall be set at all outbound locations where permanent monuments did not exist at the time of the perimeter survey unless site conditions preclude the installation and the missing monument shall be noted on the final plan. Existing monuments shall not be removed.

**B.   Markers.**

- (1) Markers shall consist of solid steel rods a minimum of 0.5 inches in diameter and 20 inches long.
- (2) Such other marker as the Township may approve.
- (3) Markers shall be set two inches above the surrounding grade.
- (4) Markers shall be set at each existing and proposed lot corner. If it is impossible or impractical to set a survey marker precisely on the corner, then survey markers may be established on the line of the lot and offset a distance from the actual corner. Such distance shall be so noted on the final plan.
- (5) A wooden stake or other suitable object shall be placed or found near each survey marker as a witness with a notation made on it which identifies the lot by number, letter, or name of landowner.

**§53     Stormwater and Drainage Control****A.   Stormwater.**

- (1) Alterations to Installed Stormwater Management Facilities. The following note shall be provided on all plans proposing stormwater management facilities.

“Stormwater Management Alteration Note: No person shall remove, fill or alter any stormwater management facility installed as part of this plan unless a Stormwater Management Plan has been submitted to and approved by the Township Board of Supervisors for such removal, filling or alteration.”

- (2) Compliance. All Subdivisions and/or Land Developments, Campgrounds, and Manufactured Home Parks shall comply with the Franklin Township Stormwater Management Ordinance.

- (3) Basin Anti-Seep Collars.

- (a) All pipes and culverts through basin embankments shall have properly spaced concrete cutoff collars or factory welded anti-seep collars.

- (b) Design calculations for anti-seep collars shall be provided.

- (c) Construction details for anti-seep collars shall be provided on the plan.

- (4) Basin Dewatering.

- (a) All basins shall include provisions for an outlet structure that permits dewatering (draining) of the basin to a completely dry condition.

- (b) Details for dewatering facilities shall be provided on the plan.

- (5) Basin Earth Fill Dams. Basins that are designed with earth fill dams shall incorporate the following minimum standards:

- (a) The maximum water depth shall not exceed eight (8) feet.

- (b) The minimum top width of all dams shall be eight (8) feet.

- (c) The inside slopes of basin embankments shall not be steeper than three (3) horizontal to one (1) vertical.

- (6) Basin Embankment Requirements.

- (a) All basins greater than six (6) feet in depth, as measured from the lowest point within the basin to the top of embankment elevation, shall have a clay core and key trench each consisting of impervious material.

- (b) An embankment detail showing dimensions and materials for the core and trench shall be provided on the plan.

- (7) Basin Emergency Spillways.

- (a) All basins shall be designed to safely discharge the peak basin inflow rate of a post-development

100-year frequency storm event through an emergency spillway in a manner which will not damage the integrity of the basin.

- (b) Design calculations for all basin emergency spillways shall be provided.
- (c) The emergency spillway shall not be considered to function as part of the primary outlet structure. Meaning, the primary outlet structure shall control the flow from all storm events up to and including the 100-year event.
- (d) A minimum of one foot of freeboard above the routed 100-year storm peak water surface elevation to the invert of the emergency spillway shall be provided.

(8) Basin Fencing.

- (a) All basins greater than six (6) feet in depth, as measured from the lowest point within the basin to the top of embankment elevation, shall be completely surrounded by fencing.
- (b) The height and type of fence shall be indicated on the plan.

(9) Basin Outlets.

- (a) All proposed stormwater management basins shall discharge to an existing watercourse or into an existing storm sewer system. If neither of these is available, the Applicant shall obtain a drainage easement from the downstream Landowner to allow for the discharge of stormwater runoff from the 100-year storm event to be conveyed through the adjacent Landowner's property to a natural watercourse or existing storm sewer system.

[1] Where the downstream Landowner will not grant such an easement, the stormwater management design for the project shall be revised such that runoff will flow onto the adjacent property in a manner similar to the characteristics of the pre-developed condition.

[2] Where the downstream Landowner will grant such an easement,

[a] All existing features within the easement area shall be shown and labeled on the plan.

[b] Drainage easement delineation lines shall be shown and labeled on the plan.

[c] All features of proposed construction shall be shown and labeled on the plan.

[d] A copy of a signed, executed, and recorded drainage easement agreement must be provided to the Township as part of the Preliminary Plan submittal.

- (b) No outflow from a stormwater management basin shall discharge directly onto or be conveyed onto a street. Discharge into a culvert under, or storm sewer along a street is acceptable provided that the applicant provides evidence of adequate capacity in the culvert or storm sewer.

(10) Basin Routing. For all proposed basins, a plotting or tabulation of storage volumes with corresponding water surface elevations and the outflow rates for those water surfaces shall be provided.

Documentation shall set forth the design hydrology, and the short-cut routing method, or a method of equal caliber, utilized to determine the function of the basin.

(11) Basin Soils Evaluation Report for Infiltration. For infiltration (ground water recharge) facilities:

- (a) a detailed soils evaluation report shall be provided by a qualified professional that contains a narrative with descriptions of probe holes and infiltration test results at the proposed location and bottom elevation of each proposed facility. This report shall follow all requirements and recommendations of the PA DEP as provided in the latest edition of the Pennsylvania Stormwater Best Management Practices Manual.
- (b) locations of all probe holes and infiltration tests shall be shown and labeled on the plan.
- (c) Calculations which determine the “design infiltration rate” as per the recommendations of the Pennsylvania Stormwater Best Management Practices Manual, including safety factors and reduction factors as applicable, shall be provided.

(12) Deferment. Residential lots can defer the requirement to prepare a Stormwater Management Site Plan/Analysis if the lot is part of a Minor Subdivision. The following note shall be provided on the plan:

“Stormwater Management Site Plan Deferment Note: A Stormwater Management Site Plan for Lot(s) \_\_\_\_\_ is(are) required to be provided to the Township Zoning Officer at the time of any Zoning Permit application. The Plan shall meet all design criteria contained within the SALDO and Stormwater Management Ordinance and be reviewed and approved by the Township Engineer prior to the issuance of any Zoning Permit.”

(13) Easement for Natural Watercourses.

- (a) When Required. Where a subdivision or land development is traversed by any natural watercourse, drainageway, channel or stream, etc..., a drainage easement conforming substantially to the line of such conveyance shall be provided.

- (b) Dimensions.

- [1] The drainage easement shall be such width as will be adequate to preserve the unimpeded flow of drainage; or for the purpose of widening, deepening, relocating, maintaining, improving or protecting such drainageway; or for the purpose of protecting such watercourse for the purpose of stormwater management or installation of a storm sewer or for the protection of adjacent lands from overflows.

- [2] The drainage easement shall have a minimum width that extends 10 feet on either side from the top of streambank.

- (c) All natural watercourse drainage easement delineation lines shall be shown and labeled on the plan.

- (d) The following note shall be provided on the plan:

“Natural Watercourse Easement Note: Areas within the natural watercourse drainage easement as

depicted on this plan shall be kept in natural conditions (i.e. not maintained as lawns, and without removal or trimming of existing vegetation).”

- (14) Elevations, Adjacent Building Floor. Minimum floor elevations of the lowest floor, for all buildings that would be affected by a basin, other temporary impoundments, or open conveyance systems where ponding may occur, shall be at least two feet above the 100-year water surface elevation.
- (15) Encroachments to Watercourses. Any change or encroachment proposed into an existing watercourse, drainageway, channel or stream, wetland etc... shall be approved by the appropriate Federal or State Agency prior to Preliminary Plan approval. Copies of all applicable permits obtained shall be provided with the Preliminary Plan submittal.
- (16) PennDOT Approval.
- (a) Any proposed stormwater management facility that would be located within a State highway right-of-way or that directs runoff into a State highway right-of-way must be approved by the Pennsylvania Department of Transportation (PennDOT) prior to Preliminary Plan approval of a proposed subdivision and/or land development.
- (b) A copy of an approval letter and/or permit from PennDOT shall be provided.
- (17) Plan Preparer. A Stormwater Management (SWM) Site Plan shall be prepared by a registered professional engineer, registered professional land surveyor, landscape architect or other qualified individual, for all Subdivisions and/or Land Developments, Campgrounds, and Manufactured Home Parks.
- (18) Points of Analysis. Points of analysis shall be distinct points where runoff is concentrated and leaves the site. In the case where contour lines are approximately parallel to the property line, the property line itself shall be considered the point of analysis.
- (19) Review from Adjacent Municipalities. When stormwater runoff is to be directed into an adjacent municipality, all provisions for accommodating such drainage shall be submitted to the governing body of that municipality for review and approval.
- (20) Standards, Analysis, and Design.
- (a) Methodology. All runoff calculations shall utilize the United States Department of Agriculture Soil Conservation Service Technical Release No. 55 (TR-55), Urban Hydrology for Small Watersheds.
- (b) Time of Concentration.

- [1] The sheet flow portion of the time of concentration path calculations to be used with TR-55 shall utilize the following manning’s “n” value:

Cover Type	“n” value
Impervious	0.011
Gravel	0.011
Lawns	0.24
Meadow	0.41
Woods	0.80

- [2] All agricultural lands shall be considered as meadow for the sheet flow portion of the time of concentration path calculations.
- [3] The maximum length for sheet flow to be used in determining the time of concentration shall be 150 feet.
- [4] For post-developed watersheds where the hydraulically most-distant point (and thus time of concentration path) originates within pervious areas and where the watershed contains impervious areas surrounding the point of interest, the watershed shall be modeled as two sub-watersheds (pervious and impervious) with the impervious sub-watershed having a time of concentration of five minutes.
- [5] For small impervious watersheds (or sub-watersheds), a time of concentration of five minutes can be assumed.

(21) Watershed Plans.

- (a) Pre- and Post-Developed Watershed Plans shall be provided showing watershed lines, time of concentration paths, contour lines, soil type boundary lines, existing and proposed cover types, points of analysis, etc.
- (b) All stormwater runoff flowing over the site within the limits of the project shall be considered in the design of the stormwater management facilities.

B. Drainage Control.

(1) Hydrology Calculation Methodology.

- (a) The design of all collection and conveyance drainage facilities shall utilize the Rational Method of design in accordance with the American Society of Civil Engineers Manual No. 37, or the U.S. Department of Agriculture Soil Conservation Service Technical Release No. 55 (TR-55), Urban Hydrology for Small Watersheds.
- (b) Runoff coefficients “(c)” to be used with the Rational Method shall be based on the following table:

Land Use Description	Hydrologic Soil Group			
	A	B	C	D
Impervious	0.95	0.95	0.95	0.95
Gravel	0.85	0.85	0.85	0.85
Lawns	0.11	0.24	0.30	0.36
Meadow	0.07	0.22	0.27	0.32
Woods	0.07	0.20	0.24	0.28

- (c) All agricultural lands shall be considered as meadow for drainage design calculations.
- (d) Calculations utilizing TR-55 methodology shall follow the design requirements within this Ordinance under Section 520.

(2) Channels.

- (a) Conveyance along streets shall not extend onto the shoulder. All flow shall be contained within a channel adjacent to the shoulder.
  - (b) Design calculations shall be provided for all channels.
  - (c) Cross-section details for all proposed channels shall be provided on the plan.
- (3) Connection to Existing Facilities / Off-Site Downstream Analysis.
- (a) Pipes. If the plan proposes to connect proposed drainage pipes to an existing drainage conveyance system, computations shall be provided to verify that the existing system has the capacity to handle the proposed flows. This analysis shall be continued downstream to the outlet of the system.
  - (b) Channels. If the plan proposes to discharge proposed drainage facilities to an existing channel at the perimeter of the site, computations shall be provided to verify that the existing channel has the capacity to handle the proposed flows. This analysis shall be continued downstream a distance of 100 feet.
- (4) Design Storm.
- (a) Drainage collection and conveyance facilities that service areas within the site (channels, drainage pipes, etc.) shall be designed to adequately convey the 10-year storm event.
  - (b) Drainage collection and conveyance facilities that convey off-site runoff through the site shall be designed to adequately convey the 100-year storm event.
  - (c) Drainage collection and conveyance facilities leading to stormwater management facilities, where storm events greater than the 10-year event would not allow for overland runoff to reach said facilities, shall be designed to adequately convey the 100-year storm event.
- (5) Energy Dissipators.
- (a) Energy dissipators shall be placed at the outlets of all drainage pipes, culverts, and channels. Design computations shall be provided for these facilities.
  - (b) Construction details for these facilities shall be provided on the plan.
- (6) Manning “n” Values.
- (a) Manning “n” values for all applicable drainage design shall be determined according to accepted engineering practice and manufacturer’s recommendations.
  - (b) Backup data regarding the choice of Manning “n” value shall be included within all design computations.
- (7) Structures.
- (a) Culverts.



- [1] Culvert design shall consider either inlet/outlet control or a combination of hydraulic losses through the system, whichever is greater.
- [2] Design computations for all culverts shall be provided utilizing the United States Department of Transportation, Federal Highway Administration (FHWA) Offices of Bridge Technology and Technical Services HY-8 Culvert Hydraulic Analysis Program.

(b) Endwalls.

- [1] Endwalls shall be provided where stormwater runoff enters or leaves the storm sewer horizontally from a natural or manmade channel.
- [2] Endwalls shall conform to PennDOT Standards for Roadway Construction, RC-31M “Endwalls”, as amended.

(c) End Sections.

- [1] End sections shall be provided at all pipe inlets and outlets, except where endwalls are required.
- [2] End sections shall conform to PennDOT Standards for Roadway Construction, RC-33M “End Sections”, as amended.

(d) Inlets.

- [1] Grate Capacity. Inlet capacity shall be based on design data provided by the manufacturers. Where ponding occurs, inlet capacity shall be based on accepted engineering design practices.
- [2] Grate Elevation. Inlets shall be depressed two inches below the grade of the street gutter or ground surface. Inlets used in ground areas will have their tops installed level. Inlets used along curbed streets shall have their tops installed at a grade equal to the street or curb grade.
- [3] Grate Type. All inlets shall have structural steel, bicycle safe grates as per PennDOT Standards for Roadway Construction, RC-45M “Inlet Tops, Grates, and Frames”, as amended.
- [4] Boxes. Inlet boxes shall conform to PennDOT Standards for Roadway Construction, RC-46M “Inlet Boxes”, as amended.

(e) Manholes, Storm. Storm manholes shall be concrete cast-in-place or precast and shall conform to PennDOT Standards for Roadway Construction, RC-39M “Standard Manholes”, as amended.

(f) Pipes.

- [1] Anchors. Where storm sewers exceed 15 percent slope, properly spaced concrete anchors shall be required. The locations of these items shall be shown and detailed on the plan.
- [2] Backfill.
  - i. Backfill of pipe trenches shall be performed in accordance with PennDOT Standards for Roadway Construction, RC-30M “Subsurface Drains”, as amended.

- ii. A backfill pipe trench detail shall be provided on the plan.
- iii. Where pipe installation depths exceed 15 feet from ground surface to the crown of the pipe, structural calculations that address the actual design requirements shall be provided.

[3] Bends/Curves.

- i. Bends and/or curves in pipes are prohibited. A drainage structure must be provided when there is a proposed change in pipe direction.
- ii. Tee joints, elbows and wyes are also prohibited, except for use in smaller diameter pipes associated with roof drain collection systems and special designs such as within underground infiltration facilities.

[4] Cover. All storm sewer pipe and culverts shall be placed to provide a minimum depth of one foot from finished subgrade to the crown of pipe in all areas.

[5] Outlet Location into Basins. Drainage pipes that discharge into a basin shall outlet at the bottom of the basin.

[6] Size, Minimum.

- i. Minimum allowable drainage conveyance pipe size shall be 15 inches in diameter.
- ii. Smaller diameter pipes may be proposed for roof drain collection systems and special designs such as within underground infiltration facilities.

[7] Type. Drainage pipes shall consist of reinforced concrete or high-density polyethylene.

[8] Profiles. Profiles for all proposed drainage pipes shall be provided on the plan.

(g) Spacing and Location of Structures.

- [1] Drainage structures shall not be spaced more than 400 feet apart.
- [2] Drainage Structures shall be placed at points of abrupt changes in the horizontal or vertical direction of drainage pipes.

(h) Standards, Conformance with PennDOT. All drainage pipes, culverts, manholes, inlets, endwalls, and end sections shall be constructed in accordance with PennDOT Specifications, Publication 408, as amended.

## **§54 Soil Erosion and Sedimentation Controls**

- A. Plan Required. When earth disturbance activities are proposed as part of a subdivision and/or land development plan, an Erosion and Sediment (E&S) Control Plan as outlined and required in the current edition of the PA DEP's Erosion and Sediment Pollution Control Program Manual and Pennsylvania Code,

Title 25 “Environmental Protection”, Chapter 102 “Erosion and Sediment Control”, as amended, shall be prepared by a qualified individual.

- B. Submission with Preliminary Plan. When such E&S Control Plan is required, the plan shall be submitted to the Township along with the Preliminary Plan submittal.
- C. Conservation District Review. The Applicant shall submit the E&S Control Plan to the Carbon County Conservation District for review and approval. A copy of the adequacy letter shall be provided to the Township prior to Preliminary Plan approval.
- D. NPDES Permit. If required by the Carbon County Conservation District and/or the PA DEP, an NPDES Permit for Stormwater Discharges Associated with Construction Activities must be obtained prior to Preliminary Plan approval. A copy of the obtained permit and the required PCSM Plan shall be provided to the Township.
- E. Plan Note. For Subdivisions which do not propose or require any earth disturbance activities by the Developer to be performed within individual lots, the following note shall be provided on the plan:

“Erosion and Sediment Pollution Control Note: No building permit shall be issued to a Landowner in this subdivision until a copy of an Erosion and Sediment Control Plan is provided with a copy of an adequacy letter of such plan from the Carbon County Conservation District for earth disturbance activities within the lot.”

## **§55     Water Supply and Sewage Disposal**

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

submitted with the final plan application.

- F. Design. All water supply and sewage disposal systems shall be designed and certified by a PA Registered Professional Engineer or other individual otherwise certified for such design work; and all systems shall be designed in accord with all applicable federal, state and local standards.
- G. Pressure Testing. Pressure testing of all collection/conveyance of any centralized water supply or centralized sewage disposal system lines shall be required as part of the inspections required in accord with Article V. All such testing shall be conducted in accord with the procedures specified by the Township Engineer.
- H. Sewage Facilities Plan. All sewage disposal systems shall be consistent with the Township Sewage Facilities Plan.
- I. Well Setbacks. All wells shall comply with the setback requirements of the Township well ordinance. Proposed well locations shall be shown on the plan to confirm compliance.
- J. On-Lot Water Supply. All on-lot water supply systems shall comply with the requirements of Pennsylvania Department of Environmental Protection and/or applicable Township the zoning ordinance. The requirement for the installation of on-lot wells shall be noted on the development plan and shall be required by restrictive covenant to be approved by the Township prior to preliminary plan approval.
- K. Shared Water Supply. Shared water supply systems shall only be permitted to serve two dwelling units or a nonresidential land development and the standards in this §55K shall apply. In the case of nonresidential land developments, the Township may, based on the nature and scale of development, apply any or all the standards contained in §55L.
  - (1) Well Capacity. The capacity of the well shall be certified by a licensed well driller to be adequate for the use proposed.
  - (2) Water Distribution System.
    - (a) The system design shall follow good engineering practice and the requirements of the Pennsylvania Department of Environmental Protection. The distribution system shall be designed and sized to provide the design flows at a minimum pressure of twenty-five (25) pounds per square inch at curb stops.
    - (b) Pipe classes shall be consistent with design pressures.
    - (c) Before being placed into service, the system must be tested and disinfected by procedures established by Department of Environmental Protection.
    - (d) Service connections shall be a minimum of 0.75 inch diameter.
  - (3) Other Standards. All shared water supply systems shall comply with the requirements of Pennsylvania Department of Environmental Protection and/or applicable Township the zoning ordinance.
- L. Centralized Water Supply. If an approved public water supply is not accessible and water is to be furnished on a project basis, the Applicant shall, upon submission of the subdivision or land development plan, submit

written evidence of compliance with all Township and State regulations, and that the proposed system to be installed meets the requirements of the PA PUC, PA DEP, and any other applicable regulations. If the proposed system is not regulated by PA DEP, it shall comply with the latest edition of the *Recommended Standards for Water Works, Policies for the Review and Approval of Plans and Specifications for Public Water Supplies, A Report of the Water Supply Committee of the Great Lakes--Upper Mississippi River Board, of State and Provincial Public Health and Environmental Managers, Latest Edition.*

M. On-Lot Sewage Disposal.

- (1) Standards. All on-site sewage disposal systems shall comply with the applicable PA DEP, Township, and all other applicable standards.
- (2) Site Suitability.
  - (a) All residential lots in developments proposing the use of on-site sewage disposal shall contain a primary and a replacement sewage absorption area as tested by the Township SEO in accord with DEP requirements. Such areas for sewage absorption must be determined to be suitable by appropriate testing. Such areas shall be shown on the Preliminary Plan and Final Plan. All sewage disposal areas shall remain undisturbed and this shall be assured via a covenant placed on the plan.
  - (b) Prior to any action on the Preliminary Plan by the Township, the Applicant must document that all lots in subdivisions proposing sewage disposal contain a suitable primary area and replacement area as tested by the Township SEO in accord with DEP requirements and this §55M, or are already served by an adequate, existing sewage disposal system.
  - (c) Should the Applicant propose the use of individual systems which do not require soil testing, documentation shall be provided that the affected lots are suitable for the proposed system. In addition, a note shall be placed on the Preliminary Plan and Final Plan detailing the type of system(s) proposed and stating that the affected lots have not been tested for a soil-based system.
- (3) Conservation Design Subdivisions. In the case of conservation design subdivisions, the primary and reserved sewage disposal areas may be located on common land provided the necessary easements for construction and maintenance of such systems are provided.

N. Centralized Sewage Disposal System.

- (1) Available Sewage Disposal. If a centralized sewage disposal system is proposed and an existing public sewage disposal system or an existing private sewage disposal system identified as a *regional system* by the Township Sewage Facilities Plan, said development shall connect to such system in accord with the requirements of the Township Sewage Facilities Plan, the system owner, the PA PUC and the PA DEP.
- (2) Project System. If an approved sewage disposal system is not accessible and sewage disposal is to be furnished on a project basis, the Applicant shall, upon submission of the subdivision or land development plan, submit written evidence that he has complied with all Township, County, and State regulations, and that the proposed system to be installed meets the requirements of the Pennsylvania Department of Environmental Protection and any other applicable regulations.
  - (a) All centralized sewage disposal systems shall be consistent with the sewage feasibility studies and plans of the Township.

- (b) All sewage collection and treatment facilities shall be designed and constructed in accordance with regulations and requirements of PA DEP and applicable Township the zoning ordinance.
- (c) All centralized sewage disposal systems shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development.
- (d) All centralized sewage disposal systems using subsurface or land application of sewage effluent shall be designed and constructed in accord with applicable PA DEP standards; and a suitable replacement area for the effluent disposal area shall be provided.

O. Community System Maintenance. To extend the useful life of community sewage disposal systems and minimize disposal system problems, the developer shall, for all subdivisions or land developments using a community system, provide for system maintenance via the creation of a Property Owners Association. Such POA shall be created in accord with §41 and shall provide for the inspection of the community system each year and the pumping of septic tanks at intervals as required but not less once every three (3) years from the date of the operation of each system. The POA shall file with the Township an annual report detailing which systems have been inspected and pumped, showing receipts for same from a septage hauler disposing of the septage at a DEP licensed facility. Failure of the POA to comply with this §55O shall be considered a violation of the zoning ordinance.

#### **§56     Off-Street Parking and Loading**

All subdivisions and land developments shall be provided with parking and loading areas adequate to meet the needs of the use in accord with this §56. Following the establishment of any subdivision or land development, the ongoing operation and maintenance of the off-street parking and loading facilities shall comply with the requirements of the zoning ordinance and violations shall be subject to the enforcement provisions of the zoning ordinance.

##### **A. Availability and Use of Facilities.**

- (1) Availability. The facilities required herein shall be available throughout the hours of operation of the business or use for which such facilities are provided. As used herein, the term *parking space* includes either covered garage space or uncovered parking lot space located off the public right-of-way.
- (2) Location of Parking. Required off-street parking spaces shall be on the same lot with the principal use served, except as approved in §56K.
- (3) Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available if the use or building which the spaces serve still exists, and such spaces shall not be reduced in number below the minimum required by this ordinance.
- (4) Non-Parking Use. Required off-street parking, loading, and unloading facilities and access ways shall not be used for any other purpose, including, but not limited to, sales, display or storage areas, or the parking of any vehicles for which the area was not approved (e.g., parking of tractor trailers in required passenger vehicle areas).
- (5) Existing Parking. Any parking spaces serving such pre-existing structures or uses at the time of the adoption of the zoning ordinance shall not in the future be reduced in number below the number required by this ordinance. If a new principal nonresidential building is constructed on a lot, then any

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

- (6) Driveways, Garages and Carports. Driveways, garages and carports not in the public right-of-way may be considered parking spaces.

B. Site Plan; Design.

- (1) Site Plan. The project application shall include a site plan that shows the parking, loading, and unloading area, and access design.
- (2) General. Parking spaces, loading and unloading areas, and access drives shall be laid out to result in safe and orderly use and to fully address all the following: vehicular access onto and off the site, vehicular movement within the site, pedestrian patterns and any drive-through facilities. No parking area shall cause a safety hazard or impediment to traffic on or off the lot.
- (3) Pedestrian Access and Circulation. The parking and access plan shall include details of pedestrian access to the site and pedestrian circulation within the site. The intent shall be to facilitate pedestrian access and provide safe and convenient circulation from parking areas to the structure or use.
- (4) Design. Off-street parking areas, access drives, fire lanes, traffic flow signs, pavement markings, and other necessary facilities shall be designed and provided in accord with the most current Institute of Transportation Engineers Traffic Engineering Handbook, or other generally accepted methodology approved by the Township. The Applicant shall provide copies of the methodology used for the design. Notwithstanding the above, all parking spaces and the overall design shall be ample in size for the vehicles for which use is intended.

- C. Illumination. All access drives, aisles, maneuvering spaces, vehicular service areas, and spaces between or around buildings, designed for use by more than four (4) cars, other than those accessory to a single dwelling, shall be illuminated according to §61.

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

- E. Parking Between Principal Structure and Road. Parking between the principal structure and the adjoining road is discouraged and lot coverage may be increased by five percentage points if the required off-street parking is located to the rear of the principal building or to the side of the principal building not less than the building is setback from the adjoining road.

- F. Number of Spaces to Be Provided. The number of parking spaces required by this §56F shall be considered the minimum and maximum requirements unless modified in accord with this §56F. Fractional numbers of parking spaces shall be increased to the next whole number. For uses not specifically provided in the Table, the Zoning Officer shall determine the required number of spaces based upon the similarity of the proposed use to the uses provided.

- (1) Parking Required for Nonresidential Uses. Off-street parking spaces shall be provided and maintained in

accord with the latest edition of Parking Generation published by the Institute of Transportation Engineers. The parking provided for the proposed use shall be based on the most similar use and unit of calculation listed in the Parking Demand Table as determined by the Board of Supervisors.

(a) Land Uses WITH 85th Percentile Data Listed.

- [1] Constructed. The number of paved parking spaces constructed shall conform to the Average Peak Period Demand as noted in the Parking Generation manual.
- [2] Reserved. Space shall be reserved to allow for expansion to the 85th Percentile, as listed in the Parking Generation manual, unless a reduction is approved in accord with §56F(4).

(b) Land Uses WITHOUT 85th Percentile Data Listed

- [1] Constructed. The number of paved parking spaces constructed shall be the Average Peak Period Demand or 85 percent of the Peak, whichever is reported in the Parking Generation manual.
  - [2] Reserved. Space shall be reserved to allow for expansion to 115 percent of the number of spaces required by §56F(1)(b)[1], unless a reduction is approved in accord with §56F(4).
- (2) Parking Required for Residential Uses. Off-street parking spaces shall be provided and maintained for each dwelling unit as follows:
- (a) Single-family Dwellings. Two per dwelling unit plus one per two bedrooms rounded to the next highest number.
  - (b) Two-family Dwellings. Two per dwelling unit plus one per two bedrooms rounded to the next highest number.
  - (c) Multi-family Dwellings. Two per dwelling unit located with the unit plus 0.25 space per dwelling unit rounded to the next highest number. No dwelling unit shall be less than 250 feet from a spillover parking area. No spillover parking area shall have less than five spaces.
  - (d) Multi-family Senior Citizen and other Senior Citizen Housing. One per dwelling unit located with the unit plus 0.25 per dwelling unit rounded to the next highest number. No dwelling unit shall be less than 250 feet from a spillover parking area. No spillover parking area shall have less than five spaces.
  - (e) Assisted Living Facilities. 0.50 per dwelling unit.
- (3) Township Required Reduction. If the Board of Supervisors determines that the number of parking spaces required by this §56 is not necessarily required to meet the immediate needs of the proposed use, the Township may require the number of spaces provided to be reduced by a maximum of 25 percent based on the Average Peak Period Demand or Peak, whichever is reported for the use in the Parking Demand Table. The developer shall dedicate sufficient and suitable area to future parking to meet the normal standards in this §56.
- (4) Applicant Proposed Reduction/Increase. The required number of parking spaces may be reduced or increased subject to approval by the Board of Supervisors. The applicant shall provide evidence justifying the proposed reduction or increase of spaces, such as studies of similar developments during



peak hours. The applicant shall also provide relevant data, such as number of employees and peak expected number of customers/visitors. Any conditional use approval to permit such decrease or increase shall be subject to the following:

- (a) the zoning ordinance and Plan Consistency. The project design and parking space decrease shall be consistent with the purposes contained in this ordinance and the goals and objectives of the Township Comprehensive Plan
- (b) Quality of Design. The applicant shall demonstrate to the Board of Supervisors that the proposed decrease will result in an adequate number of parking spaces or the increase will not produce an excess number of spaces for the use based on a specific study of the parking demands for the proposed use or empirical data reported by a generally accepted source such as the Institute of Transportation Engineers, the Urban Land Institute, the American Planning Association, or similar entity.
- (c) Local Conditions. In making its determination the Board of Supervisors shall also consider, among others, the demographics and character of the neighborhood, demographics of targeted customers and employees, availability of mass transit, existing on-street parking conditions, and any employer instituted transportation demand management programs.
- (d) Burden; Conditions. If the Board of Supervisors, in its sole discretion, determines that the applicant has met the burden of proof, it may grant a conditional use for the decrease or increase. The Board of Supervisors may impose such conditions as will in its judgment secure the objectives and purposes the zoning ordinance including, but not limited to, reserving parking.
- (5) Form of Reservation. Each parking reservation shall be in a form acceptable to the Township Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and, if the Township determines it is necessary, to provide the additional parking in the time and manner as stipulated in the reservation document. Proof of recording of the agreement shall also be provided to the Township before any approval of the project.
- (6) Reserved Parking Disturbance and Stormwater. The reserve parking areas shall remain undisturbed or shall be landscaped but shall be included in the calculations of lot coverage area and for stormwater management and for the requirement of a NPDES permit. The stormwater facilities shall be constructed in accord with the approved sequencing design as parking areas are constructed.
- (7) Multiple Uses. For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use.
- (8) Handicapped Parking. Parking for the handicapped shall be provided in accord with the Americans With Disabilities Act and shall count as part of the spaces required for the use by this §56.

G. Off-Street Loading and Unloading Areas.

- (1) Required. In connection with any building or structure, which is erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, off-street loading and unloading berths shall be provided as specified in this §56. For the purposes of this section, the words “loading” and “unloading” are used interchangeably.

- (2) Number. Each use shall provide off-street loading facilities sufficient to accommodate the maximum demand generated by the use and the maximum sized vehicle, in a manner that will not routinely obstruct traffic on a public street. If a reasonable alternative does not exist, traffic may be obstructed during off-peak hours for loading and unloading along an alley, rear service lane or parking area. Loading areas shall not be used to satisfy parking requirements.
  - (3) Location. All required loading areas shall be located on the same lot as the use to be served. No loading area for vehicles of more than two-ton capacity shall be located closer than 100 feet from any residential district. No loading area shall be located within 50 feet of a property line unless the lot is less than 200 feet wide, in which case such setback may be reduced to not less than 25 feet at the discretion of the Township. No loading facilities shall be constructed within any required setback areas. Loading facilities shall be located on either the side or rear of the building and screened in accord with §59 and the zoning ordinance.
  - (4) Access. Each required off-street loading area shall be designed with appropriate means of vehicular access to an interior drive in a manner which will least interfere with traffic movements and shall be subject to the approval of the Township. Such access shall have paved surfaces to provide safe and convenient access during all seasons.
  - (5) Repair and Service. No storage of any kind, nor motor vehicle repair work of any kind, except emergency work, shall be permitted within any required loading area.
  - (6) Hours of Operation. Where the facility requiring loading and unloading activities is located within 500 feet of a residential use or district, the hours of operation for loading or unloading activities shall be prohibited between the hours of 11:00 p.m. and 6:00 a.m.
  - (7) Fire Lanes. All buildings shall be accessible to emergency vehicles and shall meet applicable requirements. (See also §64, Fire Access.)
- H. Access to Off-Street Parking and Loading Areas. There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, salespersons and/or the public. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:
- (1) Width. Unless otherwise required by Penn DOT for access to a state road, the width of the access drives onto a public street at the right-of-way shall comply with the most current Institute of Transportation Engineers design standards for the type and volume of vehicles anticipated.
  - (2) Controlled Access. Each entrance and exit shall be clearly defined with curbing, fencing, landscaping, or vegetative screening to prevent access to the area from other than the defined entrance and exit.
  - (3) Highway Occupancy Permit. All new uses shall be required to obtain a highway occupancy permit from the Township or PA DOT. In the case of a change in use or the expansion of an existing use, the Township shall require the applicant to obtain a highway occupancy permit or a revised highway occupancy permit. Where a use accesses the public right-of-way via a private road, the highway occupancy permit requirement and criteria shall be applied at the public right-of-way intersection
  - (4) Interior Travelways. The applicant shall demonstrate that travelways within the property are adequate

to safely and efficiently serve vehicles which are reasonably expected to visit the property. Turning radius templates developed by the American Association of State Highway Transportation Officials (AASHTO) shall serve as the design standard.

- (5) Curbing. Access drives and landscaping shall be defined with concrete curbing, or such alternate material as may be approved by the Township.

I. Parking and Loading Area Setbacks.

- (1) Roads and Property Lines. All proposed or required parking and loading areas (not including parking decks) and parallel circulation and service lanes serving any commercial, industrial, institutional or multi-family use shall be separated from any public road right-of-way or adjoining property lines by a landscaped buffer area not less than 15 feet wide unless a wider buffer is required by another ordinance provision or adjoining uses share parking in accord with §56K.

- (a) Measurement. The width of the buffer shall be measured from property lines and from the curb line or from the legal right-of-way line after development if no curbs will be provided.

- (b) Uses Prohibited. The buffer area shall be maintained in natural vegetative ground cover and shall not include:

- [1] Paving except for approved access drives
- [2] Fences unless integral to landscaping
- [3] Parking, storage, or display of vehicles
- [4] Items for sale or rent

- (c) Uses Permitted. The buffer area may include the following:

- [1] Permitted freestanding signs
- [2] Pervious storm water facilities
- [3] Approved access drive crossings

- (d) Sidewalks. Sidewalks, existing or proposed, may be included in the buffer area.

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

J. Grading and Drainage; Paving.

- (1) Grading and Drainage. Parking and loading facilities, including access drives, shall be graded and adequately drained away from building areas, to prevent erosion and to avoid increased or altered flow of stormwater runoff into streets or onto adjacent properties.

- (2) Grade. All areas provided for the parking of vehicles shall have a minimum grade of 0.50 percent, and a maximum grade of six percent.

- (3) Paving. Except for single-family homes, all portions of required or proposed parking areas, loading areas and access drives (except for landscaped areas) shall be surfaced with a minimum of 2.50 inches of

asphalt paving or equivalent as determined by the Board of Supervisors. (See Zoning Ordinance §27F for use of pervious surfaces for compliance with lot coverage limitations.)

- K. Shared Parking. In cases where two principal uses share a common property line, shared parking facilities may be utilized. The arrangement for shared parking shall be provided by deed restriction for the portion of each parcel included in the shared arrangement. The shared parking area may span the common property line thereby eliminating the setback requirement. The standards in §56F for number of spaces to be provided shall apply to shared parking. To the extent that principal uses operate at different times, the same spaces may be credited to both uses. (Example: If a church parking lot is generally occupied only to 10 percent of capacity on days other than a Sunday, another development not operating on a Sunday could make use of the unused church lot spaces on weekdays.)
- L. Shopping Carts. Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of the said carts. Storage areas shall be clearly marked and designed for the storage of shopping carts and/or mobile baskets. Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of the said carts. Storage areas shall be clearly marked and designed for the storage of shopping carts and/or mobile baskets.
- M. Snow Storage and Removal. All plans for proposed parking areas of thirty (30) or more spaces shall include details for adequate snow storage and removal.
- N. Interconnected Parking Lots. The following provisions shall apply where two lots that are each intended for current or future business uses will be contiguous to each other and both of those lots are also adjacent to a collector or arterial street.
  - (1) When two contiguous lots involving current or future businesses are in common ownership at the time of subdivision or land development application, the parking lots shall include an interconnection to allow motorists and pedestrians to travel from one business to another business without needing to reenter a public street.
  - (2) Where two contiguous lots involving current or future businesses are not in common ownership, the applicant for a subdivision or land development shall seek permission from the abutting lot owner to allow a vehicle interconnection between the parking lots. Unless the abutting property owner refuses to permit the interconnection, the subdivision or land development shall include the construction of a vehicle and pedestrian interconnection between the parking areas. If the abutting property owner refuses to permit the interconnection or the interconnection is currently not feasible, the Board of Supervisors may require that the subdivision or land development include an easement allowing a future interconnection and/or construct the interconnection as a "stub" up to the applicant's property line.
  - (3) Where an interconnection is required or planned between two uses or lots, the subdivision or land development shall include a suitable cross-easement that permits vehicles and pedestrians from one use or lot to have access through the parking lot of the adjacent use or lot.

## **§57     Other Utilities**

- A. Power, Telephone, Television Cable and Internet Lines.

- (1) All subdivisions and land developments shall have easements provided for the installation of power and telephone utility lines to serve each lot, and provision shall be made when necessary for the location of television cable lines to be installed in said easements.
  - (2) Electric distribution lines shall be installed in accord with PPL requirements.
- B. Gas Transmission Lines. When an Applicant proposes to provide gas transmission lines within a subdivision or land development, said gas transmission lines shall be installed between the curb line and the property line of any street right-of-way located on the opposite side of the street from waterlines.
- B. Plan Requirements. All existing and proposed utility lines shall be shown on the plan.

#### **§58     Sidewalks**

See §51V.

#### **§59     Landscape Requirements; Trees and Vegetation**

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

- A. Legislative Intent. It is the intent of these landscape planting requirements to conserve existing healthy plant communities, such as woodlands, and to require new landscape plantings in critical areas of new developments to:
- (1) Reduce soil erosion and protect surface water quality by minimizing stripping of existing woodlands or tree masses.
  - (2) Reduce storm water runoff velocity and volume by providing planting areas where storm water can infiltrate.
  - (3) Improve air quality by conserving existing or creating new plantings, which produce oxygen and remove carbon dioxide from the atmosphere.
  - (4) Encourage tree planting and landscaping along public streets. (See definition of *improvement*.)
  - (5) Provide wind breaks, shade, and the other microclimate benefits of trees and landscape plantings.
  - (6) Conserve historically, culturally, or environmentally important landscapes such as wooded hillsides, scenic views, or aesthetic natural areas.
  - (7) Preserve and enhance property values through the implementation of good landscape architectural standards.
  - (8) Provide planted buffers between land developments, which act to visually integrate a development into the existing landscape.
  - (9) Provide planted and architectural visual screens around visually obtrusive site elements within development.

- (10) Enhance the aesthetic appearance of the community and provide privacy and beauty.
- (11) Improve traffic flow in parking lots by requiring planted parking islands and medians to separate traffic.
- (12) Conserve energy by moderating solar radiation and providing shade.
- (13) Improve the environment for pedestrians along streets, parking lots, and other pedestrian areas
- (14) Aesthetically improve storm water management facilities, such as detention basins, without impairing function.

B. Minimum Number of Trees; Preservation of Existing Vegetation. Unless other provisions of the zoning ordinance require more trees or vegetation, each development site shall include a minimum of 12 deciduous or evergreen trees for each one acre. Each deciduous tree shall be 2.50-inch caliper or greater and each evergreen tree shall be six to seven feet in height or greater. As an alternate, 10 trees for each one acre shall be required if deciduous trees are four inches in caliper or greater and evergreen trees are eight to ten feet in height or greater. Five shrubs 2.50 feet in height or greater may be substituted for one tree of 2.50-inch caliper for a maximum of 20 percent of the tree requirement.

- (1) Preservation of Existing Vegetation. Each mature tree, tree mass, or woodland on the site shall be designated "TO REMAIN" or "TO BE REMOVED" and shall be shown on the plan in accord with the following criteria:
  - (a) All subdivisions and land developments shall be laid out in such a manner as to minimize the removal of healthy trees and shrubs on the site. Mature trees (6" or greater DBH) shall be preserved insofar as possible; and special consideration shall be given to major specimen trees (12" or greater DBH). The plan shall show the location of major specimen trees in areas of the site proposed for development, and the edge of existing woodlands.
  - (b) The applicant shall document that vegetation removal is minimized. If challenged by the Township, the applicant shall produce evidence, such as written documents or plans certified by a registered landscape architect or other person deemed qualified by the Township, showing that no alternative layouts are possible and that no alternative clearing or grading plan would reduce the loss of mature trees, tree masses, and woodlands.
  - (c) The following criteria shall be used by the Township to make the final determination of which mature trees, tree masses, or woodland shall be designated "TO REMAIN":
    - [1] The outermost branches of the tree(s) are at least five feet from any proposed buildings or structures.
    - [2] The outermost branches of the tree(s) are at least five feet from any proposed changes in grade, drainage structure, utility corridor, parking or load/unloading area, sidewalk, on-site sewage system, or any other excavations.
    - [3] The tree(s) are clear of any proposed sight triangles and do not, by their location or apparent health, pose any undue threat to the public health, safety, or welfare. The Township may permit some landscape material to be placed in the clear sight triangle when it determines that the type of material and its location will not create a hazard to motorists or conflict with utility

locations.

- [4] If these trees are diseased or are excessive in number and thinning will promote and enhance the healthy development of the remaining trees the Township may require the removal of the trees.
- (d) Mature trees, tree masses, or woodland that are not designated "TO REMAIN" shall be designated "TO BE REMOVED." These trees shall be removed in the field during the construction process.
- (e) Specimen tree preservation or removal shall be considered on an individual basis and site conditions.
- (2) Protection of Existing Vegetation. Existing vegetation designated "TO REMAIN" in accord with §59B(1) shall be identified in the field prior to any clearing and shall be physically protected throughout the construction process. A temporary physical barrier, such as a snow fence, shall be erected a minimum of one foot outside the drip line on all sides of individual trees, tree masses, or woodlands prior to major clearing or construction. The barrier shall be placed to prevent disturbance to, or compaction of, soil inside the barrier and shall remain until construction is complete. The barrier shall be shown on the landscape plan.
- (3) Credit for Existing Trees. If healthy, existing trees will be preserved which will generally meet the requirements of this Section, the Township may, in its discretion, permit the existing tree(s) to serve as a credit toward the number of shade trees required to be planted. In addition, the Township, in its discretion, may permit existing trees which would otherwise be required to be maintained by this ordinance to be removed in exchange for the Developer planting replacement trees in accord with this Section. To be eligible for use as credit toward a required tree, a preserved tree shall be maintained in such a manner that a minimum of 50 percent of the ground area under the tree's drip line shall be maintained in natural ground cover and at the existing natural ground level. The Applicant may provide a sample plot representative of the trees on the parcel to determine the credit. The following standards shall be used to determine the extent of credit:

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

- (4) Hydrology. Alteration of existing drainage patterns and water supply for the protected vegetation shall be minimized.
- (5) Transplanting Existing Plants. Specimen trees or individual trees from woodlands or tree masses designated "TO BE REMOVED" are encouraged to be transplanted from one area of the site to another. Transplanted trees must conform to the requirements of §59G and §59H.
- (6) Clear Sight Triangles. All landscaping shall comply with the sight distance requirements of the zoning ordinance including intersections of public streets and access drives of commercial, industrial, and multi-

family developments. The Township may permit some landscape material to be placed in the clear sight triangle when it determines that the type of material and its location will not create a hazard to motorists or conflict with utility locations.

- (7) Topsoil Protection. Topsoil shall not be permanently removed from a lot except from areas that will be covered by buildings or paving. This shall not prohibit the temporary movement and storage of topsoil during construction.
- (8) Tree Removal. All plantings required by this §59 shall not be removed except for trees removed by the Township or the State and for trees approved to be removed under this §59.

C. Parking Lot Landscaping.

- (1) Landscaping Benefits. Parking lots shall be landscaped with trees and shrubs to reduce the impact of glare, headlights, and parking lot lights; to delineate driving lanes; define rows of parking; and facilitate pedestrian circulation. Furthermore, parking lots shall be landscaped to provide shade to reduce the amount of reflected heat and to improve the aesthetics of parking lots.
- (2) Lots with Ten or More Stalls. All parking lots with 10 or more stalls shall be landscaped in accord with the criteria in this Section.
  - (a) One planting island shall be provided for every 10 parking stalls, or part thereof.
  - (b) The ends of all parking rows shall be divided from drives by planting islands.
  - (c) In residential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than 40 stalls.
  - (d) In nonresidential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than 100 stalls.
  - (e) Planting islands shall be a minimum of nine feet by 18 feet in dimension, underlain by soil (not base course material); mounded at no more than a 3:1 slope, nor less than a 5:1 slope; and shall be protected by curbing or bollards. Each planting island shall contain a minimum of one shade tree plus shrubs and/or ground cover sufficient to cover the entire area.
  - (f) All planting strips shall be a minimum of eight feet wide. Strips shall run the length of the parking row, underlain by soil (not base course material), shall be designed to encourage the infiltration of storm water insofar as possible, and shall be protected by curbs, wheel stops, or bollards. Planting strips shall contain plantings of street-type shade trees at maximum intervals of tree per 30 feet, plus shrubs and/or ground cover, as approved by the Township, to cover the entire area.
  - (g) The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with the effectiveness of light fixtures
  - (h) Plants shall comply with the requirements of §59G. The use of plants selected from the *List of Acceptable Plants* in §59H is required
  - (i) In the case where this or another section of the zoning ordinance requires a buffer or other



landscaping at the end of a parking lot, such buffer or landscaping may take the place of the planting strip provided the buffer or landscaping meets the minimum requirements of this §59C.

- (3) Buffers. All parking lots shall be buffered from public streets and from adjacent properties as required in §59F.
- (4) Reserved Parking Areas. The number of trees in parking areas which have been reserved in accord with the zoning ordinance shall not be counted toward the minimum required by this §59. This area shall remain undisturbed or shall be landscaped in accord with the minimum requires specified in §59B.

D. Street Trees.

- (1) Street Trees Required. Street trees shall be required:
  - (a) Along all existing streets abutting or within the proposed subdivision or land development.
  - (b) Along all proposed streets.
  - (c) Along access drives that serve five or more residential dwelling units.
  - (d) Along access drives that serve two or more nonresidential properties
  - (e) Along major walkways through parking lots and between nonresidential buildings, as recommended by the Planning Commission.
- (2) Waiver for Existing Vegetation. The street tree requirement may be waived by the Township where existing vegetation is considered sufficient to provide effective screening and to maintain scenic views of open space, natural features, or other valued features.
- (3) Standards. Street trees shall be located between the ultimate right-of-way line and the building setback line and shall meet the following standards:
  - (a) Trees shall be planted a minimum distance of five feet and a maximum distance of 15 feet outside the ultimate right-of-way line.
  - (b) In nonresidential developments, trees shall be located within a planting bed within the front yard setback, at least 10 feet in width, planted in ground cover. In areas where wider sidewalks are desirable, or space is limited, tree planting pits within the sidewalk may be approved.
  - (c) Trees shall be located so as not to interfere with the installation and maintenance of sidewalks and utilities. Trees shall be planted a minimum distance of three feet from curbs and sidewalks, 15 feet from overhead utility poles with appropriate species selection for trees under utility wires, and six feet from underground utilities.
  - (d) Trees shall be planted at a ratio of at least one tree per 50 linear feet of frontage or fraction thereof. Trees shall be distributed along the entire frontage of the property, although they need not be evenly spaced.
  - (e) Trees shall comply with the requirements of §59G. The use of tree species selected from the *List of*

*Acceptable Plants* in §59H is required.

E. Storm Water Basins and Associated Facilities. Landscaping shall be required in and around all storm water management basins in accord with the most current PA DEP Best Management Practices Manual and the following:

(1) Vegetative Cover Required. All areas of storm water management basins, including basin floors, side slopes, berms, impoundment structures, or other earth structures, shall be planted with cover vegetation such as lawn grass or naturalized plants specifically suited for storm water basins. (See §59H for plants for storm water basins.)

(a) Lawn grass areas shall be sodded or hydro-seeded to minimize erosion during the establishment period; and, once established, these areas shall be maintained according to seed manufacturer's specifications.

(b) Naturalized cover plants, such as wildflowers, meadows, and nonaggressive grasses specifically designed for the permanently wet, intermittently wet, and usually dry areas of storm water basins, may be planted as an alternative to lawn grass provided:

[1] The plantings provide continuous cover to all areas of the basin.

[2] The plantings do not interfere in the safe and efficient function of the basin as determined by the Township Engineer.

(c) Trees and shrubs shall be allowed in and around storm water basins provided no interference is caused to the proper function of the basin; and trees or shrubs shall not be planted on an impoundment structure or dam.

(2) Basin Shape. Basin shape shall incorporate curvilinear features to blend with the natural surrounding topography; and the use of sharp geometric shapes shall be avoided.

(3) Basin Grades. Minimum grades inside storm water basins shall be one percent unless infiltration is an integral part of the design; and maximum side slopes of the basin shall be 33 percent (3:1 slope).

(4) Buffers. Storm water basins shall be buffered with landscaping from adjacent properties in accord with §59F.

F. Buffers and Screens.

(1) Property Lines and Site Elements. All subdivisions and land developments shall be landscaped with the following two components:

(a) Property line buffers that act to integrate new development with its surroundings and to separate incompatible land uses.

(b) Site element screens that act to minimize or eliminate views to certain other site elements.

(2) Minimum Requirements. The requirements in this §59F are minimum standards; additional plants, berms, or architectural elements may be required by the Township as necessary to meet the intent of

this §59 or may be included in the plan at the applicant's discretion.

(3) Property Line and Street Right-of-Way Buffer Requirements

(a) Property line and street right-of-way buffers shall be required for the following types of development:

- [1] All nonresidential development.
- [2] All multi-family development.
- [3] All single-family detached developments unless a better design is approved by the Township.
- [4] All mobile home parks.

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

(c) The width and quantity and type of plants required shall be determined by the intensity of the proposed land use and the adjacent land use, vacant land, or zoning district, according to Table 59-1.

<b>TABLE 59-1</b> <b>PROPERTY LINE AND STREET RIGHT-OF-WAY BUFFERS</b> (See §59F(3)(e) for buffer intensity requirements.)				
<b>PROPERTY LINE BUFFERS – applies to side and rear property lines</b>				
<b>PROPOSED USE</b>	<b>ADJACENT USE</b>			
	Office/Institutional Public Recreation	Commercial/ Industrial	Multi-Family Mobile Home Park	Single-Family Two-Family
	<b>BUFFER TYPE / WIDTH (feet)</b>			
Office/Institutional	Low / 10	Low / 10	Medium / 15	High / 20
Commercial/Industrial	Medium / 15	Low / 10	High / 20	High / 20
Residential*	Low / 10	Medium / 15	Low / 10	Medium / 15
Active Recreation (play fields, golf courses, swim clubs, etc.)	Low / 10	None	Low / 10	Low / 10
<b>PARKING LOT BUFFERS ALONG STREET RIGHTS-OF-WAY</b>				
<b>SIZE OF PARKING LOT</b>	<b>BUFFER TYPE / WIDTH (feet)</b>			
10 spaces or less	Low / 10			
11 to 50 spaces	Medium / 20			
more than 50 spaces	High / 30			

(d) Buffer Area Location and Dimensions.

- [1] The buffer area may be included within the front, side, or rear yard setback.
- [2] The buffer area shall be a continuous pervious planting bed consisting of trees and shrubs, grass

or ground cover.

- [3] Parking shall not be permitted in the buffer area.
- [4] Site element screens shall be permitted in the buffer area.
- [5] Storm water basins shall be permitted in the buffer area.

- (e) Plant Quantities and Types. In accord with Table 59-1, for every 100 linear feet of property line or street right-of-way line to be buffered, the following minimum quantities and types of plants shall be required:

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

- (f) Design Criteria:

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

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

- [5] All plants shall meet the requirements of §59G.

- (g) Existing healthy trees, shrubs, or woodlands may be substituted for part or all the required plants with the approval of the Township. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer as determined by the Township.
- (h) Existing topographic conditions, such as embankments or berms, in conjunction with existing vegetation, may be substituted for part or all the required property line buffers with the approval of the Township. The minimum visual effect shall be equal to or exceed that of the required buffer.

**(4) Site Element Screens**

- (a) Site element screens shall be required in all proposed land developments around the following site elements, when these are located partially or fully within 100 feet of a property line or existing street right-of-way:
- [1] Parking lots.
  - [2] Dumpsters, trash disposal, or recycling areas.
  - [3] Service or loading docks.
  - [4] Outdoor storage.
  - [5] Vehicle storage.
  - [6] Multifamily rear yards.
  - [7] Active recreation facilities.
  - [8] Detention basins.
  - [9] Sewage treatment plants and pump stations.
- (b) An on-site investigation by the applicant shall identify the adjacent land uses along each property boundary. In the case of vacant land, the uses permitted by the zoning ordinance shall be used. The existing or zoned uses shall be noted on the plan; and, in the case of several permitted uses on a site, the most restrictive requirements shall apply. The Township shall make the final determination of the designation of the existing or zoned land uses.
- (c) The type of site element screen required shall be determined by the site element and the adjacent existing land use or zoned use in the case of vacant land, according to Table 59-2.

<b>TABLE 59-2</b> <b>SITE ELEMENT SCREENS</b> See §59F(4)(f) for screen types and design criteria.				
PROPOSED USE	EXISTING ADJACENT LAND USE (OR ZONED USES WHEN UNDEVELOPED*)			
	Office or Institutional	All Other Nonresidential	Single-Family, Two-Family, Townhouses	All Streets
	TYPE OF SCREEN (See §59F(4)(f) for screen types and design criteria.)			
Dumpster, trash, or recycling area	4 or 8	3 or 4	4 or 8	4 or 8
Service or loading docks	2 or 5	--	2 or 5	2 or 5
Outdoor sales yard and vehicle storage (excluding vehicle sales areas)	1	1	1	1, 7 or 9
Multi-family rear yards	--	--	--	6
Active recreation facilities (tennis, basketball, court games, etc.)	--	--	7	--
Retention or detention basins	6	--	6	--
Sewage treatment plants and pump stations	1 or 8	--	1 or 8	1 or 8
*When residential and nonresidential uses are allowed by the zoning district on undeveloped adjacent land, the residential requirements shall apply.				

- (d) Site elements not included in the above list that have similar visual impact shall be screened in accord with requirements for the most similar elements as determined by the Township.
- (e) The site element screen shall be placed between the site element and the property line and shall be designed to block views to the maximum extent possible. Unless the screen is most effective at another location, it shall be located as close as possible to the site element and shall surround the element without impeding function or encroaching on sight triangles.
- (f) Screen Types and Design Criteria. The following types of screens shall be used where specified in Table 59-2.

SCREEN TYPE	DESIGN CRITERIA
Screen Type #1 <i>Evergreen or Deciduous Shrubs</i>	Shrubs shall be placed three feet on center in a minimum 5-foot-wide bed surrounding the site element and arranged to provide a continuous hedge-like screen up to a minimum height of 3.5 feet at maturity. Shrubs may be clipped to form a hedge or left in their natural habit.
Screen Type #2 <i>Double Row of Evergreen Trees.</i>	A double row of evergreen trees shall be placed 10 feet on center and offset 10 feet to provide a continuous screen at a minimum height of 12 feet at maturity.
Screen Type #3 <i>Opaque Fence</i>	A six-foot opaque fence surrounding the site element on at least three sides.
Screen Type #4 <i>Opaque Fence with Ornamental Trees and Shrubs</i>	A 6-foot opaque fence surrounding the site element on at least 3 sides with additional plantings at the minimum rate of 3 shrubs and 2 ornamental trees or large shrubs for each 10 linear feet of proposed fence, arranged formally or informally next to the fence.
Screen Type #5 <i>Architectural Extension of the Building</i>	An 8-foot minimum height architectural extension of the building (such as a wing wall) shall enclose service or loading docks. The building materials and style of the extension shall be consistent with the main building.
Screen Type #6 <i>Berm with Ornamental Trees</i>	A 2-to-3-foot-high continuous curvilinear berm with ornamental trees at the rate of 1 tree for every 20 feet, clustered or arranged informally. The maximum slope of the berm shall be 3: 1.
Screen Type #7 <i>A 2-to-3-foot-high continuous curvilinear berm with grass alone.</i>	The maximum slope of the berm shall be 3: 1.
Screen Type #8 <i>Evergreen Hedge</i>	An evergreen hedge (such as arborvitae, chamaecyparis, etc.) with a minimum height at planting of 6-foot plants, 4 feet on center maximum.
Screen Type #9 <i>Low Wall</i>	A wall of brick or stone (not concrete block), at least 50 percent opaque, no less than 3 and no more than 4 feet in height.

- (g) Existing healthy trees, shrubs, or woodlands may be substituted for part or all the required plants with the approval of the Township. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required screen.
- (h) Existing topographic conditions, such as embankments or berms may be substituted for part or all the required screen with the approval of the Township. The minimum visual effect shall be equal to or exceed that of the required screen.
- (i) The applicant may propose the use of alternative screen types or changes in plants or designs which fulfill the intent of the zoning ordinance with the approval of the Township.

- (j) Plants shall meet the specifications of §59G. Use of plants selected from the *List of Acceptable Plants* in §59H is recommended.

G. Materials Specifications, Maintenance, and Guarantee. The following standards shall apply to all plants or trees as required under this ordinance:

(1) General Requirements

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

(2) Plant Specifications

- (a) All plants shall meet the minimum standards for health, form, and root condition as outlined in the latest edition of the American Association of Nurserymen (AAN) Standards
- (b) All plants shall be selected for hardiness and shall be suitable for planting in the United States Department of Agriculture Hardiness Zone applicable to the Township, and to the specific localized microclimate and microenvironment of the planting site.
- (c) Canopy trees, sometimes called shade trees, shall reach a minimum height, or spread of 30 feet at maturity as determined by the AAN Standards and shall be deciduous. New trees shall have a minimum caliper of 2.50 inches at planting.
- (d) Ornamental trees or large shrubs shall reach a typical minimum height of 15 feet at maturity, based on AAN Standards. Trees and shrubs may be deciduous or evergreen and shall have a distinctive ornamental character such as showy flowers, fruit, habit, foliage, or bark. New ornamental trees shall have a minimum height of six feet or 1.50-inch caliper. New large shrubs shall have a minimum height of 2.50 to three feet at the time of planting.
- (e) Small shrubs may be evergreen or deciduous and shall have a minimum height at maturity of four feet based on AAN Standards. New shrubs shall have a minimum height of 18 inches at the time of planting.
- (f) Evergreen trees shall reach a typical minimum height of 20 feet at maturity based on AAN Standards for that species and shall remain evergreen throughout the year. New evergreens shall have a minimum height at planting of six to seven (6 to 7) feet.

(3) Maintenance

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

(4) Landscape Replacement; Performance Guarantee

- (a) A note shall be added to the landscape plan stating: “Any tree or shrub that dies within shall be replaced by the current landowner or Developer. Any tree or shrub that is deemed, in the opinion of the Township, not to have survived or not to have grown in a manner characteristic of its type shall be replaced. Substitutions for certain species of plants may be made only when approved by the Township.”
- (b) Landscaping shall be considered an improvement for the purposes of installation and the provision of a performance guarantee in accord with the zoning ordinance. In addition, the Developer or landowner shall provide to the Township a performance guarantee equal to the amount necessary to cover the cost of purchasing, planting, maintaining, and replacing all vegetative materials for a period of 18 months following the installation and approval of the landscaping.

H. List of Acceptable Plants. All plants used for landscaping and vegetative cover shall be selected from the *List of Acceptable Plants* included in Appendix A. The list is intended to offer a broad selection of plants suitable for the various required landscapes required by this ordinance. Native plants are indicated for use in natural or naturalized settings. Plants not found on the list may be substituted, provided that the Township determines that the requirements of §59G(2) are satisfied and the plants are suitable for the proposed purpose and location.

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

(1) The preliminary landscape plan shall show the following:

- (a) Existing Features. The location and character of existing buildings; mature trees standing alone; location and elevation of major specimen trees (12" or greater DBH) in any area of the site proposed



for development; outer limits of tree masses and other existing vegetation; and, the location of floodplain, wetlands, and other natural features that may affect the location of proposed streets, buildings, and landscape plantings.

(b) Proposed Landscaping.

[1] Approximate location of all proposed landscaping required by this ordinance.

[2] Demarcation of existing vegetation "TO REMAIN" or "TO BE REMOVED" and the means of protecting existing vegetation during construction.

[3] Approximate location of proposed buildings, paving, utilities, or other improvements.

(2) The final landscape plan shall show the following:

- (a) Location of all outside storage and trash receptacle areas.
- (b) Sidewalks, berms, fences, walls, free-standing signs, and site lighting.
- (c) All existing and proposed contours at an interval deemed adequate by the Township to determine the relationship of planting and grading areas with slopes exceeding 3:1.
- (d) Existing mature trees, woodland, and tree masses to remain.
- (e) Existing mature trees, woodland, and tree masses to be removed.
- (f) Location of all proposed landscaping, including required street trees, storm water basin landscaping, parking lot landscaping, property line buffers, and site element screen landscaping.
- (g) A planting schedule listing the scientific and common name, size, quantity, and root condition of all proposed plants.
- (h) A schedule showing all landscape requirements and plants proposed for each category.
- (i) Planting details, including method of protecting existing vegetation, and landscape planting methods.
- (j) Information in the form of notes or specifications concerning seeding, sodding, ground cover, mulching, and the like, etc.
- (k) A detailed cost estimate shall be submitted, showing the value of all proposed landscaping, including all labor and materials.

**§60 Street, Parking Area and Building Lighting**

A lighting plan shall be provided by the Developer and shall include details for lighting of streets, parking areas and buildings. Streetlights shall be required for all major subdivisions unless the Developer documents that such lighting is not necessary, and a modification is granted by the Board of Supervisors. All lighting shall comply with the standards in §61.

**§61     Lighting and Glare**

Lighting shall be controlled in both height and intensity to maintain community character; and lighting design should be an inherent part of the project design. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site. Following the establishment of any subdivision or land development, the ongoing operation and maintenance of the lighting facilities shall comply with the requirements of the zoning ordinance and violations shall be subject to the enforcement provisions of the zoning ordinance.

**A.     Purpose.** To set standards for outdoor lighting to:

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

**B.     Applicability.**

- (1) This §61 shall apply to all uses within the Township where there is exterior lighting that is viewed from outside, including, but not limited to, residential, commercial, industrial, public and private recreational/sports and institutional uses, and sign, billboard, architectural and landscape lighting.
- (2) Exemptions. The following lighting applications are exempt from the requirements of this §61:
  - (a) Lighting within public right-of-way or easement for the principal purpose of illuminating streets or streets. No exemption shall apply to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside the public right of way or easement.
  - (b) Lighting for public monuments and statuary.
  - (c) Underwater lighting in swimming pools and other water features.
  - (d) Low voltage landscape lighting.
  - (e) Individual porch lights of a dwelling.
  - (f) Repairs to existing luminaires not exceeding 25 percent of the number of total installed luminaires.
  - (g) Temporary lighting for theatrical, television, performance areas and construction sites
  - (h) Temporary lighting and seasonal decorative lighting provided that individual lamps are less than 10 watts and 70 lumens.
  - (i) Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, or for illumination of the path of egress during an emergency.

C. Standards.

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

(2) Luminaire Design.

(a) Horizontal Surfaces.

- [1] For the lighting of predominantly horizontal surfaces such as, but not limited to, parking areas, streets, cul-de-sacs, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, , active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, luminaires shall be aimed straight down and shall meet IESNA full-cutoff criteria. A minimum of 0.5 footcandles is required in these areas.
- [2] Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this paragraph. In the case of decorative street lighting, luminaires that are fully shielded or comply with IESNA cutoff criteria may be used.

(b) Non-horizontal Surfaces.

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

(3) Control of Glare.

- (a) Travel Hazards. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- (b) Adjacent Properties. Directional luminaires such as floodlights and spotlights shall be so shielded, installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public street or pedestrian way. Floodlights installed above grade on residential properties, except when motion-sensor actuated, shall not be aimed out more than 45 degrees from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the view of the glare source from that property.

- (c) Dusk-to-dawn Lights. Dusk-to-dawn lights, when a source of glare as viewed from an adjacent property, shall not be permitted unless effectively shielded as viewed from that property.
- (d) Close of Business. Parking facility and vehicular and pedestrian-way lighting (except for safety and security applications and all-night business operations), for commercial, industrial, and institutional uses shall be extinguished after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not exceed 25 percent of the number of luminaires or illumination level required or permitted for illumination during regular business hours. When it can be demonstrated to the satisfaction of the Township that an elevated security risk exists, e.g., a history of relevant crime, an appropriate increase above the 25 percent limit may be permitted.
- (e) Automatic Control. Luminaires shall be automatically controlled using a programmable controller with battery power-outage reset, which accommodates daily and weekly variations in operating hours, annual time changes and seasonal variations in hours of darkness. The use of photocells is permitted when in combination with the programmable controller to turn luminaires on at dusk and for all-night safety/security dusk-to-dawn luminaire operation when such lighting is specifically approved by the Township in accord with §61C(3)(c). The use of motion detectors is permitted.
- (f) Vegetation Screens. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily using such means as cutoff luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle and luminaire placement.
- (g) Light Spillover.
  - [1] Residential. The illumination projected from any use onto a residential use or permanent open space shall at no time exceed 0.10 initial footcandle, measured line-of-sight at any time and from any point on the receiving residential property. This shall include glare from digital or other illuminated signs
  - [2] Nonresidential. The illumination projected from any property onto a non-residential use shall at no time exceed one initial footcandle, measured line-of-sight from any point on the receiving property
- (h) Height. Except as permitted for certain recreational lighting and permitted elsewhere in this paragraph, luminaires shall not be mounted more than 20 feet above finished grade (AFG) of the surface being illuminated. Luminaires not meeting full-cutoff criteria, when their use is specifically permitted by the Township, shall not be mounted more than 16 feet AFG. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the luminaire. Where proposed parking lots consist of 100 or more contiguous spaces, the Township may, at its discretion, based partially on mitigation of potential off-site impacts, permit a luminaire mounting height not to exceed 25 feet AFG. For maximum mounting height of recreational lighting. [See §61D(4).]
- (i) Flags. The United States and the state flag may be illuminated from dusk to dawn. All other flags shall not be illuminated past 11:00 p.m. Flag lighting sources shall not exceed 7,000 aggregate lamp lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag.

- (j) Under-canopy Lighting. Under-canopy lighting for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens full-cutoff luminaires aimed straight down and shielded in such a manner that the lowest opaque edge of the luminaire shall be below the light source and its light-directing surfaces, at all lateral angles around the luminaire. The average illumination intensity in the area directly below the canopy shall not exceed 20 maintained footcandles and the maximum density shall not exceed 30 initial footcandles.
- (k) Soffit Lighting. Soffit lighting around building exteriors shall not exceed 15 initial footcandles.
- (l) Strobe Lighting. The use of white strobe lighting for tall structures such as smokestacks, chimneys and radio/communications towers is prohibited during hours of darkness except as required by the Federal Aviation Administration.

(4) Installation.

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

(5) Maintenance. Luminaires and ancillary equipment shall be maintained to meet the requirements the zoning ordinance.

D. Recreational Uses. The nighttime illumination of outdoor recreational facilities for such sports as baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than normally permitted luminaire mounting heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential or open space properties. When recreational uses are specifically permitted by the Township for operation during hours of darkness, the following requirements shall apply:

- (1) For racetracks and such recreational venues as golf driving ranges and trap-shooting facilities, the horizontal or near horizontal aiming of luminaires and projection of illumination may be permitted by conditional use. A visual impact analysis shall be required in accord with §61D(5).

- (2) Reserved.
- (3) Sporting events shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by 10:00 p.m. except in the occurrence of extra innings, overtimes or make-up games.

- (4) Maximum mounting heights for recreational lighting shall be in accordance with the following:

Basketball .....	20 feet
Football.....	70 feet
Soccer .....	70 feet
Lacrosse .....	70 feet
Baseball and softball	
200-foot radius .....	60 feet
300 -foot radius .....	70 feet
Miniature golf.....	20 feet [See driving range in §61D(1)]
Swimming pool aprons .....	20 feet
Tennis .....	20 feet
Track .....	20 feet
All uses not listed.....	20 feet

- (5) Visual Impact Plan. To assist the Township in determining whether the potential impacts of proposed lighting have been suitably managed, applications for illuminating recreational facilities shall be accompanied not only with the information required by §61E, but also by a Visual Impact Plan that contains the following:

- (a) Plan views containing a layout of the recreational facility and showing pole locations and the location of residences on adjoining properties.
- (b) Elevations containing pole and luminaire mounting heights, horizontal and vertical aiming angles and luminaire arrays for each pole location.
- (c) Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of 5-foot line-of-sight.
- (d) Elevations containing initial vertical illuminance plots on the windowed facades of all residences facing and adjacent to the recreational facility. Such plots shall demonstrate compliance with the light trespass and glare control requirements of §61C(3).
- (e) Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when the sports lighting will be extinguished.
- (f) A narrative describing the measures proposed to achieve minimum off-site disturbance.

- E. Plan Submission. Lighting plans shall be submitted for Township review and approval for subdivision and land development applications. The submitted information shall include the following:

- (1) A plan or plans of the site, complete with all structures, parking spaces, building entrances, traffic areas

(both vehicular and pedestrian), existing and proposed trees, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed and existing luminaires, including but not limited to area, architectural, building entrance, canopy, soffit, landscape, flags and signs, by location, orientation, aiming direction, mounting height, lamp, photometry and type

- (2) A 10'x10' illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.00 footcandles, which demonstrates compliance with the light trespass, illuminance and uniformity requirements as set forth in this ordinance. When the scale of the plan, as judged by the Township, makes a 10' x 10' grid plot illegible, a more legible grid spacing may be permitted.
- (3) Light-loss factors, IES candela test-filename, initial lamp-lumen ratings, and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the plotted illuminance levels
- (4) Description of the proposed equipment, including luminaire catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details, pole protection means and mounting methods.
- (5) Landscaping plans shall contain luminaire locations, demonstrating that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
- (6) When requested by the Township, the applicant shall also submit a Visual Impact Plan in accord with §61D(5).
- (7) Plan Notes. The following notes shall appear on the Lighting Plan:
  - (a) Post-approval alterations to lighting plans or intended substitutions for specified lighting equipment on the approved plan shall be submitted to the Township for review and approval prior to installation. Requests for substitutions shall be accompanied by catalog cuts of the proposed equipment that demonstrate the proposed substitution is equal to or exceeds the optical quality and maintainability of the specified luminaires; and shall be accompanied by a lighting plan, including a point-by-point plot, which demonstrates that proposed substitutions will result in a lighting design that equals or exceeds the quality of the approved plan.
  - (b) The Township reserves the right to conduct post-installation inspections to verify compliance with the zoning ordinance requirements and approved Lighting Plan commitments, and if deemed appropriate by the Township, to require remedial action at no expense to the Township.
  - (c) All exterior lighting, including building-mounted lighting, shall meet IESNA full-cutoff criteria unless otherwise specifically approved by the Township.
  - (d) Installer shall notify Township to arrange for inspection and approval of all exterior lighting, including building-mounted lighting, prior to its installation.

F. Violations; Safety Hazards.

- (1) When the Zoning Officer determines that a lighting installation violates any provision of the zoning ordinance or creates a safety hazard, an enforcement proceeding shall be initiated in accord with the

enforcement provisions of the zoning ordinance.

- (2) If appropriate corrective action has not been completed within 15 days of notification, the Township may take appropriate legal action.

- G. Definitions. Words and phrases used in this §61G shall have the meanings set forth in this §61G. Words and phrases not defined in this §61G but defined in Article II shall be given the meanings set forth in said Article. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

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

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

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

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

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

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

LED-Light Emitting Diode.

Light Fixture - The complete lighting assembly (including the lamp, housing, reflectors, lenses and shields) not including the support assembly (pole or mounting bracket).

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

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

Lumen - The light-output rating of a lamp (light bulb).

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

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



**§62     Wetlands**

- A. Identification. If a proposed subdivision or land development includes any hydric soils based on the best available information, then the Applicant may be required to provide a professional wetland delineation. The Township may require that the applicant obtain a Jurisdictional Determination from the U.S. Army Corps of Engineers. Until the Board of Supervisors has approved application, the wetland limits shall be visibly identified in the field.
- B. State and Federal Regulations. Any approval under this ordinance shall be conditioned upon compliance with federal and state wetland regulations. The Board of Supervisors may refuse to approve a plan for recording or delay the issuance of permits until an applicant documents such compliance.
- C. Buffers. The wetland buffers required by the zoning ordinance shall be provided and shall be shown on the plan.
- D. Mitigation. Compensatory mitigation projects required as part of federal or state permits shall be shown on plans. Future lot owners whose property encompasses all or part of a mitigation area shall be notified that the portion of their property which includes the mitigation area may not be altered and is considered a jurisdictional wetland by the federal and state governments. Lot owners may be responsible for maintenance of mitigation areas. To help ensure the long-term viability of wetland mitigation efforts, the Township discourages multiple ownership of mitigation areas. Ownership by one individual or a homeowners association is encouraged. Owners of the wetland mitigation areas must be clearly identified on the plan.
- E. Protection. Where the study shows the existence of wetland areas, the delineated boundary shall be properly fenced to prevent encroachment. Snow fence or other acceptable material shall be used (the use of silt fence is not acceptable). Prior to any construction or issuance of building permits, the fence shall be properly installed at a minimum distance of 20 feet outside the delineated boundary. No land shall be disturbed within any required buffer area except in accord with Township requirements. The fence must be properly maintained until all occupancy permits have been issued and/or for the extent of all construction.

**§63     Firefighting -- Adequate and Reliable Water Source**

Each major residential subdivision or residential land development shall provide an adequate and reliable water source for firefighting purposes. The provisions for an adequate and reliable water source shall be submitted as part of the application. Such plans and installations shall be inspected by the Township for compliance with this ordinance. The developer may elect to provide this water source through the establishment of a pressurized water system, static water source or combination thereof.

- A. Pressurized System. When electing to use a pressurized water distribution system, the system shall be designed in accord with accepted engineering practice.
- B. Static Water Sources. When electing to use a static water source, the Developer shall ensure that access to the water source is provided within 0.50 mile street distance (not point to point) of any buildable point within the subdivision. This may be met either using ponds, cisterns, or a combination thereof. Access to the water source shall be guaranteed with a recorded agreement between the owner of the water source and the Township. Regardless of the type of static source provided, the system shall be installed in compliance with NFPA 1231, unless the Township requires different standards.

- (1) Static water sources shall be of sufficient capacity to provide an uninterrupted flow of at least 1,500

gallons per minute for a two-hour duration. Dry hydrants shall be installed in static water sources and located as required to meet the 0.50-mile requirement.

- (2) The dry hydrant shall be capable of supplying a one thousand five hundred- gallons per minute pumper operating at 100 percent capacity at 150 pounds per square inch through 10 feet of six-inch suction hose. Dry hydrants shall be terminated with a forty-five-degree dry hydrant head with six-inch male *nst* threads and a cap. The centerline of the head shall be three feet from the ground. All piping used in the dry hydrant shall be *schedule 80 PVC*, with a minimum diameter of eight inches. All exposed above ground components shall be primed with a PVC primer to prevent deterioration. The hydrant head shall be connected to the piping with a tapered coupling.
- (3) The piping for the dry hydrant shall be installed a minimum of three feet below the frost line and average ice depth of the water source. The strainer shall be located below the surface of the water at a depth that is greater than three feet below the average ice depth of the water (and the water surface) and no less than two feet from the bottom of the water source. The strainer shall have a clean-out cap installed for maintenance. The vertical distance from the water surface to the centerline of the hydrant head shall not exceed 10 feet.
- (4) Adequate street access shall be provided as determined by the Township.

#### **§64 Fire Access**

Fire apparatus access roads and fire lanes shall be provided within all major subdivisions and all land developments in accordance with the minimum standards set forth in this section.

A. Fire Apparatus Access Roads. A road providing access for fire apparatus from the fire station to every facility, building or portion of a building within all major subdivisions and all land developments approved under this ordinance shall be provided and maintained in accordance with the following requirements:

- (1) The fire apparatus access road shall comply with the requirements of this §64 and shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first story of any building, as measured by an approved route around the exterior of the building or facility, except as follows:
  - (a) If the building is equipped throughout with an approved automatic sprinkler system, the Township may allow an increase of the dimension of 150 feet.
  - (b) Where fire apparatus access roads cannot be installed due to location on the property, topography, waterways, nonnegotiable grades or similar conditions, and an alternative means of fire protection is provided.
- (2) Specifications. Fire apparatus access roads shall be designed, installed, and maintained in accordance with the following criteria:
  - (a) Existing Public Roads. All roads and bridges which are public at the time of adoption of the zoning ordinance shall be considered adequate to meet the required specifications of this section.
  - (b) Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, and an unobstructed vertical clearance of not less than 14 feet. The portion of a fire apparatus access road adjacent to a fire hydrant or adjacent to a building with a height exceeding 30 feet shall have a minimum width of 26 feet.

- (c) Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all-weather driving capabilities.
  - (d) Turning Radius. The minimum turning radius of any fire apparatus access road shall be determined by the Township depending upon specific conditions but shall not be less than 30 feet for the inside radius.
  - (e) Dead End Roads. Dead end fire apparatus access roads exceeding 150 feet in length shall be provided with an approved area for turning around of fire apparatus, with a minimum constructed diameter of 100 feet, or such other configuration as may be approved by the Township.
  - (f) Bridges. Where a bridge is part of a fire apparatus access road, the bridge shall be constructed, maintained, and posted in accordance with AASHTO *Standard Specifications for Highway Bridges*.
  - (g) Grade. Except for any public road portion, the grade of a fire apparatus access road shall not exceed 12 percent, unless a steeper grade is approved by the Township.
  - (h) Marking. Where required by the Township, approved signs shall be provided for the fire apparatus access roads to identify such roads and to prohibit the obstruction thereof.
  - (i) Obstructions. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established above must be maintained at all times.
  - (j) Gates. The Township may require or approve the installation and maintenance of gates or otherwise approved barricades. Such gates shall comply with the following criteria:
    - [1] The minimum gate width shall be 20 feet clear when open.
    - [2] Gates shall be of the swinging or sliding type.
    - [3] Gates shall be properly maintained in a fully operational condition.
    - [4] Electric gates shall have a manual override.
    - [5] Locking devices shall be approved by the Township and keys provided to all emergency service units.
- (3) Multiple Fire Apparatus Access Roads. The Township may require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climactic conditions or other factors that could limit access, in addition to the criteria below, for which multiple fire apparatus access roads are required:
- (a) Buildings exceeding 20,000 square feet gross floor area shall be provided with at least two separate means of fire apparatus access.
  - (b) Projects containing more than 12 dwelling units shall be provided with at least two separate means of fire apparatus access.
  - (c) When such multiple fire apparatus access roads are required, they shall be separated by a minimum of 0.50 the length of the overall diagonal dimension of the property or area to be served.

- B. Fire Lanes. Except for single-family and two-family dwellings, fire lanes shall be provided for all buildings which are set back more than 150 feet from a fire apparatus access road, for buildings which exceed thirty (30) feet in height and are set back more than 50 feet from a fire apparatus access road, and for buildings which exceed twenty thousand 20,000 square feet gross floor area, in accord with the following criteria:
- (1) Exceptions. When a combination of private fire protection facilities and methods, including but not limited to fire-resistive roofs, fire separation walls, space separation and fire extinguishing systems, are provided by the Applicant, and approved by the Fire Chief as an acceptable alternative, fire lanes shall not be required.
  - (2) Width. Fire lanes shall have a minimum width of 24 feet.
  - (3) Locations. Fire lanes shall provide access to the main entrance to the building (in the case of multiple occupancy, to the main entrance of each occupancy), to entrances to equipment areas and to shipping/loading docks.
    - (a) Fire lanes shall be a minimum of 10 feet from any exterior wall or building overhang, and a maximum of 50 feet from the exterior wall if one or two stories, and a maximum of 30 feet from the wall if more than two stories.
    - (b) Fire lanes shall run along the front of the building as determined by the primary entrance(s) and the side(s) where there are equipment areas and/or shipping/loading docks. Where there is more than one primary entrance, each entrance shall be served by a fire lane.
    - (c) For buildings with a gross floor area of 10,000 square feet or less of gross floor area, parking may be provided between the building and the fire lane, provided that unobstructed emergency services access shall be provided in the parking rows at intervals not exceeding 100 feet.
      - [1] Handicap parking may be permitted to be included as an emergency services access.
      - [2] Parking shall be prohibited in front of the primary entrance(s) for a minimum width of 10 feet, and in front of any secondary entrance(s) for a minimum width of five feet.
    - (d) For buildings with a gross floor area exceeding 10,000 square feet of gross floor area, parking shall not be permitted between the building and the fire lane.
    - (e) For buildings with a gross floor area exceeding 20,000 square feet of gross floor area, fire lanes shall be provided around the perimeter of the building.
    - (f) Fire lanes exceeding 150 feet in length shall be provided with an approved area for turning around of fire apparatus.
    - (g) Marking and identification of fire lanes shall be provided as approved by the Township.
- C. Additional Reviews. Where fire lanes are required by §64B, the Township may require the applicant to provide such number of additional sets of the land development plans as it deems necessary for the information and potential review of emergency services providers.

**§65 Public Safety and Convenience**

For each major residential subdivision and each major residential land development, safe and convenient areas for appropriate services, including but not limited to U.S. Postal Service and school bus pick-up and drop off must be provided.

- A. Access. Where private roads and/or access drives will be provided within the development, access shall be provided from a public road to a suitable common services area from which the above-referenced services can be safely and conveniently provided.
- B. Services. A suitable common services area shall be designed, constructed, and maintained for at least the following services:
- (1) School Bus Stop. An approved school bus stop shall be provided at a safe location within or adjacent to the common services area unless the development is age restricted with no school age children.
  - (2) U.S. Postal Service. An area approved by the U.S. Postal Service shall be provided within the common services area for the location of centralized or cluster mailboxes for the residents of the development.
- C. Parking Area. For any residential development which contains 10 or more dwelling units, a parking area must be provided and maintained adjacent to the school bus stop and mailbox areas for the convenience of residents. Such parking area must provide an adequate number of parking spaces for the use of residents waiting at the school bus stop and for depositing or picking up mail.
- (1) A minimum of one parking space for each five dwelling units shall be provided, with an absolute minimum of four parking spaces.
  - (2) The parking area shall be designed, constructed, and maintained in accordance with the requirements of §56.
  - (3) The parking area shall include a safe waiting area for school bus pick-up and shall provide safe pedestrian access to and from the school bus stop.
  - (4) For developments of 50 or more dwelling units, the parking area aisles shall be designed to accommodate buses.

**§66 Recreation Areas** (This §66 shall not apply to manufactured home parks.)

- A. Recreation Needs. In reviewing subdivision and land development plans, the Township shall consider the adequacy of existing and proposed recreation facilities within the Township to serve the additional dwelling units proposed by the subdivision or land development. Except as set forth in §66F and §66G, to provide for the recreation facilities necessary to serve the needs of the future residents of the proposed dwelling units, the Township shall require the public dedication of lands suitable for recreation areas accessible to the subdivision or land development. The recreation area shall be provided in accord with a plan submitted to the Township by the developer and approved by the Township, and in accord with the adjoining schedule.

Gross Density of Tract in Dwelling Units Per Acre	Percentage of Total Area of Project to be Dedicated for Public Recreation Areas
Up to 1.00	5%
1.01 to 2.00	10%
2.01 to 3.00	15%
3.01 and greater	20%

- B. Five or Fewer Dwelling Units. Notwithstanding the foregoing, if the proposed subdivision or land development, in addition to any existing or proposed subdivision or land development of which the subject tract is a part, will allow for five or fewer dwelling units, the area to be dedicated for recreation area shall be the lesser of one acre or five percent of the total area of the subdivision or land development. In determining whether a subdivision or land development qualifies under this subsection, the enumeration of dwelling units allowed shall include all dwelling units allowed since the effective date of this ordinance.
- C. Plan Notes. The recreation areas shall be shown on the preliminary plan and final plan and shall be designated "Recreation Areas Offered for Dedication to Franklin Township
- D. Ownership and Maintenance. In conjunction with the preliminary and final plans, the developer shall submit for Township approval provisions for the ownership and maintenance of the recreation areas until the Township may accept the offer of dedication.
- E. Standards. Areas dedicated for recreation purposes shall meet the following standards:
- (1) The recreation area shall be readily accessible to residents of the subdivision or land development.
  - (2) At least one side of each recreation area should abut a Township or state street for a minimum distance of 100 feet.
  - (3) The size, surface conditions, shape, topography, and location of the parcels shall be suitable for the intended recreational purpose and be such that recreational use is feasible. Designated purposes are subject to Township approval
  - (4) The maximum slope of the land shall be 15 percent, and at least 50 percent of the land shall have a slope of less than 8 percent.
  - (5) Other than those recreation areas to remain in their existing condition, recreation areas shall be improved and equipped to a usable state in accordance with plans to be approved by the Township. Such improvement and equipping shall be guaranteed through the subdivision improvements agreement.
- F. Private Reservation. Upon agreement with the developer, the Township may allow the developer to privately reserve the aforesaid recreation areas, rather than dedicate them to the Township. In such case the recreation areas should be designated *Reserved for Recreation Areas* on the preliminary and final plans. Additionally, in such case, the developer should submit with the preliminary and final plans provisions for the perpetual ownership and maintenance of the recreation areas. Otherwise, privately reserved recreation areas shall comply with the same standards as recreation areas dedicated to the Township.
- G. Cash Contribution.
- (1) Upon agreement with the developer, the Township may accept a cash contribution in lieu of the aforesaid dedication. The cash contribution for each dwelling unit proposed in the subdivision or land development shall be set by resolution of the Board of Supervisors. Any change in the fee shall only be effective as to subdivisions or land developments filed after the date the resolution is adopted.
  - (2) A credit shall be allowed in the amount of any cash payment previously paid under this section for any

dwelling units proposed (or possible) on a previous subdivision or land development of which the subject tract is a part.

- (3) Payment shall be a condition of final approval and must be received by the Township before the final plan will be signed.
- (4) Such cash contributions shall be used solely for the purchase or development of recreation land within the Township which will be reasonably usable by and accessible to the residents of the subdivision or land development. The timing of cash outlay(s) by the Township and location of area(s) chosen are at Township discretion, subject to the provisions of the Pennsylvania Municipalities Planning Code.

**§67     Reserved**

**ARTICLE VII**  
**MANUFACTURED (MOBILE) HOME PARK STANDARDS AND REQUIRED IMPROVEMENTS**

**§68     Application**

- A. Parks for Sale or Longer-Term Lease. Applications for proposed development of manufactured home parks with lots proposed for sale or lease exceeding 12 months shall meet all requirements and standards for a single-family residence residential subdivision in this ordinance and the zoning ordinance.
- B. Parks to be Held under Single Ownership. Applications for proposed development of manufactured home parks that are proposed to be held under single ownership and to provide manufactured home sites on a maximum 12-month lease period or rental basis only shall meet the design standards and required improvements set forth in this Article.

**§69     General Standards and Requirements**

- A. Acreage. All manufactured home parks shall have a total land area of not less than 10 acres.
- B. Floodplain. The site of any proposed manufactured home park shall not be located within a 100-year frequency floodplain as defined by the Federal Flood Insurance Rate Maps.
- C. Nuisances. The site of any proposed manufactured home park shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.
- D. Soils and Slope. The site of any proposed manufactured home parks shall be located on well drained land; and, the average natural slope of the area of the site intended for development shall not exceed 10 percent.
- E. Access. Any proposed manufactured home park shall have direct access to a street.

**§70     Submission of Application and Compliance**

- A. Procedure. All provisions of Article III and Article IV shall apply with respect to submission, application, and approval. Fees shall be charged in accordance with the approved fee schedule.
- B. Conformity. The plans of the proposed manufactured home park shall conform in content to the requirements for Preliminary Plans and Final Plans as set forth in this ordinance.

**§71     Design Standards**

- A. General. All plans for proposed new manufactured home parks or expansion of existing manufactured home parks shall be designed in accord with the four-step process in §46 and meet the design standards applicable to all types of development contained in Article VI.
- B. Lot Size and Width, and Setbacks. Each manufactured home lot shall have a minimum area of 5,000 square feet. Minimum lot width shall be 50 feet. No structure located on any lot in any manufactured home park shall be closer to any front lot line than 25 feet; to any side lot line than 15 feet; nor to any rear lot line than 25 feet.



- C. Open Space. Open space consisting of 15 percent of the total area of the park shall be maintained for the use of all park residents. Fifty percent of this area shall be designed, equipped, and properly maintained for recreational use in the manufactured home park. This area shall be of suitable configuration and free of hazards to permit recreational use.
- D. Site Drainage Requirements. The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner as required in §53.
- E. Soil and Ground Cover Requirements. Exposed ground surfaces in all parts of every park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that can prevent soil erosion and the emanation of dust during dry weather.
- F. Park Areas for Nonresidential Uses. No part of any park shall be used for nonresidential purposes, except for such uses that are required solely for the direct servicing and well-being of park residents and for the management and maintenance of the park.
- G. Buffer and Screening.
- (1) Buffer. No lot or other park buildings shall be located within 75 feet of the perimeter of the manufactured home park. This 75-foot area shall be separate from and in addition to the individual manufactured home setback requirements and shall be maintained as a buffer. At the discretion of the developer, this area can be counted toward the open space requirement set forth in §71C.
  - (2) Setbacks from Common Areas and Structures. There shall be a minimum distance of 20 feet between an individual manufactured home, including accessory structures attached thereto, and adjoining right-of-way of a park street, or common parking area or other common areas and structures
  - (3) Screening. All proposed new and proposed expansions of manufactured home parks existing may be required to provide screening such as fences, or plant materials along the property boundary line separating park and such adjacent use. These plantings shall provide an effective screen to a height of five feet at the time of planting and an effective screen to a height of eight feet within five years. These buffer strips shall always be properly maintained.
- H. Streets. All streets within proposed manufactured home parks shall conform to the requirements for local streets as set forth in §51. All streets or roads providing access from the public highway system into and/or through a proposed manufactured home park shall conform to the requirements for streets as set forth in §51.
- I. Lot Frontage. Manufactured home sites and parking spaces shall have direct access to, and frontage on, the interior park street system. Manufactured home sites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the manufactured home park and providing access to other parcels or developments.
- J. Illumination. All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night.
- K. Off Street Parking. Off-street parking for two motor vehicles shall be provided at each manufactured home lot and off-street parking areas for additional vehicles of park occupants and guests shall be provided where street rights-of-way are of insufficient width for such purposes. These spaces shall be improved to a grade

not greater than eight percent and shall be paved with a minimum six inches depth of select material approved by the Township Engineer.

L. Walks.

- (1) General Requirements. All parks shall provide sidewalks per §51V between individual manufactured homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.
- (2) Common Walk System. Where pedestrian traffic is concentrated, and a common walk system is provided, such common walks shall have a minimum width of four feet.
- (3) Individual Walks. All manufactured home lots shall be connected to common walk or to streets, or to driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of three (3) feet.

M. Landscaping and Outdoor Living Requirements.

- (1) Private Area. Private outdoor living and service space shall be provided for each manufactured home. It shall be walled, fenced, or planted as necessary to assure reasonable privacy and shall be partially paved for garden furniture. The minimum area shall be not less than 300 square feet with a least dimension of 15 feet. The paved area shall be not less than 100 square feet with a least dimension of 10 feet.
- (2) Other Planting. Other plantings shall be adequate in size, quantity, and character to provide an attractive setting for the manufactured homes and other improvements, to provide adequate privacy and pleasant outlooks for living units, to minimize reflected glare and to afford summer shade.

N. Sewer and Water Systems. All manufactured home lots in proposed manufactured home parks shall be provided with connection to a centralized supply of potable water and connection to a centralized sewer system designed and constructed as required in §55. In those cases where a community subsurface sewage disposal system is proposed, a replacement area shall be provided for the subsurface sewage disposal field which has been properly tested and meets the most current state and Township standards for subsurface sewage disposal.

O. Underground Utilities. All manufactured home lots in proposed manufactured home parks shall be provided with underground electric, telephone, and TV cable (if available) service. These service systems shall be installed and maintained in accordance with local service company specifications regulating such systems.

P. Manufactured Home Foundation. Each manufactured home lot shall be improved to provide an adequate foundation for the placement of the manufactured home. The foundation shall be either a solid perimeter of masonry or piers both below frost or a slab properly constructed of poured concrete.

Q. Skirting. Each manufactured home shall be enclosed from the bottom of the home to the ground or stand using industry-approved skirting material compatible with the home, or if a slab foundation is used, masonry walls underneath the home with soil backfill to result in the surrounding ground level being flush or one normal step height below the first-floor elevation. If masonry walls are used, then an appropriate service access area shall be provided.

R. Central Fuel System. Any central fuel supply systems and/or central fuel storage facilities shall be installed underground.

**§72     Exceptions**

- A. Manufactured Home Sales. None of the provisions of this ordinance shall be applicable to the business of manufactured home sales, provided that the manufactured home on such lots shall not be occupied.
- B. Construction Project. None of the provisions of this ordinance shall be applicable to a manufactured home located on the site of a construction project, survey project, or other work project and used solely as a field office or work or tool house in connection with such project, provided such manufactured home is removed from said site within thirty (30) days after the completion of such project.

**§73     Reserved**

**ARTICLE VIII**  
**CAMPGROUND DEVELOPMENT STANDARDS AND REQUIRED IMPROVEMENTS**

**§74     Applicability; Occupancy**

- A. Applicability. The design standards and required improvements set forth in this Article will be applied by the Planning Commission and the Board of Supervisors in evaluating applications for campgrounds that are in single ownership and provide camp sites on a maximum twelve (12) month lease, or rental basis only. Camp sites are permitted in approved campgrounds only. Campgrounds proposed for sale or lease exceeding a twelve (12) month period shall meet all standards and requirements of a single-family residence, residential subdivision.
- B. Occupancy; Transportable Condition.
- (1) Occupancy. Campsites shall be used only for camping purposes and not as a residence. No improvement, tent or recreational vehicle designed for long-term residency shall be erected or placed on any campsite. Occupancy shall be for periods of less than 180 days and the site shall not serve as the legal address for the occupant(s) and no children who occupy the site at any time shall attend any local school.
- (2) Transportable Condition. All recreational vehicles in the RV Park shall be maintained to meet PA Department of Transportation vehicle/trailer registration requirements and in a road worthy, transportable condition at all times, and any action toward removal of wheels is hereby prohibited.

**§75     General Standards and Requirements**

- A. Required Acreage. All campgrounds shall have a total land area of not less than 25 acres.
- B. Soils and Slope. All campgrounds shall be located on moderately well or better drained land with the average natural slope of the area to be improved for camp sites not to exceed 12 percent.
- C. Township Comprehensive Plan. The location and layout of the proposed campground shall be consistent with the Township Comprehensive Plan.
- D. Floodplain. No permanent campground structures or buildings or sewage collection or disposal facilities shall be located within any defined 100-year floodplain area.
- E. Access. The proposed campground shall have direct access to an existing public street or road.
- F. Improved Area. The area improved for camping sites shall not exceed 50 percent of the total gross area of the tract being developed as a campground.

**§76     Submission, Application and Compliance**

- A. Procedure. All provisions of Article III and Article IV shall apply with respect to submission, application and approval, and fees shall be in accordance with the Township fee schedule.
- B. Design Requirements. The design of the campground shall conform to the requirements of this ordinance and/or the requirements of PA Code Title 28, Part II, Chapter 19, Organized Camps and Campgrounds,

whichever is greater or more restrictive. The applicant shall submit proof of approval of the proposed plan per Chapter 19 before the plan will be considered for final approval by the Planning Commission and the Board of Supervisors.

#### **§77     Design Standards**

All plans for proposed new mobile campgrounds or expansion of existing campgrounds shall be designed in accord with the four-step process in §46 and meet the design standards applicable to all types of development contained in Article VI.

- A. Required Area. Each camping site shall have a minimum area of 2,000 square feet exclusive of street rights-of-way and walkways and a minimum width of 40 feet.
- B. Density. The maximum gross density of development in the area improved for campsites shall not exceed 10 sites per acre of the adjusted tract acreage of the parcel determined in accord with the zoning ordinance.
- C. Existing Trees and Shrubbery. To the extent possible, existing trees and shrubbery shall be retained by the campground developer.
- D. Buffers. No individual campsite may be located closer than 100 feet to any exterior property line of the campground or public road right-of-way. The 100-foot buffer shall remain undisturbed except for require accesses and additional planted trees and/or shrubbery may be required to screen the campground from adjacent land.
- E. Electric Service. Electric service shall be provided to at least 50 percent of the campsites. Such electric service shall be installed underground.
- F. Centralized Sewage. At least 50 percent of the campsites designed and improved for recreational vehicles shall be provided with a connection to a centralized sewage system.
- G. Non-Centralized Sewage. All campsites which are not provided with a connection to a centralized sewage system shall be located within 500 feet of a bathhouse/toilet facility which shall be equipped with toilets, urinals and lavatories in accordance with Department of Environmental Protection regulations.
- H. Off-Street Parking. All campsites designed for recreational vehicles shall have off-street parking spaces for the recreational vehicle and for one passenger vehicle. The parking spaces shall be level in a longitudinal direction and shall be uniformly crowned in a transverse direction and shall be well drained. The parking spaces need not be paved; but they shall have a minimum depth of six inches of compacted crushed stone, bank run gravel or shale.
- I. On-Site Parking. All campsites designed for tenting may be provided with on-site parking spaces in accordance with §77H or may have a common parking area not over 500 feet from the most distant campsite. Common parking areas shall provide at least 1.50 spaces per campsite. The minimum area of each parking space shall be at least 200 square feet, exclusive of any aisle.
- J. Centralized Water and Sewage Systems. Centralized water and centralized sewage systems shall be designed in accord with the requirements of this ordinance and the Department of Environmental Protection.
- K. Sewage Dumping Stations. The campground shall be equipped with sewage dumping stations designed and constructed in accordance with the Department of Environmental Protection requirements.

- L. Access Drives and Streets. The access drive(s) and streets serving the campground shall be designed and constructed in accord with the standards set forth for Local Streets in Table 99-51-1 and Table 99-51-2.
- M. Other Improvements. There shall be provided in each campground such other improvements as the Planning Commission and the Board of Supervisors may require whereby such requirements shall at all times be in the best interests of the public's health, safety and general welfare and may include, but shall not be limited to, garbage and trash collection, removal and disposal as approved by the Department of Environmental Protection, adequate park lighting system, and maintenance of all areas.

**§78     Reserved**

**ARTICLE IX**  
**NONRESIDENTIAL LAND DEVELOPMENTS AND**  
**COMMERCIAL AND INDUSTRIAL SUBDIVISIONS**

**§79     Nonresidential Land Developments and Commercial and Industrial Subdivisions**

All nonresidential land developments and commercial and industrial subdivisions shall comply with the applicable requirements of this ordinance unless otherwise specified in this Article IX.

**§80     General Design and Site Standards**

A. Land Development. Any proposed commercial establishment shall be considered a *land development* as defined by the Pennsylvania Municipalities Planning Code and this ordinance and shall comply in all respects with all the requirements for plan submission and content for land developments contained therein, as well as the information which follows. The Township may also require any additional information, studies or reports as it deems necessary to meet the intent of this and other Township ordinances.

- (1) A traffic and pedestrian exhibit showing circulation patterns from the public right-of-way and within the confines of the development.
- (2) Location and dimensions of vehicular drives, entrances, exits, acceleration, and deceleration lanes.
- (3) Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking.
- (4) Location, arrangement, and dimensions of truck loading and unloading spaces and docks.
- (5) Location and dimensions of pedestrian entrances, exits, walks.
- (6) Location, height, and materials of walls, fences, screen plantings, and other landscaped areas.
- (7) Preliminary drawings for all buildings.
- (8) Location, size, height, and orientation of all signs other than signs flat on building facades.

B. Design of Commercial Establishments and Nonresidential Uses. It is the intent of this §80B to provide standards for the design of commercial establishments and nonresidential uses (referred to as *commercial establishments*) to assure the compatibility of the nonresidential development with the surrounding character of the Township. This shall be accomplished by:

- (1) Siting buildings, parking areas and other facilities and improvements based upon the topography of development site;
- (2) Providing safe and convenient access for vehicles and pedestrians from the public right-of-way and to adjacent development based on the existing area-wide traffic circulation pattern and the expected traffic generated by the proposed use;
- (3) Designing parking areas to complement patterns of traffic and pedestrian flow and to provide adequate off-street parking for patrons;
- (4) Maintaining to the greatest extent possible natural vegetation and provide landscaping as an integral

part of the overall design of the proposed use and parking areas;

(5) Considering the impact of storm water, noise, traffic, and lighting on surrounding land uses and providing buffers to minimize adverse impacts; and,

(6) Being consistent with any design guidelines adopted by the Township.

C. Design Considerations. The design shall to the greatest extent possible ensure:

(1) Desirable land utilization and aesthetics.

(2) Convenient traffic circulation and parking. Turning movement diagrams shall be provided to demonstrate that the largest truck or emergency vehicle servicing the development can safely and conveniently navigate the proposed roads, drives and parking and loading areas, but in any event for not less than a WB-50 truck.

(3) Adequate service, delivery, and pickup.

(4) Design coordination with adjacent parcels of land.

(5) The site, when developed, shall be served by an approved water supply system and an approved sanitary sewer system.

(6) Adequate storm drainage facilities shall be provided. Where applicable, detention basins or other stormwater control methods may be required by the Township.

D. Four-Step Design. All land developments and all commercial and industrial subdivisions shall be designed in accord with the four-step design process in §46 with respect to conservation areas and development sites. The applicant shall demonstrate to the Township by the submission of the necessary land development site plans, that the commercial establishment has been designed as follows:

(1) Mapping of Primary and Secondary Conservation Areas to identify all areas of the site which will remain undisturbed, along with noting site development practices which will be used to assure non-disturbance.

(2) Locating the building site.

(3) Locating required buffers.

(4) Laying out street access, parking/loading areas, and other required or proposed improvements.

E. Ownership. The site proposed for any multiple-occupant commercial establishment shall be held in single ownership or in unified control; and the applicant shall provide to the Township evidence of said ownership and/or control.

### **§81 Unified Development**

Wherever possible, commercial, and industrial parcels shall include enough land to provide for a group of commercial and industrial establishments, planned, developed, and operated as a unit. In no case will narrow, highway ribbon developments be approved. Individual access drives shall not be permitted, and interior service roads shall be required.



**§82     Roads**

Roads in commercial and industrial developments shall comply with the requirements of §51 and shall be constructed to a minimum of collector road standards as required by this ordinance.

**§83     Design Standards for Development in the C-2 General Commercial District**

The requirements of this §83 shall apply to development in the C-2 General Commercial District in addition to all other applicable requirements.

A. General Requirements. All landscape plans shall be prepared by a landscape architect registered by the Commonwealth of Pennsylvania.

B. Vehicular and Non-Vehicular Traffic and Circulation Design Requirements.

(1) Traffic Design. All subdivision and land development in the C-2 General Commercial District shall:

- (a) Be designed to accommodate average daily traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; entry drive length, width, design, location, and number; traffic control devices; and sidewalks.
- (b) Pedestrian and vehicular connections between parking lots on adjacent parcels shall be provided in accord with §56N.
- (c) Provide safe pedestrian and bicycle movement within the site. Pedestrian and bicycle connections between abutting properties should be coordinated with vehicular routes to encourage foot traffic and minimize vehicular movement.
- (d) Provide sidewalks along all street frontages. Street trees shall be planted within a tree lawn a minimum of six feet in width, between the edge of the cartway and the sidewalk.
- (e) Rear service lane access is preferred for all Village Commercial District uses. If no rear service lane exists, secondary street access is permitted. Principal street access is allowed only if no other access is available.
- (f) Access drives from the secondary street must be located 50 feet from the intersecting principal street.
- (g) Access between the development site and adjacent streets shall occur no more frequently than every 200 feet. For land development applications involving less than 200 feet of street frontage, one access shall be permitted.

(2) Additional Standards. Additional traffic and circulation design standards for large-scale retail/commercial developments in the C-2 General Commercial District.

(a) Traffic Design. Large-scale retail/commercial developments shall:

- [1] Have direct access to an arterial or connector street.
- [2] Be designed to accommodate average daily traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot

design and capacity; entry drive length, width, design, location and number; traffic control devices; and sidewalks.

- [3] Be consistent with linkages and street connections shown on the Township Official Map. Direct connections to adjacent land uses shall be provided if required by the Township.
  - [4] Provide sidewalks along all perimeter streets and along both sides of all Internal Circulation Routes, whether built as public streets or private drives. Sidewalks shall be located within 12 feet of the curb of a perimeter street.
  - [5] Limit curb cuts. Connections between the development site and adjacent arterials and highways shall occur no more frequently than every 330 feet. An Internal Circulation Route shall not count as a curb cut.
  - [6] Locate internal utility lines in drive aisles or Internal Circulation Routes, rather than under surface parking areas. This is designed to facilitate future redevelopment.
  - [7] Provide private drive or public street connections to existing private drives or public streets on adjacent sites or provide stub-outs if connections are not feasible.
- (b) Internal circulation system. On sites five acres or larger the following standards for internal circulation systems shall be met:
- [1] Maximum block size. Unless exempted below, the site shall be divided into internal blocks no longer than 660 feet by 330 feet from curb to curb. The maximum block length applies to blocks containing buildings and blocks containing surface parking. Exemption: On sites larger than 10 acres and smaller than 30 acres the site may contain one block with a maximum dimension of 660 feet by 660 feet. On sites larger than 30 acres, the site may contain two blocks with a maximum dimension of 660 feet by 660 feet. Contiguous green spaces are not subject to the block-length requirement.
  - [2] Internal circulation system required. Internal circulation routes resembling streets shall connect the blocks and form an interconnected, grid-like transportation system on the site.
  - [3] Parking permitted. On-street parallel parking is permitted on each new public street or internal circulation route subject to compliance with fire access standards and approval of the Township.
  - [4] Subdivision of internal blocks. Internal blocks abutting internal circulation routes may be subdivided to allow for the sale and development of individual blocks without frontage on a public street if the Township determines that the internal circulation routes are equivalent to a public street with respect to utilities, pavement design, vehicle access requirements and emergency services. For compliance with setback and minimum lot frontage requirements, but not pavement width, an internal circulation route is considered equivalent to a public street.
- (c) Pedestrian and Bicycle Facilities. Large-scale retail/commercial land development shall provide for safe pedestrian and bicycle access to all uses within the development, connections to existing and planned public pedestrian and bicycle facilities, and connections to adjacent properties.

- [1] Connections.

- [a] At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entrances, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of the length of the walkway.
  - [b] Continuous pedestrian walkways, no less than six feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of a large-scale retail commercial development building.
  - [c] Where public parkland is adjacent to the property line, pedestrian and bicycle access from the trail or walkway system on that parkland to the building entrance shall be provided.
  - [d] If there is a residential development adjacent to the property line, a pedestrian walkway from the proposed buildings to the property line shall be provided, and to an existing walkway if one is present on the adjacent site. Compliance with this option also may include providing a sidewalk that connects the project site to an adjacent residential development and that runs along a public roadway where no sidewalk currently exists or where the existing sidewalk does not meet the width standards in this §83B(3)(c).
- [2] Crosswalks. Crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety by using different pavement materials, or pavement color, or pavement textures, and signage.
- [3] Pedestrian Furniture. The development shall provide exterior pedestrian benches in appropriate locations at a minimum rate of one seat for every 20,000 square feet of gross floor area.
- [4] Bicycle Parking. The development shall provide bicycle parking at a rate of one bicycle parking space for every 50 vehicle parking spaces, located within 300 feet of a building entrance. Bicycle parking spaces may be provided in a bicycle rack(s) or in a dedicated surface parking space signed to indicate bicycle parking only. Each surface parking space shall be a minimum of six feet in length and four feet in width.
- [5] Sidewalks.
- [i] Sidewalks no less than 10 feet in width shall be provided along the full length of the building along any façade featuring a customer entrance and along any façade abutting public parking areas. All other sidewalks shall be at least six feet in width.
  - [ii] An entryway sidewalk, at least six feet in width shall be provided connecting the main customer entrance and the sidewalk bordering the property line. For multi-tenant developments, an entryway sidewalk shall be provided for at least every 330 feet of roadway frontage. Entryway sidewalks shall be planted with shade trees at intervals of no greater than 40 feet.
- [6] Impervious Cover Credit. Sidewalks alongside internal circulation routes and adjacent public roadways shall be exempted from the zoning requirements for impervious coverage limits for the site up to an increase in total impervious cover of five percent.

C. Common Open Space Commercial Design Requirements. Where common open space is required said common open space shall be:

- (1) Readily accessible and useable by visitors throughout the development. However, access to areas containing sensitive natural resources shall be restricted.
- (2) Compact and contiguous unless the land shall be used to continue an existing trail, or topography dictates a different configuration.
- (3) Located to adjoin, extend, and enlarge any existing trail, park, or other protected open space on adjoining parcels.

D. Large-Scale Retail/Commercial Building Design Standards. This section applies to any building façade visible from a public street or public land and any building zoned for industrial use or warehouse use at a point it is converted to a commercial use. Building facades facing loading areas, rear service areas, or facades adjoining other buildings (attached to at least 50 percent of the sidewall) are exempt.

(1) Building Facades.

- (a) Building facades shall include a repeating pattern that includes no less than three (3) of the following elements:

[1] Color change.

[2] Texture change.

[3] Materials change.

[4] Expressions of architectural or structural interest no less than 24 inches in width and depth through a change in plane, such as offsets, recesses, or projections. Architectural treatment similar to that provided on the front façade shall be provided on the sides and rear of the building, except as exempted above.

- (b) Elements shall repeat at intervals of at least 100 feet.

- (c) Exterior building materials shall be of comparable appearance and quality on all sides of the building. Rear walls are exempt if screened from public view in accord with §59. Building materials such as glass, brick, tinted and decorative concrete block, glass block, wood, stucco, and exterior insulation and finish systems (EIFS) shall be used.

- (d) Construction materials such as white brick, tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar materials shall be avoided.

- (e) External building materials shall be of high-quality materials and colors that are low-reflective, subtle, or earth tone.

- (f) Fluorescent and metallic colors shall be prohibited on exterior walls.

(2) Ground Floor Facades and Accessory Structures.

- (a) Ground floor facades that face public streets shall include arcades, awnings, canopies or other overhanging architectural features along at least 50 percent of their horizontal length.

- (b) Ground floor facades that face public streets or contain the principal entrance to the building and which exceed 100 feet in length shall be designed to appear as a series of attached individual storefronts even though the building itself may consist of a single retail occupancy.
- (c) Freestanding accessory structures. On-site sewage facilities mechanical equipment, such as but not limited to sewage pumping stations, shall be housed within a building.

(3) Building Entryways.

- (a) Customer entryways shall be clearly defined and highly visible on the building's exterior.
- (b) Three or more of the following design features shall be incorporated into all public building entryways:
  - [1] Prominent features such as domes, turrets, towers, spires, clock towers or chimneys;
  - [2] Canopies, porticos, overhangs, projections, arcades or arches;
  - [3] Architectural details such as arches, friezes, tile work, murals, or moldings;
  - [4] Display windows;
  - [5] Integral planters or wing walls that incorporate planters or seating;
  - [6] Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.
- (c) When additional stores located in the principal building exceed 25 percent of the gross floor area, separate entrances shall be provided for each additional store and shall conform to the above requirements.
- (d) Large-scale retail/commercial buildings are encouraged to feature multiple entrances to reduce walking distances from cars and facilitate pedestrian and bicycle access from public sidewalks.
- (e) Walkways.
  - [1] Walkways at least 10 feet in width shall be provided along the full length of any building façade featuring a customer entrance and along any façade-abutting customer parking areas.
  - [2] Weather protection such as awnings or arcades shall be provided for walkways within 50 feet of all customer entrances, constructed parallel to the building.

(4) Window Glazing on Building Facades. Projects shall meet the following minimum glazing requirements:

- (a) On the façade facing the principal street:

- [1] For the wall area that is between two and 10 feet above grade, the ground floor façade shall be no less than 40 percent glazed in glass which shall be at least 72 inches in height.
  - [2] At least one-half of the total area of all glazing on ground-floor facades that face the principal street shall have a Visible Transmittance (VT) of 60 percent or higher.
  - [3] Up to 40 percent of all glazing on ground-floor facades may be painted black on the interior.
  - [4] In the case of a second floor, for the wall area between three and eight feet as measured from that story's finished floor level, the façade shall be no less than 25 percent glazed in glass.
- (b) On all other publicly visible facades, at least 25 percent of the wall area between two and 10 feet above grade shall be glazed in glass. This requirement shall not apply if the building code prohibits windows on such facades.
- (c) If a single-story building has a façade taller than 20 feet, the façade area above 15 feet shall be subject to the same window requirement as the second-floor requirement in §83D(4)(a)[4].
- (5) Color, Texture and Materials.
- (a) Exterior building materials shall be of comparable appearance and quality on all sides of the building. Rear walls are exempt if screened from public view in accord with the standards for screening buffers in §59). Building materials such as glass, brick, tinted and decorative concrete block, glass block, wood, stucco, and exterior insulation and finish systems (EIFS) shall be used.
  - (b) Construction materials such as white brick, tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar materials shall be avoided.
  - (c) External building materials shall be of high-quality materials and colors that are low-reflective, subtle, or earth tone.
  - (d) Florescent and metallic colors shall be prohibited on exterior walls.
- (6) Roofs. To reduce apparent size and scale of large buildings, the roof design shall provide variations in rooflines.
- (a) A minimum of 20 percent of all the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six feet or more as measured eave to eave or parapet to parapet. Parapets that do not have horizontal tops shall have pitched or rounded tops with a pattern that repeats no less than every 60 feet.
  - (b) Parapet walls shall be treated with architectural detail to avoid a plain, monotonous look. All parapets shall have detailing such as cornices, moldings, trim or variations in brick coursing.
  - (c) Parapets shall not be greater than 50 percent higher than the distance of the building from grade to roof. (For example, a building that is 20 feet tall from the grade to the roof cannot have a parapet greater than 10 feet tall from roof to top of parapet.)
  - (d) Sloping roofs shall have at least two of the following features:

- [1] Slope at least 5:12,
- [2] Two or more slope planes, or
- [3] Overhanging eaves extending at least three feet beyond the supporting wall.

**§84     Reserved**

## **ARTICLE X ADMINISTRATION**

### **§85     Purpose**

The purpose of this Article is to establish the procedures for the amendment, administration, and enforcement of this ordinance.

### **§86     Amendment**

Amendments to this ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed in the MPC.

### **§87     Waivers/Modifications**

- A. Intent. The provisions of this ordinance are intended as a minimum standard for the protection of the public health, safety, and welfare. If the literal compliance with any mandatory provision of these regulations is shown by the applicant, to the satisfaction of the Board of Supervisors, to be unreasonable or to cause undue hardship as it applies to a particular property; or, if the applicant shows that an alternative proposal will allow for equal or better results, the Board of Supervisors may grant a waiver or modification from such mandatory provision so that substantial justice may be done and the public interest secured while permitting the reasonable use of the property. However, the granting of a waiver/modification shall not have the effect of making null and void the intent and purpose of this ordinance.
- B. Conditions. In granting waivers/modifications, the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this ordinance.
- C. Procedure. All requests for waivers/modifications shall be in writing, shall accompany and be made a part of the development application, and shall include:
  - (1) The specific sections of this ordinance in question.
  - (2) Provisions for the minimum modification necessary as an alternate to the requirements.
  - (3) Justification for the waiver/modification, including the full grounds and facts of unreasonableness or hardship.
- D. Planning Commission Review. The Planning Commission shall review all waiver/modification requests in conjunction with the development application and make a specific recommendation to the Board of Supervisors.
- E. Action.
  - (1) If the Board of Supervisors denies the request, record of the waiver/modification shall be included in the minutes of the meeting at which the waiver/modification was denied.
  - (2) If the Board of Supervisors grants the request, the final record plan shall include a note which identifies the waiver/modification as granted.
  - (3) In any case, the Board of Supervisors shall keep a written record of all actions on all requests for waivers/modifications.



**§88 Preventive and Enforcement Remedies****A. Preventive Remedies.**

- (1) In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- (2) The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:
  - (a) The owner of record at the time of such violation.
  - (b) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
  - (c) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
  - (d) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

- (3) In the event that any applicant or owner of any property fails to obtain the proper sewage permit for any required on-site sewage disposal system, or takes such action or causes any action which results in the revocation of any sewage permit by the Township Sewage Enforcement Officer, the Township shall have the authority to withhold the issuance of any certificate of use for any structure on the said property and/or to take any appropriate actions by law or in equity to prohibit the occupancy of any such structure.

**B. Enforcement Remedies.**

- (1) Any person, partnership or corporation who or which has violated the provisions of this ordinance or prior enabling laws shall, upon being found liable for the violation in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney, witness, and consultant fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Magisterial Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Magisterial Judge further determines that there was a good faith basis for the person, partnership or

corporation violating this ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the initial determination of a violation by the District Magisterial Judge and, thereafter, each day that a violation continues shall constitute a separate violation.

- (2) The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- (3) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section including, but not limited to, injunctive relief.

- C. Jurisdiction. District Magisterial Judges shall have initial jurisdiction in proceedings brought under §88B.
- D. Transfer. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- E. Construction. In the case of subdivisions, no person shall proceed with any development, site grading or construction of improvements prior to the approval of a preliminary plan in accord with this ordinance. In the case of land developments, no person shall proceed with any development, site grading or construction of improvements prior to the authorization to proceed issued in accord with §21J. No deeds shall be executed or recorded for the transfer of any lots or units before the Township has approved the Final Plan and such Plan is filed with the Carbon County Recorder of Deeds.

## **§89 Fees**

- A. Establishment of Fees. Fees to be paid by the Applicant shall be established by resolution of the Board of Supervisors to cover all costs incurred by the Township associated with the processing and review of all plans and documents and all plan and document revisions. Such cost may include, but not be limited to, Township administrative costs and the reasonable and necessary charges by the Township's professional consultants as defined and authorized by §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code. Professional consultants, shall include, but shall not be limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, and planners.
- B. Application Fees. At the time of the filing of any application, the Applicant shall pay to the Township a fee sufficient to cover the administrative costs associated with the review of the application.
- C. Review and Inspection Fees. At the time of the filing of any application, the Applicant shall pay to the Township a fee deemed sufficient to cover the cost of:
- (1) Reviewing compliance with ordinance and engineering details.
  - (2) Inspecting the site for conformance.
  - (3) Evaluating cost estimates of required improvements.
  - (4) Inspection of required improvements during installation.
  - (5) Final inspection or re-inspection on completion of installation of required improvements.
  - (6) Fees charged for other related consulting services.
  - (7) Any other review costs incurred by the Township.
- D. Supplemental Fees and Adjustment. If the review fees collected at the time of application are not sufficient

to cover the cost of engineering services and other related professional consulting services incurred by the Township, an additional fee shall be collected from the Applicant prior to any action on the plan. If after Township action on the plan, any review fees remain, there shall be a refund made to the Applicant of the balance within 30 days of action on the plan.

- E. Disputes. Disputes between the Applicant and the Township regarding fees shall be settled pursuant to §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code, as amended.
- F. Failure to Pay Fees. Any failure by the Applicant to pay any required fees shall be deemed a violation of this ordinance and shall make null and void any approval granted by the Township and the Township shall have the right to collect any unpaid fees and costs of collection in accord with applicable law.

#### **§90     Records**

The Township shall keep an accurate public record of its findings, decisions, and recommendations relevant to all applications filed for review or approval.

#### **§91     Change of Name of Subdivision**

Any subdivision owner or homeowners association proposing to change the name of any subdivision, whether the subdivision occurred before or after the effective date of this ordinance, or any amendment thereto, shall first obtain the approval of the Board of Supervisors to the change of name by applying in writing, and once the request is approved by the Board of Supervisors, the Applicant shall record said change of name of the subdivision in the office of the Recorder of Deeds of Carbon County by setting forth in affidavit form the name of the old subdivision and the new name of the subdivision.

**ARTICLE XI  
ADOPTION**

This ORDINANCE ORDAINED AND ENACTED this \_\_\_\_ Day of \_\_\_\_\_ 2022, by the Board of Supervisors of Franklin Township, Carbon County, Pennsylvania, to be effective immediately.

\_\_\_\_\_  
Fred Kemmerer, Jr., Chairman

\_\_\_\_\_  
Robin D. Cressley, Vice-Chairman

\_\_\_\_\_  
Jason Frey, Supervisor

ATTEST:

\_\_\_\_\_  
Brenda E. Neeb, Secretary - Treasurer

## APPENDIX B

**APPLICATION FOR APPROVAL OF A SUBDIVISION  
AND/OR LAND DEVELOPMENT PLAN****Plan Status:** (check one)☐ Sketch ☐ Preliminary ☐ Preliminary/Final ☐ Final**Project Name:** \_\_\_\_\_**Project Size (acres) (include area of all properties involved):** \_\_\_\_\_**Project Location (Street Name(s)):** \_\_\_\_\_  
\_\_\_\_\_**Project Type:** (check those that apply)☐ De Facto (Natural) Subdivision☐ Reverse Subdivision (Lot Consolidation or Lot Annexation or Lot Assemblage)☐ Lot Line Adjustment☐ Minor Subdivision☐ Lot Improvement Subdivision☐ Major Subdivision☐ Land Development☐ Campground☐ Manufactured (Mobile) Home Park☐ As-Built Plan☐ Other (specify) \_\_\_\_\_**Landowner:** (if more than one Landowner, make copies of this page and complete)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address, continued: \_\_\_\_\_

Address, continued: \_\_\_\_\_

Address, continued: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**Applicant:** (if same as Landowner, check here \_\_\_\_\_ and leave this section blank)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address, continued: \_\_\_\_\_

Address, continued: \_\_\_\_\_

Address, continued: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**Plan Preparer:**

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Address, continued: \_\_\_\_\_

Address, continued: \_\_\_\_\_

Address, continued: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**Total Number of Lots:** existing \_\_\_\_\_ proposed \_\_\_\_\_

**Zoning District:** (see Zoning Map of Franklin Township)

\_\_\_\_\_ A - Agriculture

\_\_\_\_\_ C-2 - General Commercial

\_\_\_\_\_ R - Residential

\_\_\_\_\_ I - Industrial

\_\_\_\_\_ C-1 – Neighborhood Commercial

**Type of Use Proposed:** (as per Franklin Zoning Ordinance)

\_\_\_\_\_

**Zoning Approvals:**

Have all zoning approvals been obtained (special exception, conditional use, variance, zoning amendment)? (specify approvals, or write "Not Applicable")

\_\_\_\_\_

\_\_\_\_\_

**Type of Water Supply:**

\_\_\_\_\_ Centralized

\_\_\_\_\_ On-Lot

\_\_\_\_\_ Shared

\_\_\_\_\_ Community

**Type of Sewage Treatment:**

\_\_\_\_\_ Centralized

\_\_\_\_\_ On-Lot

\_\_\_\_\_ Shared

\_\_\_\_\_ Community

**Lineal feet of new street:** \_\_\_\_\_

Are Streets to be Dedicated to the Township? \_\_\_\_\_ Yes \_\_\_\_\_ No

Are Streets to be Private? \_\_\_\_\_ Yes \_\_\_\_\_ No

**Landowner's Certification:** (to be executed if Applicant is Landowner)

By signing this Application, I certify that all facts in the Application are true and correct. This application is being made by me to induce official action on the part of Franklin Township.

\_\_\_\_\_  
Date\_\_\_\_\_  
Signature of Landowner

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**Applicant's Certification:** (to be executed if Applicant is not Landowner)

By signing this Application, I certify that all facts in the Application are true and correct. This application is being made by me to induce official action on the part of Franklin Township. I also certify that I have the permission of the Landowner to make this submittal on behalf of the Landowner.

\_\_\_\_\_  
Date\_\_\_\_\_  
Signature of Applicant



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**for Township to complete****Plan Review & Approval Timing:**

Date of Original Plan Submittal (a): \_\_\_\_\_

30 days after Date of Original  
Plan Submittal (b = a + 30 days): \_\_\_\_\_Date of First Planning Commission  
Meeting Plan was Discussed/Reviewed (c): \_\_\_\_\_Date for Start of 90-day Clock for Supervisors  
to Act on Plan (d = earlier date from b or c): \_\_\_\_\_Date for End of 90-day Clock for  
Supervisors to Act on Plan (e = d + 90 days): \_\_\_\_\_Time Extension Granted by Applicant by letter dated \_\_\_\_\_  
until \_\_\_\_\_Time Extension Granted by Applicant by letter dated \_\_\_\_\_  
until \_\_\_\_\_Time Extension Granted by Applicant by letter dated \_\_\_\_\_  
until \_\_\_\_\_Time Extension Granted by Applicant by letter dated \_\_\_\_\_  
until \_\_\_\_\_