

## Chapter 85

### SUBDIVISION AND LAND DEVELOPMENT

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[HISTORY: Adopted by the Board of Supervisors of the Township of Butler 4-8-1987 by Ord. No. 87-1. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 15.  
Planning Commission — See Ch. 71.  
Sewers — See Ch. 78.

Stormwater management — See Ch. 81.  
Streets and roads — See Ch. 82.

ARTICLE I  
General Provisions

§ 85-1. Title.

This chapter shall be known and may be cited as the "Butler Township Subdivision and Land Development Ordinance."

§ 85-2. Purpose.

This chapter is enacted for the purpose of assuring suitable sites for building purposes and human habitation and to provide for the harmonious development of Butler Township, for the proper coordination of proposed streets, parks or other facilities with existing streets, parks or other facilities; for ensuring adequate open space for traffic, recreation, light and air and for the proper distribution of population, thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens of the Township. The approval of any subdivision and/or land development plan shall be based upon considerations set forth as follows:

- A. Recognition of a desirable relationship of the development proposed to the general land form, topographic and geologic character, to natural drainage and surface water runoff and to the groundwater table.
- B. Recognition of a desirable standard of subdivision design, including adequate provision for pedestrian and vehicular traffic and for suitable building sites for the contemplated land use.
- C. Preservation of such natural assets as ponds, streams, shrubs, trees and watershed areas.
- D. Provisions for adequate and safe water supply, sewage disposal, storm drainage and other utilities.

#### § 85-3. Authority and jurisdiction.

The authority of the Board of Supervisors to adopt this chapter regulating subdivision and land development within Butler Township is granted by Article V of the Pennsylvania Municipalities Planning Code of July 31, 1968, Act No. 247, as amended.<sup>1</sup> No subdivision or land development of any lot, tract or parcel of land shall be made and no streets, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon except in accordance with the provisions of this chapter.

#### § 85-4. Interpretation.

The provisions of this chapter shall be interpreted to be the minimum requirements to meet the purposes of the chapter. Where the provisions of this chapter conflict or are inconsistent with the provisions of any other ordinance, regulation or requirement, the more restrictive provisions shall apply.

#### § 85-5. Township liability.

The grant of a permit or approval of a subdivision and/or land development plan shall not constitute a representation, guaranty or warranty of any kind by the Township or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon the Township, its officials or employees.

## ARTICLE II Definitions

#### § 85-6. Word usage.

The following words and phrases shall be used in this chapter as follows:

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1. Editor's Note: See 53 P.S. § 10501 et seq.

- A. Words in the present tense include the future.
- B. The singular includes the plural.
- C. The word "shall" is mandatory; the word "may" is optional.
- D. The word "person" means an individual, corporation, partnership, firm, association, company or any other similar entity.

**§ 85-7. Terms defined.**

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

**AGRICULTURAL PURPOSE** — The use of a tract at least 10 acres in size for the purpose of active cultivation or animal raising as a means of obtaining income.

**ALLEY** — A minor right-of-way privately or publicly owned, primarily for service access to the rear or side of properties.

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

**APPLICATION FOR DEVELOPMENT** — Every application, whether preliminary 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 or the approval of a development plan.

**BLOCK** — An area bounded by streets.

**BOARD OF SUPERVISORS** — The elected or appointed Supervisors of Butler Township.

**BUILDING SETBACK LINES** — Lines parallel to and set back from the lot line a distance equal to the depth of the yard required.

**CARTWAY** — The surface of a street or road available for vehicular traffic.

**CLEAR-SIGHT TRIANGLE** — An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

**CROSSWALK** — A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

**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 or resubdivision.

**DEVELOPMENT** — A subdivision of land or land development.

DWELLING — A building or a portion thereof designed for and used exclusively for residential occupancy.

- A. DWELLING UNIT — One or more rooms having cooking and sanitary facilities and access directly outdoors or through a common entrance hall.
- B. SINGLE-FAMILY DETACHED UNIT — A residential structure containing only one dwelling unit.
- C. CONVERSION UNIT — Existing residential structure which has been modified structurally in such a way as to convert it from one dwelling unit to multiple dwelling units.
- D. SEMIDETACHED UNIT — A residential structure containing two single dwelling units having one common wall.
- E. ATTACHED, ROW OR TOWNHOUSE UNIT — A residential structure containing three or more dwelling units which are separated from each other by two common walls, except for the end units.
- F. MULTIPLE-DWELLING OR APARTMENT UNIT — A residential structure of two or more stories containing three or more dwelling units (not row or townhouse units).
- G. CONDOMINIUMS — A given set of dwelling units, each of which is owned by an individual person or persons in fee simple and which is assigned a proportionate interest in all common elements, as set forth in the Unit Property Act (Act 117, 1963, July 3, P.L. 1962).

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

ENGINEERING SPECIFICATIONS — The engineering specifications of the municipality regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

ENGINEER, MUNICIPAL — A registered professional engineer in Pennsylvania designated by the municipality to perform the duties of engineer as herein specified.

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

EXCAVATION — Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, carried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.

FILL —

- A. Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface, including the conditions resulting therefrom.

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2. Editor's Note: See 68 P.S. § 700.101 et seq.

- B. The difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade.
- C. The material used to make fill.

**FLOOD —**

- A. **FLOOD-PRONE AREA** — A relatively flat or lowland area adjoining a stream, river or watercourse which is subject to partial or complete inundation, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.
- B. **FLOODWAY** — The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one-hundred-year magnitude.
- C. **ONE-HUNDRED-YEAR FLOOD** — A flood having an average frequency of occurrence on the order of once in 100 years, although the flood may occur in any year.
- D. **REGULATORY FLOOD ELEVATION** — The one-hundred-year flood elevation plus a freeboard safety factor of 1 1/2 feet.

**IMPROVEMENTS** — Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

**LAND DEVELOPMENT**[Amended 5-14-2007 by Ord. No. 2007-1] —

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) A group of two or more buildings; or
  - (2) The division or allocation of land or space between or among two (2) or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other structures.
- B. A subdivision of land.
- C. "Land development" does not include development that involves the addition of an accessory structure, including farm structures, on a lot or lots subordinate to an existing principal structure where the accessory structure is not in excess of:
  - (1) Five thousand square feet, if the accessory structure is to be used for an agricultural purpose; or,
  - (2) One thousand square feet, if the accessory structure is to be used for other than an agricultural purpose.

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

**LOT** — A plot or parcel of land which is or in the future may be offered for sale, conveyance, transfer, improvement or separate development.

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

**LOT, REVERSE FRONTAGE** — A lot extending between and having frontage on an arterial street and a minor street and with vehicular access solely from the latter.

**LOT, THROUGH OR DOUBLE-FRONTAGE** — A lot with front and rear street frontage.

**MUNICIPALITY** — Butler Township.

**PLAN, FINAL** — A complete and exact subdivision or land development plan prepared for official recording as required by statute.

**PLANNING COMMISSION** — The Butler Township Planning Commission.

**PLAN, PRELIMINARY** — A tentative subdivision or land development plan, in lesser detail than the final plan, indicating the approximate proposed layout of a subdivision as a basis for consideration prior to preparation of the final plan.

**PLAN, SKETCH** — An informal plan, not necessarily to exact scale, indicating existing features of a tract, its surroundings and the general layout of a proposed subdivision or land development.

**PUBLIC GROUNDS** — Parks, playgrounds and other public areas and sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

**PUBLIC NOTICE** — Notice published once a week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time, place and date of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days nor less than 14 days prior to the date of the hearing.

**RESUBDIVISION** — Any replatting or resubdivision of land limited to a change in lot lines on an approved final plan or recorded plan.

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

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

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

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

**STREET** — A right-of-way or portion thereof dedicated or intended for general public, vehicular and/or pedestrian use.

- A. **ARTERIAL STREET** — A major street or highway with fast, heavy traffic volumes of considerable continuity and used primarily as a traffic artery for intercommunications among large areas.
- B. **COLLECTOR STREET** — A street or highway which carries traffic from minor streets to arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.
- C. **MINOR STREET** — A street used primarily for access to abutting properties.
- D. **PRIVATE STREET** — A road for access to a limited number of lots, which road is installed and maintained at the expense of the adjoining lot owners, who are granted access to their properties by means of said road.
- E. **CUL-DE-SAC** — A street intersecting another street at one end and terminating at the other in a vehicular turnaround.
- F. **MARGINAL ACCESS STREET** — A minor street which is parallel and adjacent to limited access highways or arterial streets and which provides access to abutting properties and protection from traffic.

**STRUCTURE** — Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, including but not limited to buildings, factories, sheds, cabins, mobile homes and other similar items.

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

**SUBDIVISION** (see "land development") — 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, transfer of ownership or of 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 residential dwellings, shall be exempted.

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

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

**TOWNSHIP** — Butler Township, Adams County, Pennsylvania.

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

**WATERCOURSE** — A stream of water, river, brook, creek or a channel of a perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

### ARTICLE III

#### Application Procedures and Plat Requirements

##### § 85-8. Preapplication procedures.

- A. Copies of this chapter shall be available for use by any person seeking information concerning land development and/or subdivision standards and procedures in effect within the Township. Any prospective developer or subdivider may meet with the Township Planning Commission to discuss and review tentative plans and/or any provisions of this chapter.
- B. Prior to the final plan submission, the prospective developer must have complied with the planning requirements of the Pennsylvania Sewage Facilities Act as administered by the Pennsylvania Department of Environmental Resources. It is suggested that the prospective developer consult the Municipal Sewage Enforcement Officer or the Adams County office of the Pennsylvania Department of Environmental Resources as to the requirements of that Act.
- C. Prospective developers shall consult the County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development. Land that is located in a flood zone shall not be approved for subdivision unless the nature of the use of the land is set forth in detail and unless any construction is in full compliance with the Township Floodplain Ordinance.<sup>3</sup>

##### § 85-9. Sketch plan.

- A. Prior to submission of a preliminary plan, developers are encouraged to submit a sketch plan to the Township Planning Commission. This will enable the Planning Commission to review the proposal for factors that may affect the development.
- B. A sketch plan should contain at least the following information:
  - (1) Location map.
  - (2) General information concerning any community facilities and/or any other significant man-made or natural features that will affect the proposal.

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3. Editor's Note: See Ch. 15, Building Construction, Part 1.

- (3) A property map at a legible scale showing the specific parcel of land or site involved.
- (4) A sketch of the proposed development, drawn at a scale no smaller than one inch equals 400 feet, showing the proposed layout of streets and lots and other features of the subdivision.

**§ 85-10. Preliminary plan procedures.**

For a proposed development in which all lots will abut an existing public right-of-way, the submission of a preliminary plan may be waived. However, all other applicable requirements and specifications shall remain the same.

**A. Submission of the preliminary plan.**

- (1) Preliminary plans and all required accompanying documentation shall be submitted by a developer or his authorized representative to the Township Secretary at least 10 business days in advance of a regularly scheduled Planning Commission meeting.
- (2) Submission shall consist of the following:
  - (a) Six completed copies of the appropriate application form.
  - (b) Eight blue-line or black-line paper prints of the preliminary plan showing all the information required in § 85-11.
  - (c) Six copies of all other required documentation.
  - (d) A filing fee as established in Article VI of this chapter.

**B. Distribution of preliminary plan for review and comment.** Copies of the preliminary plan and accompanying documentation shall be immediately distributed by the Township Secretary as follows:

- (1) Three copies of the application, plan and accompanying documentation to the Township Planning Commission.
- (2) Two copies of the application, plan and accompanying documentation to the County Planning Commission.
- (3) The remaining copy of all documents shall remain with the Township Secretary.

**C. Action on preliminary plan by the Planning Commission and Board of Supervisors.**

- (1) Action on a preliminary plan shall be taken by the Planning Commission not later than 45 days following the first meeting at which the plan is considered.
- (2) All actions by the Planning Commission shall be taken at a public meeting, whether it be a regularly scheduled or special meeting. If the plan is to be considered at a special meeting, the developer shall be so notified. In addition, the

Planning Commission may also schedule a public hearing pursuant to public notice before taking any action on the plan.

- (3) Two copies of the plan shall then be forwarded to the Board of Supervisors along with a written recommendation concerning the preliminary approval.
- (4) The Board of Supervisors shall take official action on a preliminary subdivision plan after it has been received the report of the Township Planning Commission. The Board of Supervisors shall render its decision and communicate it to the applicant in such time so that no more than 90 days shall elapse from the date of the first regular meeting of the Planning Commission following the filing of the plan. If the first regular meeting of the Planning Commission is more than 30 days after the filing of the application, the ninety-day period shall be measured from the 30th day following the date when the application was filed.
- (5) The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 business days following the decision.
- (6) When a preliminary plan has been approved or approved subject to certain conditions acceptable to the developer, no subsequent change or amendment in this chapter or any other applicable ordinances shall be applied to affect adversely the right of the developer to commence and to complete any aspect of the approved development within five years from such approval. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of 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 plan for such approval was duly submitted.
- (7) Failure of the Township Supervisors to render a decision and communicate it to the developer within the time and in the manner required by this chapter shall be deemed an approval of the plan in terms as presented unless the developer has agreed to an extension of time.

**§ 85-11. Preliminary plan requirements.**

The preliminary plan submission shall be prepared by a registered surveyor.

**A. Scale.**

- (1) Tracts of one acre or less shall be drawn at a scale of no less than one inch equals 50 feet.
- (2) Tracts of one to 10 acres shall be drawn at a scale of no less than one inch equals 100 feet.
- (3) Tracts in excess of 10 acres shall be drawn at a scale of no less than one inch equals 200 feet.

- (4) Tracts to be used for commercial, industrial or high-density housing development shall be drawn at a scale of no less than one inch equals 50 feet.

B. Information required. The preliminary plan shall show:

- (1) Name of proposed subdivision.
- (2) Name and address of subdivider.
- (3) Name, address, license number and seal of the registered surveyor who prepared the drawings.
- (4) Date of original submission and of each subsequent revised submission.
- (5) True or magnetic North point.
- (6) Graphic scale.
- (7) Written scale.
- (8) Certification by the registered surveyor that the topography shown resulted from an actual survey and the date of that survey.
- (9) A key map, for the purpose of locating the property being subdivided, drawn at a scale of one inch equals 1,000 feet and showing the relation of the property to adjoining property and to all streets, roads, municipal boundaries and recorded subdivision plans existing within 1,000 feet of any part of the property. In addition, a title, scale and North point shall be indicated.
- (10) The total tract boundary lines of the area being subdivided, accurate to hundredths of a foot and bearings to 1/4 of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one foot in 10,000 feet; provided, however, that the boundary(s) adjoining additional unplatted land of the subdivider (for example, between separately submitted final plan sections) is not required to be based upon field survey and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan and the placement of the monuments.
- (11) A plot drawn to a legible scale showing the entire existing tract boundary and the location of the lots being subdivided from said tract.
- (12) Boundaries of adjacent properties and recorded name and deed reference. When adjacent properties are part of a recorded plat, only the lot number and subdivision name need be shown.
- (13) Contour lines at vertical intervals of at least two feet for land with average natural slope of 4% or less and at intervals of at least five feet for land with average slope exceeding 4%.

- (14) Location and elevation of the datum to which contour elevations refer: where practicable, datum used shall be an established bench mark.
- (15) The name (or number) and cartway width and lines of all proposed and existing public streets and private roads and the name and location of all other roads, public or private, within the property.
- (16) If the subdivision proposes a new street intersection with a state legislative route, the intersection occupancy permit number(s) shall be indicated for all such intersections. If lots abut a state highway and do not have their ingress and egress onto a new street as aforesaid, and if access to and from the state highway is by a driveway servicing only the lot fronting on the state highway, no final plan shall be approved unless the plan contains a notice that a state highway occupancy permit is required pursuant to the State Highway Law and before driveway access is permitted. No building permit shall issue for that lot until the highway occupancy permit has been obtained.
- (17) Location of existing streets and alleys adjoining the tract, including name, width, width of cartway and sidewalks.
- (18) The location (and elevation, if established) of all existing and proposed street monuments.
- (19) Location of existing and proposed rights-of-way and easements.
- (20) Lot numbers and a statement of the total number of lots and parcels.
- (21) Lot lines with approximate dimensions and areas.
- (22) The building setback lines for each lot or other sites.
- (23) For developments where on-site sewage disposal systems will be used, the location where the soils evaluation test was conducted for each lot.
- (24) A statement of the intended use of all nonresidential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision and, if recorded, including the book and page number.
- (25) Location and size of existing and proposed utility structures and/or transmission lines, including water, gas, electric, petroleum, etc., and all easements or rights-of-way connected with such structures and/or lines.
- (26) The location of any existing bodies of water or watercourses; tree masses; buildings or structures, including the location of wells and on-site sewage facilities for such buildings or structures; public facilities; and any other man-made or natural features within or near the proposed subdivision.
- (27) Location, size and invert elevation of all existing and proposed sanitary sewers, including any and all proposed and/or existing capped sewer lines, and location of all manholes, inlets and culverts. (This data may be submitted as a separate plan.)

- (28) Location, size and invert elevation of all existing and proposed storm sewers and other drainage facilities, with the size and material of each indicated, and any proposed connections with existing facilities.
  - (29) Location of drainage structures, including marshes, ponds, streams or similar conditions.
  - (30) Parks, playgrounds and other areas to be dedicated or reserved for public use, with any conditions governing such use.
- C. Supplementary data required. The preliminary plan shall be accompanied by the following supplementary data where applicable:
- (1) A plan revision module for land development as required by the Pennsylvania Department of Environmental Resources.
  - (2) A plan for the control of erosion and sedimentation for review by the County Conservation District office as required by the Pennsylvania Clean Streams Act.
  - (3) Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Resources and the Pennsylvania Department of Transportation.
  - (4) Typical street cross-section drawings for all proposed streets.
  - (5) Tentative profiles along the center line of the cartway (pavement) or along the top of the curb for both sides of each proposed street shown on the preliminary plan. Such profiles shall show natural and finished grades and, where applicable, the regulatory flood elevation.
  - (6) The applicant shall, if requested, submit a feasibility report concerning the availability and adequacy of sewer and water facilities in or near a proposed land development. Said report shall be prepared by a registered professional engineer and be submitted in conjunction with the preliminary plan for review and recommendations by the local office of the Pennsylvania Department of Environmental Resources.
  - (7) Where deemed necessary, the applicant shall also submit a storm drainage plan and storm drainage calculations.
  - (8) Where the preliminary plan covers only a part of the entire landholdings, a sketch of the future street system of the unsubmitted part shall be submitted. The street system of the submitted part will be considered in light of adjustments and connections with future streets in the part not submitted.
  - (9) 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 application 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.

**§ 85-12. Final plan procedures.**

Submission of a final plan for approval shall occur not more than five years following the date of approval of the preliminary plan. Failure to submit the final plan within this period of time shall make the approval of the preliminary plan null and void unless an extension of time has been granted. Except for any modifications or changes required, the final plan shall conform basically to the approved preliminary plan. Where significant modifications or changes, other than those required, are made to an approved preliminary plan, the plan shall be submitted again as a preliminary plan.

**A. Submission of the final plan.**

- (1) Final plans and all required accompanying documentation shall be submitted by a developer or his authorized representative to the Township Secretary at least 10 business days in advance of a regularly scheduled Planning Commission meeting.
- (2) Submission shall consist of the following:
  - (a) Six completed copies of the appropriate application form.
  - (b) Eight blue-line or black-line paper prints of the final plan showing all the information required in § 85-13.
  - (c) Six copies of all other required documentation.
  - (d) A filing fee as established in Article VI of this chapter.

**B. Distribution of final plan for review and comment. Copies of the final plan and accompanying documentation shall be immediately distributed by the Township Secretary as follows:**

- (1) Three copies of the application, plan and accompanying documentation to the Township Planning Commission.
- (2) Two copies of the application, plan and accompanying documentation to the County Planning Commission.
- (3) The remaining copy of all documents shall remain with the Township Secretary.

**C. Action on final plan by the Planning Commission and Board of Supervisors.**

- (1) Action on the final plan shall be taken in the same manner as for preliminary plans (§ 85-10C); provided, however, that if the Department of Environmental Resources (DER) has not approved the planning module within the standard review period for the Township as set forth in this chapter, the Township shall disapprove the plan and require its resubmission unless the developer agrees in writing or states for the minutes of the meeting that he agrees to an extension of time for the Township to give final approval, which extension shall be until the next regular public meeting after receipt of the letter from DER. In addition, if a final plan is approved, the Planning Commission Chairman and Secretary shall sign the record plan and all prints. Thereafter, the Township Supervisors shall also sign the plan if approved by them.

- (2) Failure of the Board of Supervisors to render a decision and communicate it to the developer within the time and in the manner required by this chapter shall be deemed an approval of the plan in terms as presented unless the developer has agreed to an extension of time.
- (3) Before any final plan is approved, the developer shall either install all the required improvements or provide for deposit with the municipality a corporate bond or other security acceptable to the municipality pursuant to § 85-37 of this chapter.

D. Recording of plan.

- (1) Upon approval of a final plan by the municipality, the developer shall record the final plan in the office of the County Recorder of Deeds within 90 days.
- (2) If the plan is not recorded within 90 days, the approval shall be null and void unless an extension of time is granted by the Board of Supervisors upon request from the developer.
- (3) No land in a development shall be sold or transferred prior to recording of the final plan; and a landowner may not offer for sale or enter into an agreement to sell subdivided land without benefit of a recorded plan.

- E. Limitations of final plan approval. The approval of the final plan by the Board of Supervisors shall be deemed an acceptance of the plan and shall authorize the Recorder of Deeds to record the same, but shall not impose any duty upon the Township concerning maintenance or improvements of any streets, highways, alleys or other portions of the same unless or until the Township shall have accepted the same by dedication for public use.

**§ 85-13. Final plan requirements.**

- A. The final plan submission shall be prepared by a registered surveyor and be drawn on reproducible Mylar or other stable transparency, using black ink for all data, including approval signatures.
- (1) Scale.
    - (a) Tracts of one acre or less shall be drawn at a scale of no less than one inch equals 50 feet.
    - (b) Tracts of one to 10 acres shall be drawn at a scale of no less than one inch equals 100 feet.
    - (c) Tracts in excess of 10 acres shall be drawn at a scale of no less than one inch equals 200 feet.
    - (d) Tracts to be used for commercial, industrial or high-density housing development shall be drawn at a scale of no less than one inch equals 50 feet.

- (2) Finished size of drawings for final plan submission shall be 18 inches by 24 inches or may be reduced to that size, provided that all lines and lettering are clear and legible after reduction.
- (3) If the final plan requires more than one sheet, a key diagram showing the relative location of the several sections shall be drawn on each sheet.

B. Information required. The final plan shall show:

- (1) Name of proposed subdivision.
- (2) Name and address of subdivider.
- (3) Name, address, license number and seal of the registered surveyor who prepared the drawings.
- (4) Date of original submission and of each subsequent revised submission.
- (5) True or magnetic North point.
- (6) Graphic scale.
- (7) Written scale.
- (8) Certification by the registered surveyor that the topography shown resulted from an actual survey and the date of that survey.
- (9) A key map, for the purpose of locating the property being subdivided, showing the relation of the property to all streets, roads, municipal boundaries and recorded subdivision plans existing within 1,000 feet of any part of the property. In addition, a title, scale and North point shall be indicated.
- (10) The total tract boundary lines of the area being subdivided, accurate to hundredths of a foot and bearings to 1/4 of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one foot in 10,000 feet; provided, however, that the boundary(s) adjoining additional unplatted land of the subdivider (for example, between separately submitted final plan sections) is not required to be based upon field survey and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan and the placement of the monuments.
- (11) A plot drawn to a legible scale showing the entire existing tract boundary and the location of the lots being subdivided from said tract.
- (12) Boundaries of adjacent properties and recorded name and deed reference. When adjacent properties are part of a recorded plat, only the lot number and subdivision name need be shown.

- (13) Contour lines at vertical intervals of at least two feet for land with average natural slope of 4% or less and at intervals of at least five feet for land with average slope exceeding 4%.
- (14) Location and elevation of the datum to which contour elevations refer; where practicable, datum used shall be an established bench mark.
- (15) The name (or number) and cartway width and lines of all proposed and existing public streets or private roads and the name and location of all other public or private roads within the property.
- (16) The following data for the cartway edges (curblines) and right-of-way lines of all recorded (except those which are to be vacated) and/or proposed streets and for the right-of-way lines of all existing streets within the property:
  - (a) The length (in feet and hundredths of a foot) of all straight lines and of the radius and the arc or chord of all curved lines, including curved lot lines.
  - (b) The width (in feet) of the cartway, right-of-way and, if required, of the ultimate right-of-way, and (in degrees, minutes and quarters of a minute) of the delta angle of all curved lines, including curved lot lines.
  - (c) All straight lot lines, defined (in feet and hundredths of a foot) by distances and (in degrees, minutes and quarters of a minute) either by magnetic bearings or by angles of deflection from other lot and street lines.
- (17) If the subdivision proposes a new street intersection with a state legislative route, the intersection occupancy permit number(s) shall be indicated for all such intersections. If lots abut a state highway and do not have their ingress and egress onto a new street as aforesaid, and if access to and from the state highway is by a driveway servicing only the lot fronting on the state highway, no final plan shall be approved unless the plan contains a notice that a state highway occupancy permit is required pursuant to the State Highway Law and before driveway access is permitted. No building permit shall issue for that lot until the highway occupancy permit has been obtained.
- (18) Location of existing streets and alleys adjoining the tract, including name, width, width of cartway and sidewalks.
- (19) The location (and elevation, if established) of all existing and proposed street monuments.
- (20) Location of existing and proposed rights-of-way and easements.
- (21) Lot numbers and a statement of the total number of lots and parcels.
- (22) Lot lines with dimensions and lot areas.
- (23) The building setback lines for each lot or other sites.
- (24) For developments where on-site sewage disposal systems will be used, the location where the soils evaluation test was conducted for each lot.

- (25) A statement of the intended use of all nonresidential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision and, if recorded, including the book and page number.
  - (26) Location and size of existing and proposed utility structures and/or transmission lines, including water, gas, electric, petroleum, etc., and all easements or rights-of-way connected with such structures and/or lines.
  - (27) The location of any existing bodies of water or watercourses; tree masses; buildings or structures, including the location of wells and on-site sewage facilities for such buildings or structures; public facilities; and any other man-made or natural features within or near the proposed subdivision.
  - (28) A certification of ownership, acknowledgment of a plan and offer of dedication shall be lettered on the plan and shall be duly acknowledged and signed by the owner(s) of the land.
  - (29) An approval block for the use of the County Planning Commission, the Township Planning Commission and the Board of Supervisors.
- C. Supplementary data required. Unless previously submitted, the final plan shall be accompanied by the following supplementary data were applicable:
- (1) Typical street cross-section drawing(s) for all proposed streets. Cross-section drawing(s) may be shown either on the final plan or on the profile sheets.
  - (2) Profile sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:
    - (a) Existing (natural) profile along both cartway edges or along the center line of each street.
    - (b) Proposed finished grade of the center line, or proposed finished grade at the top of both curbs or proposed finished grade at both cartway (pavement) edges.
    - (c) The length of all vertical curves.
    - (d) Existing and proposed sanitary sewer mains and manholes.
    - (e) Existing and proposed storm mains, inlets, manholes and culverts.
  - (3) Whenever a subdivider proposes to establish a street or private road which is not offered for dedication to public use, the Board of Supervisors may require the subdivider to submit, and also to record with the plan, a copy of an agreement made with the Township on behalf of his heirs and assignees, approved by the Municipal Solicitor, which shall establish the conditions under which the street may later be offered for dedication and shall stipulate, among other things:
    - (a) That the street shall conform to the municipal specifications or that the owners of the abutting lots shall include with the offer of dedication

sufficient money, as estimated by the Municipal Engineer, to restore the street to conformance with municipal specifications.

- (b) That an offer to dedicate the street shall be made only for the street as a whole.
  - (c) That the method of assessing repair costs be as stipulated.
  - (d) That agreement by the owners of more than 50% of the front footage thereon shall be binding on the owners of the remaining lots.
- (4) An agreement that the applicant will install all underground utilities before paving streets or constructing sidewalks.
  - (5) Final designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Resources and the Pennsylvania Department of Transportation.
  - (6) Where the final plan covers only part of the entire landholdings, a sketch of the future street system of the unsubmitted part shall be furnished. The street system of the submitted part will be considered in light of adjustments and connections with future streets in the part not submitted.
  - (7) Water and sewer feasibility reports as may be required, including any updated information which may have become available since the submission of the preliminary plan.
  - (8) A plan for the control of erosion and sedimentation for review by the County Conservation District office as required by the Pennsylvania Clean Streams Act.
  - (9) Where deemed necessary by the Board of Supervisors, a storm drainage plan and storm drainage calculations.
  - (10) Where deemed necessary by the Board of Supervisors, a map showing the location of the proposed development with respect to flood-prone areas, including information as to the regulatory flood elevation, the boundaries of the flood-prone areas, proposed lots and sites, fills, flood or erosion protection facilities and areas subject to special restrictions. In addition, where the proposed development lies partially or completely in any flood prone area or borders on any flood-prone area, such map shall also show the location and elevation of proposed roads, public utilities and building sites.
  - (11) A planning module as required by the Pennsylvania Department of Environmental Resources.
  - (12) Such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title of the land being subdivided.
  - (13) Any other certificates, affidavits, endorsements or dedications, etc., that may be required by the Board of Supervisors.

- (14) When a proposed plan has been submitted to the County Conservation District office for review and recommendations, a plan and/or other documentation to show what has been or will be done in response to its recommendations.

**§ 85-14. Resubdivision procedure.**

Any replatting or resubdivision, including changes to a recorded plan, shall be considered as a new application and shall comply with all requirements of this chapter.

**§ 85-15. Additions to existing lots.**

A parcel of land may be added to an existing recorded lot for the sole purpose of increasing the lot size, provided that:

- A. The parcel to be added must be contiguous to the existing lot.
- B. The addition must maintain or improve the overall straightness of lot lines.
- C. The plan prepared for the addition of this parcel shall follow the procedures outlined in this chapter.
- D. The plan shall stipulate that the parcel is for the sole purpose of enlarging an existing lot and may not be separately sold or retained.

**ARTICLE IV  
Design Standards**

**§ 85-16. Application of standards.**

The following standards shall be applied by the Township Planning Commission and the Board of Supervisors in evaluating plans submitted for review and/or approval. It is intended that these standards be considered the minimum requirements and may be modified as necessary to protect the health, safety and general welfare of the public.

**§ 85-17. General site standards.**

The following requirements and guiding principles for subdivisions and land developments shall be observed with respect to factors affecting the suitability of the site for such development:

- A. The plans shall conform to the Municipal Comprehensive Plan and Official Map or to such parts thereof as shall have been officially prepared and adopted by the municipality in which the development is situated.
- B. A land development or subdivision must be coordinated with existing land development or subdivision in the neighborhood so that the entire area may be developed harmoniously.

- C. Land proposed for land development or subdivision shall not be developed or changed by grading, excavating or by the removal or destruction of the natural topsoil, trees or other vegetative cover unless provisions for minimizing erosion and sedimentation are provided as required by the Erosion Control Regulations of the Pennsylvania Department of Environmental Resources.
- D. In a development where the average slope exceeds 15%, the municipality may require modifications to these regulations.
- E. In all developments, every precaution shall be taken to preserve all natural and historic features deemed worthy of preservation. Examples of such features would include but not be limited to large trees and stands of trees, watercourses, historic areas and structures, scenic views, etc. To ensure the protection of such features, the Board of Supervisors may require the following additional information to be submitted:
- (1) A grading plan showing the existing and proposed ground elevations relative to the features.
  - (2) The accurate location of the features to be protected.
  - (3) An explanation of the precautions to be taken by the developer to protect such features.
- F. Land subject to hazards of life, health or property as may arise from fire, floods, disease, excessive noise, odor, falling aircraft or considered uninhabitable for other reasons may not be developed unless the hazards have been removed or the plans show adequate safeguards against them.

**§ 85-18. Street and highway standards.**

- A. General. All streets proposed to be constructed shall conform to the following general design requirements:
- (1) Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage, suitable building sites and usable lots.
  - (2) Residential streets shall be so laid out as to discourage through traffic; however, proposed streets shall be planned with regard to the existing street system, topographical conditions, public convenience in terms of fire protection and pedestrian traffic, probable volumes of traffic, existing and proposed use of land on abutting properties and future extensions of the street system.
  - (3) When a subdivision abuts or contains an existing or proposed primary or secondary highway, the Township may require a marginal access street, reverse frontage or other treatment which will provide protection for abutting properties, reduction of the number of intersections and separation of local from through traffic.
  - (4) Dead-end streets shall be prohibited except as stubs to permit future street extensions into adjoining undeveloped tracts or when designated and designed as culs-de-sac or temporary turnarounds. If a street is a private street, a stub will not

be permitted since expansions of the private street into other undeveloped areas shall not be allowed. A private street must end with a cul-de-sac designed in accordance with the provisions herein.

- (5) Private streets (streets not offered for dedication to public use) shall, as a general rule, be discouraged. However, in the event a private street is approved for the limited purposes as hereinafter set forth, the street must still meet the design and improvement standards of this chapter in order to be suitable for future public dedication if the need or desire arises.
- (6) The proposed street system shall extend existing or recorded streets at the same width but in no case at less than the required minimum width.

B. Street widths.

- (1) Minimum street right-of-way and cartway widths shall be as follows:

**Street Right-of-Way and Cartway Widths**

Street Type	Right-of-Way (feet)	Cartway (feet)
Arterial	As determined by the Township after consultation with the Pennsylvania Department of Transportation	
Collector	60	36
Minor		
Average lot frontage of 70 feet or less	50	32
Average lot frontage of 70 feet or more	50	32 or 20, plus 2 eight-foot shoulders
Private	50	32
Alley or service drive	20	20

- (2) Provision for additional street width (right-of-way or cartway, or both) may be required when determined to be necessary in specific cases for:
  - (a) Public safety and convenience.
  - (b) Parking in commercial and industrial areas and in areas of high-density development.
  - (c) Widening of existing street where the width or alignment does not meet the requirements of the preceding subsections.
  - (d) Where topographic conditions require excessive cuts and fills.

C. Street grades.

- (1) The grades of streets shall not be less than the minimum nor more than the maximum requirements listed below:

Type of Street	Minimum Grade	Maximum Grade
All streets	0.5% when curbs are used without curbs	15%
Arterial	As determined after consultation with the Pennsylvania Department of Transportation	
Collector	0.5% when curbs are used without curbs	7%
Minor and alleys	0.5% when curbs are used without curbs	10%

- (2) Vertical curves shall be used in changes of grade when the difference exceeds 1% and shall be designed for maximum visibility.
- (3) On permission of the Planning Commission, minor street grade under special topographic condition may exceed 10% for distances less than 100 feet, provided that the grade does not in any case exceed 15%.

D. Curves.

- (1) Where connecting street lines deflect from each other at any one point by more than 10°, the line must be connected with a true, circular curve. The minimum radius of the center line for the curve must be as follows:

Type of Street	Minimum Radius (feet)
Collector	300
Minor	150

- (2) Straight portions of the street must be tangent to the beginning or end of curves. Except for minor streets, there must be a tangent of at least 100 feet between reverse curves.

E. Sight distance.

- (1) Proper sight distance shall be provided with respect to both horizontal and vertical road alignments. The sight distance measured from the center line 4.5 feet above grade shall be as follows: [Amended 3-10-1993 by Ord. No. 93-1]

Type of Street	Sight Distance (feet)
Arterial	500

Type of Street	Sight Distance (feet)
Collector	500
Minor	500
Access drives	500
Driveways	500
Private streets (where allowed)	500

- (2) There shall be provided and maintained at all intersections a clear-sight triangle with a line of sight between points 100 feet from the intersection of the street center lines. No building or other obstruction that would obscure the vision of a motorist shall be permitted within these areas.
  - (3) Proper sight distance shall be provided with respect to both horizontal and vertical road alignments at all intersections.
- F. Cul-de-sac streets. Cul-de-sac streets, designed to be so permanently, shall not exceed 500 feet in length and shall be provided with a paved turnaround having a minimum diameter of 80 feet and a legal right-of-way of 100 feet in diameter, except in nonresidential areas, where cul-de-sac streets may exceed 500 feet in length when, under special circumstances, the Planning Commission deems such additional length necessary and advisable.
- G. Intersections.
- (1) No intersection shall involve the junction of more than two streets.
  - (2) Right-angle intersections shall be used whenever possible. In no instance, however, shall streets intersect at an angle of less than 75°.
  - (3) Intersections shall be approached on all sides by leveling areas. Where the grades exceed 7%, such leveling areas shall have a minimum length of 100 feet measured from the intersection of the center lines, within which no grade shall exceed a maximum of 4%.
  - (4) All streets intersecting a state road (US, PA or LR) shall be subject to the approval of the Pennsylvania Department of Transportation (PennDOT). The developer shall furnish evidence of such approval in the form of a PennDOT highway occupancy permit or other written form.
  - (5) The design of curb or edge of pavements must take into account such factors as the types of turning vehicles, likely speeds of traffic, angle of turn, etc., but in no instance shall the radius of the curb or edge of pavement be less than the following:

Intersection	Curve Radius (feet)
Minor with minor street	15
Minor with collector	25
Collector with collector	35

- (6) Minor and collector streets shall not intersect arterial streets on the same side at less than eight-hundred-foot intervals and shall be in alignment with any existing or proposed streets intersecting from the opposite side. If two streets that intersect another from opposite sides cannot be aligned, then a distance of at least 150 feet shall be provided between the two intersecting center lines.
  
- H. Slope of bank along streets. The slope of banks along streets measured perpendicular to the street center line shall be no steeper than the following:
  - (1) One foot of vertical measurement for three feet of horizontal measurement for fills.
  - (2) One foot of vertical measurement for two feet of horizontal measurement for cuts.
  
- I. Partial and half-streets. The dedication of half-streets at the perimeter of new developments is prohibited except to complete existing half-streets.
  
- J. Names of streets. The names of new streets shall not duplicate or approximate existing or platted street names or approximate such names by the use of suffixes such as "lane," "way," "drive," "court" or "avenue." In approving the names, consideration shall be given to existing or platted street names within the postal delivery district served by the local post office. New streets shall bear the same name or number as any continuation of or alignment with an existing street. All new street names must be approved by the Adams County Planning Commission to ensure proper coordination with the countywide house numbering system. Route numbers must be approved by the Township.
  
- K. Reserve strips. Controlling access to streets by reserve strips is prohibited except where their control is definitely placed in the municipality under control approved by the municipality. A reserve strip is a parcel of ground in separate ownership separating a street from other adjacent properties or from another street.
  
- L. Alleys. Alleys shall be prohibited in single-family residential developments but may be included in townhouse, multiple-family, commercial and industrial developments.

**§ 85-19. Off-street parking.**

- A. Standards. Off-street vehicular parking facilities shall be provided in accordance with the following standards:
  - (1) Off-street parking may be located in any required side, front or rear yard, but not within the street right-of-way.

- (2) Except when provided for single-family or semidetached dwelling units, off-street parking areas shall be surfaced with a minimum of four inches of stone base and shall be properly graded and drained to dispose of all surface water.
- (3) Commercial and industrial parking areas shall be arranged and marked for the orderly and safe movement, loading, parking and storage of vehicles and shall be adequately illuminated if designed for use by more than 10 cars after dusk.
- (4) If determined necessary by the Board of Supervisors, commercial and industrial parking areas which provide more than five parking spaces shall be screened from any abutting property used for residential purposes. Screening may be accomplished by the placement of adequate buildings, a solid fence high enough to provide screening and/or provision and maintenance of solid planting in the form of contiguous evergreen shrubs.
- (5) Any lighting used to illuminate any residential, commercial or industrial parking areas shall be so arranged as to reflect the light away from adjoining premises and public rights-of-way.

B. Loading and unloading space.

- (1) All commercial and industrial establishments shall provide loading and unloading and commercial vehicle storage space adequate for their needs. This required space will be provided in addition to established requirements for patron and employee parking. In no case where a building is erected, converted or enlarged for commercial, manufacturing or business purposes shall the public right-of-way be used for loading or unloading of materials.
- (2) The minimum size loading space shall be 50 feet in depth, 12 feet in width, with an overhead clearance of 14 feet.

C. Table of spaces by use.

- (1) Each off-street parking area shall provide for each usable parking space at least 200 square feet of space. Where access to such area is from a public street, adequate turnaround space shall be provided behind the right-of-way line.
- (2) The number of spaces to be provided shall be governed by the following table:
  - (a) Offices, retail businesses and service establishments: one space for each 300 square feet of floor area.
  - (b) Restaurants, taverns and nightclubs: one space for every 2.5 seats.
  - (c) Professional offices or clinics: five spaces for each professional person unless the applicant can satisfactorily demonstrate a need for fewer spaces, but in no case less than five spaces.
  - (d) Motels, hotels: one space for each sleeping room and one space for each employee.
  - (e) Theaters and auditoriums: one space for every 3.5 seats.

- (f) Social halls, clubs and lodges: one space for each 200 square feet of floor space.
- (g) Bowling alleys: two spaces for each alley.
- (h) Residential dwellings: according to type of dwelling (see lot sizes by type of development).
- (i) Funeral homes: one space for each five seats.
- (j) Rooming houses and dormitories: one space for each two beds.
- (k) Manufacturing plants and laboratories: one space for every three employees.
- (l) Wholesale establishments and warehouses: one space for every two employees.
- (m) Churches: one space for every 3.5 seats.
- (n) Barbershops and beauty shops: two spaces for each service chair and one space for each employee.

**§ 85-20. Access drives.**

A. Residential. Access drives to any public street or highway in a residential area shall be governed by the following:

- (1) Within 10 feet of a street right-of-way line, an access drive may not exceed 20 feet in width.
- (2) The number of access drives may not exceed two per lot.
- (3) An access drive may not cross a street right-of-way line:
  - (a) Within five feet of a property line except for common access by two dwellings.
  - (b) Within 50 feet of the right-of-way line of an intersection street when entrance is from an arterial street.
  - (c) Within 35 feet of the right-of-way line of an intersection street when entrance is from a collector street.
  - (d) Within 25 feet of the right-of-way line of an intersecting street when entrance is from a minor street.
  - (e) Within 15 feet of a fire hydrant.
- (4) An access drive must have direct access from the lot, without traversing any other lot or tract of land, to a public street or to a private street constructed to public street standards (see §§ 85-18 and 85-25). An access drive must be located in safe relationship to sight distances and barriers to vision. An access drive shall not

exceed a slope of 5% within 25 feet of the street right-of-way lines. Where an access drive enters a bank through a cut, the shoulders of the cut shall not exceed 50% in slope within 25 feet of the point the access drive intersects the street right-of-way. [Amended 9-9-2013 by Ord. No. 2013-1]

B. Commercial and industrial. Access drives to any public street or highway in the case of a commercial or industrial development shall be governed by the following:

- (1) Accessways to public streets or highways shall be located at least 150 feet from any intersection involving arterial or collector streets and 100 feet from any intersection of minor streets. Accessways shall be designed to permit safe ingress and egress and, where practicable, shall be located on minor rather than collector or arterial streets.
- (2) No design shall be approved which is likely to create substantial traffic hazards endangering the public safety. Safety requirements which may be imposed in such a review shall include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings and signs. The developer shall be responsible for the construction of any such traffic control devices.

C. Private streets.

- (1) Private streets shall, as a general rule, be discouraged.
- (2) Parcels of land existing as of the effective date of this chapter which have their access by means of private roads or private rights-of-way shall be permitted to be subdivided into no more than four lots (total) for each original parcel, provided that all other requirements of this chapter are met.
- (3) No development or subdivision shall be served by a private street where more than four lots are connected (i.e., two separate parcels may not be served by private streets which would ultimately be joined together), and a series of private streets shall not be permitted in any land subdivision.
- (4) A private street shall be permitted only when, in the opinion of the Planning Commission and the Board of Supervisors, because of the nature of the subdivision, it would not be economically feasible to install public roads.
- (5) Where any accessway is to be private, proof of an agreement as to the responsibility for maintenance of that accessway pursuant to § 85-13C(3) shall be presented prior to final plan approval.

#### § 85-21. Lots.

A. General.

- (1) The size, shape and orientation of lots shall be appropriate for the type of development use contemplated. Insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines.

- (2) Where feasible, lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.
- (3) Generally, the depth of residential lots shall be not less than one nor more than 2 1/2 times their width.
- (4) Where the lots in a subdivision are large enough for resubdivision or where a portion of the tract is not developed, suitable access to these areas shall be provided.
- (5) Depth and width of parcels intended for nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc.
- (6) If, after subdivision, there exist remnants of land, they shall either be incorporated into existing or proposed lots or legally dedicated to public use, if acceptable to the municipality.
- (7) No lot shall be created in any manner whatsoever which does not meet the minimum requirements of this chapter.

B. Lot frontage.

- (1) All lots shall front on a dedicated public street (existing or proposed) or upon a private street laid out and constructed in accordance with other provisions of this chapter. Lots not fronting upon a public or private street shall not be approved.
- (2) Double- or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography, orientation or location.
- (3) All residential reverse frontage lots shall have a planting screen easement of at least 20 feet in width, across which there shall be no right of access.

C. Lot soil evaluation tests.

- (1) Soil percolation tests and deep probes shall be performed for each lot of a proposed subdivision wherein buildings at the time of construction will not be connected to a public sewage disposal system. Each lot must be found satisfactory for on-site sewage disposal prior to approval of the final plan.
- (2) The soil tests called for above shall be performed in accordance with the regulations of the Pennsylvania Department of Environmental Resources. The Township Sewage Enforcement Officer will observe the tests and certify the results.
- (3) A land planning module for any new subdivision or land development shall be prepared by the developer and submitted with the preliminary plan for approval by the Supervisors and the Pennsylvania Department of Environmental Resources (DER). In the event that DER has not approved the planning module within the standard review period for the Township as set forth in § 85-10C or 85-12C hereof, the Township shall disapprove the plan and require its resubmission unless

the developer agrees in writing or states for the minutes of the meeting that he agrees to an extension of time for the Township to give final approval, which



extension shall be until the next regular public meeting after receipt of the letter from DER.

- D. Lot sizes on slopes. The minimum lot area herein established shall be increased based on reports from the Pennsylvania Department of Environmental Resources and the Soil Conservation Service indicating that, because of slope, surface runoff or subsurface drainage of septic tank effluents is likely to result in hazardous conditions.
- E. Unique lots.
- (1) In the case of wedge-shaped lots, no lot shall be less than 35 feet in width measured along the arc at the front street right-of-way.
  - (2) Flag lots or panhandle lots or lots having a narrow strip of property for the sole purpose of providing access to a public road from a lot which would not otherwise front on a public road are prohibited unless no other reasonable method of providing access is available. In no case should this be used as a method of avoiding construction of a street. Minimum width of the panhandle, including frontage, shall be 25 feet.
  - (3) Corner residential lots shall have enough extra width to permit appropriate setbacks from both streets.
- F. Building setbacks and yard measurements.
- (1) Building setbacks shall be measured from the right-of-way lines.
  - (2) Building setback lines shall not be less than:
    - (a) 50 feet from the right-of-way line on minor streets. [Amended 3-10-1993 by Ord. No. 93-1]
    - (b) 50 feet from the right-of-way line on collector streets. [Amended 3-10-1993 by Ord. No. 93-1]
    - (c) 50 feet from the right-of-way line on arterial streets and roads.
  - (3) Where an existing building setback line is established on at least 50% of the properties in a block in which the proposed development is located or within 200 feet immediately adjacent to the proposed development, the above minimum setbacks may be increased or decreased in order to conform to such established line.
  - (4) Building lines in a proposed subdivision shall not be less than 10 feet from a side lot line.
  - (5) Building lines in a proposed subdivision shall not be less than 25 feet from a rear lot line.
  - (6) Additional side and rear yard setbacks shall be required for proposed buildings or structures that are four or more stories or more than 45 feet in height.

**§ 85-22. Lot dimensions and minimum requirements for residential, commercial and industrial development.**

All lot areas shall be calculated from the street right-of-way lines. All setback lines shall be measured from the right-of-way lines.

**A. Residential development.**

**(1) Single-family detached unit.**

	Private Water and On-Site Sewer	Private Water and Public Sewer	Private Water and Proposed Public Sewer or Public Water and On-Site Sewer*	Public Water and Public Sewer
Area/unit (square feet)	40,000	10,000	20,000	7,500
Minimum width (feet)	140	75	100	75
Adequate percolation	Required	Not required	Required	Not required
Maximum lot coverage	35%	35%	35%	35%

**NOTES:**

\* Where on-site sewer facilities are to be elevated sand mounds, the minimum lot area shall be 40,000 square feet.

**(2) Conversion unit.**

- (a) Requirements for total lot area, width, coverage and percolation shall be the same as the requirements for the type of unit which is being created.
- (b) Two off-street parking spaces shall be provided on the same lot for each dwelling unit.

**(3) Semidetached unit.**

	Private Water and On-Site Sewer	Private Water and Public Sewer	Private Water and Proposed Public Sewer or Public Water and On-Site Sewer*	Public Water and Public Sewer
Area/unit (square feet)	30,000	12,000	20,000	7,500
Minimum width (feet)	120	70	100	65
Adequate percolation	Required	Not Required	Required	Not Required
Maximum lot coverage	35%	40%	35%	40%

**NOTES:**

\* Where on-site sewer facilities are to be elevated sand mounds, the minimum lot area shall be 30,000 square feet.

- (a) Two off-street parking spaces shall be provided for each dwelling unit.

**(4) Attached, row or townhouse unit.**

Area/unit (square feet)	2,500
Minimum width (feet)	20 for each unit planned
Maximum lot coverage	50%

- (a) The maximum number of dwelling units in a group of row dwellings shall be eight.
  - (b) No building shall exceed 180 feet in length.
  - (c) Two off-street parking spaces shall be provided for each dwelling unit. In addition, for every two dwelling units of this type, there shall be provided one additional parking space.
  - (d) Water and sewer facilities shall be public systems or approved private systems. No individual on-site systems shall be approved for attached, row or townhouse units.
  - (e) The minimum side yard shall be 20 feet for buildings containing four units, 25 feet for buildings containing five units and 30 feet for buildings containing six units or more.
  - (f) Recreation areas shall be provided for residential developments according to the following:
    - [1] Subdivisions or land developments of 10 or fewer units will provide 1,000 square feet.
    - [2] Subdivisions or land developments of 11 to 50 units will provide 100 square feet per unit in addition to the 1,000 square feet for the first 10 units.
    - [3] Recreation areas for subdivisions or land developments in excess of 50 units shall be negotiated with the municipality.
    - [4] Recreation areas will be of suitable location, topography and condition to provide for their intended use. Permanent easements will be provided as necessary to assure adequate access.
    - [5] At the request of the municipality, the recreation requirement may be met by the developer's providing a financial contribution to existing or proposed recreation facilities elsewhere in the municipality. Details of such arrangements will be negotiated between the municipality and the developer.
  - (g) A permanent easement shall be provided where the rear property line abuts any property other than a street for the purpose of nonvehicular ingress and egress by center property owners. Minimum width of said easement shall be five feet.
- (5) Multiple-dwelling or apartment units.

Area/unit (square feet)	2,500
Minimum total lot area (square feet)	7,500
Minimum width (feet)	20 for each unit planned
Maximum lot coverage	50%

- (a) Water and sewer facilities shall be public systems or approved private systems. No individual on-site systems shall be approved for multiple-dwelling or apartment units.
- (b) For subdivisions containing three or more units of this type, the minimum distance between principal buildings shall be equal to two times the height of the highest building. In no case shall this distance be less than 60 feet. Building setback lines shall be one times the height of the highest building, and in no case shall this distance be less than 30 feet.
- (c) If maintenance equipment storage areas are provided, they shall be provided with buffer zones.
- (d) Two off-street parking spaces shall be provided for each dwelling unit. In addition, for every two dwelling units of this type proposed, there shall be provided one additional off-street parking space.
- (e) Minimum building setback lines for any building containing only two multiple-dwelling units shall be the same as for single-family residences.
- (f) No building shall exceed 180 feet in length.
- (g) Recreation areas shall be provided for residential developments according to the following:
  - [1] Subdivisions or land developments of 10 or fewer units will provide 1,000 square feet.
  - [2] Subdivisions or land developments of 11 to 50 units will provide 100 square feet per unit in addition to the 1,000 square feet for the first 10 units.
  - [3] Recreation areas for subdivisions or land developments in excess of 50 units shall be negotiated with the municipality.
  - [4] Recreation areas will be of suitable location, topography and condition to provide for their intended use. Permanent easements will be provided as necessary to assure adequate access.
  - [5] At the request of the municipality, the recreation requirement may be met by the developer's providing a financial contribution to existing or proposed recreation facilities elsewhere in the municipality. Details of such arrangements will be negotiated between the municipality and the developer.

- (h) A permanent easement shall be provided where the rear property line abuts any property other than a street for the purpose of nonvehicular ingress and egress by center property owners. Minimum width of said easement shall be five feet.

(6) Condominiums.

Area/unit (square feet)	2,500
Minimum total lot area (square feet)	7,500
Minimum width (feet)	75
Maximum lot coverage	50%

- (a) Water and sewer facilities shall be public systems or approved private systems. No individual on-site systems shall be approved for condominiums.
- (b) Prior to completion of construction and occupation by unit owners, the owner and/or developer shall present to the Recorder of Deeds, Adams County, a declaration and a declaration plan, to be recorded in compliance with Pennsylvania Act No. 117 of 1963, the Unit Property Act.<sup>4</sup> All condominiums shall be subject to the provisions of the Unit Property Act.
- (c) Recreation areas shall be provided according to the following provisions:
  - [1] For subdivisions of up to 10 units, a minimum total area of 1,000 square feet shall be designated and reserved by the developer.
  - [2] For subdivisions of more than 10 but less than 50 units, a minimum of 100 square feet per unit shall be designated and reserved by the developer in addition to the 1,000 square feet for the 10 units.
  - [3] For subdivisions of over 50 units, the developer shall provide for recreation areas as negotiated with the municipality.
  - [4] Deeds for each unit shall reflect responsibility for maintaining recreation areas.
  - [5] The area shall be provided adjacent to the housing units.
  - [6] The area shall be suitably landscaped.
  - [7] The area shall not be considered for future development.
- (d) Two off-street parking spaces shall be provided for each dwelling unit. In addition, for every two dwelling units of this type, there shall be provided one additional off-street parking space.

B. Commercial development.

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4. Editor's Note: See 68 P.S. § 700.101 et seq.

- (1) Lots of five acres or less.
  - (a) Minimum lot area will be controlled by setback, building size and maximum impervious cover standards.
  - (b) Lot frontage shall be adequate to provide safe ingress and egress.
  - (c) Maximum impervious total coverage shall be 75%. Buildings shall occupy no more than 40% of the total lot area.
  - (d) Building setbacks shall be measured from the right-of-way line:
    - [1] 25 feet from the right-of-way line on minor streets.
    - [2] 30 feet from the right-of-way line on collector streets.
    - [3] 50 feet from the right-of-way line on arterial streets and roads.
  - (e) Side yards shall be 15 feet.
  - (f) Rear yard shall be 25 feet.
- (2) Lots of more than five acres.
  - (a) Minimum lot width shall be measured at the setback line.
  - (b) Maximum impervious total coverage shall be 75%. Buildings shall occupy no more than 40% of the total lot area.
  - (c) The building setback line shall be 100 feet measured from the right-of-way line.
  - (d) Side yards shall be 25 feet.
  - (e) Rear yard shall be 50 feet.
- (3) Development of land for commercial purposes shall be governed by the following:
  - (a) Any part or portion of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas shall be planted with an all-season ground cover and shall be landscaped with trees and shrubs in accordance with an overall landscape plan and shall be in keeping with natural surroundings. On properties adjacent to or contiguous to residential areas, landscaping shall include a planted or constructed visual barrier so placed as to effectively screen loading or service areas.
  - (b) Water and sewer systems shall meet the requirements of the Pennsylvania Department of Environmental Resources.
  - (c) Parking areas shall be designed in accordance with § 85-19 of this chapter.
  - (d) Storm drainage facilities shall be designed in accordance with § 85-30 of this chapter.

- (e) No design shall be approved which does not conform to appropriate federal, state, regional and local standards relative to water or air pollution, particle emission, noise, electrical disturbances, waste disposal, light, glare, heat, vibration, radioactivity and outdoor storage of materials or which involves any other activity generating a nuisance.

C. Industrial development.

- (1) Dimensions. For any lot or parcel of land being developed for use as an industrial site, the following dimensions shall apply:
  - (a) Minimum total lot area shall be one acre.
  - (b) Minimum lot width shall be 140 feet measured at the setback line.
  - (c) Maximum total impervious coverage shall be 75%. Buildings shall occupy no more than 40% of the total lot area.
  - (d) The building setback line shall be 100 feet measured from the right-of-way line.
  - (e) The side yards shall be 25 feet each.
  - (f) Rear yard shall be 50 feet.
- (2) Development of land for industrial purposes shall be governed by the following:
  - (a) Any part or portion of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas shall be planted with an all-season ground cover and shall be landscaped with trees and shrubs in accordance with an overall landscape plan and shall be in keeping with natural surroundings. On properties adjacent to or contiguous to residential areas, landscaping shall include a planted or constructed visual barrier so placed as to effectively screen loading or service areas.
  - (b) Water and sewer systems shall meet the requirements of the Pennsylvania Department of Environmental Resources.
  - (c) Parking areas shall be designed in accordance with § 85-19 of this chapter.
  - (d) Storm drainage facilities shall be designed in accordance with § 85-30 of this chapter.
  - (e) No design shall be approved which does not conform to appropriate federal, state, regional and local standards relative to water or air pollution, particle emission, noise, electrical disturbances, waste disposal, light, glare, heat, vibration, radioactivity and outdoor storage of materials or which involves any other activity generating a nuisance.

**§ 85-23. Easements.**

- A. The minimum width of easements for underground and overhead public utilities shall be 20 feet.
- B. Wherever possible, easements for public utilities shall be centered on side and/or rear lot lines.
- C. Electric and telephone facilities shall be installed underground unless conditions require otherwise.
- D. Drainage easements shall be of such adequate width as to serve the purpose for which they are intended. Such easements shall preserve the unimpeded flow of natural drainage or provide for the construction of drainage facilities. In no case shall they be less than 20 feet.

**ARTICLE V****Improvement and Construction Requirements****§ 85-24. Monuments and markers.**

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

**A. Monuments.**

- (1) Monuments shall be set:
  - (a) At the intersection of all right-of-way lines.
  - (b) At the intersection of lines forming angles in the boundaries of the development.
  - (c) At such intermediate points as may be required by the Engineer.
- (2) Monuments shall be six inches square or four inches in diameter, 30 inches long and shall be made of concrete, stone or a four-inch cast-iron or steel pipe filled with concrete.

**B. Markers.**

- (1) Markers shall be set:
  - (a) At all lot corners except those monumented.
  - (b) Prior to the time the lot is offered for sale.
- (2) Markers shall be 3/4 of an inch square or 3/4 of an inch in diameter and 15 inches long. Markers shall be made of iron pipes or iron or steel bars.

- C. Removal. Any monuments or markers that are removed must be replaced by a registered engineer or surveyor at the expense of the person removing them.

§ 85-25. Streets.

Streets shall be surfaced to the grades and dimensions drawn on the plans, profiles and cross sections submitted by the subdivider and approved by the municipality. Before paving the street surface, the subdivider must install the required utilities and provide, where necessary, adequate stormwater drainage for the streets, as acceptable to the Township. Following a review of the subdivision plan and consultation with the subdivider and the Planning Commission, the Board of Supervisors shall determine the type of development and the specifications for the base and wearing surface of the streets in accordance with the following:

A. Urban or suburban developments.

(1) Minor streets.

- (a) Except when otherwise specified, the base course shall consist of six inches of compacted crushed stone, constructed according to the specifications set forth in Section 3.10, Crushed Aggregate Base Course, of the Pennsylvania Department of Transportation Specifications, 1970, or as amended.
- (b) Construction of the surface course shall comply with the specifications as set forth in Section 4.41, Bituminous Surface Course 2 1/2 inches CP-2, of the Pennsylvania Department of Transportation Specifications, 1970, as amended. Concrete may be substituted for the above, subject to the approval of the municipality.

(2) Collector streets.

- (a) Except when otherwise specified, the base course shall consist of eight inches of compacted crushed stone, constructed according to the specifications as set forth in Section 4.2, Crushed Stone Base Course, of the Pennsylvania Department of Transportation Specifications, 1970, as amended.
- (b) Construction of the surface course shall comply with the specifications as set forth in Section 4.20, Bituminous Surface Course 2 1/2 inches ID-2, of the Pennsylvania Department of Transportation Specifications, 1970, as amended. Concrete may be substituted for the above, subject to the approval of the municipality.

(3) Arterial streets.

- (a) For the construction of arterial roads or highways, the subdivider shall consult with and be governed by the Pennsylvania Department of Transportation for the method of construction to be used.
- (b) The Board of Supervisors shall decide if a collector or arterial street is required as a direct result of the construction of his subdivision, in which case the subdivider is responsible for paying the additional width required.

## B. Private streets.

- (1) All private streets shall be constructed in accordance with this section or bonded in accordance with § 85-37 of this chapter prior to approval of the final plan.
- (2) Whenever a subdivider proposes to establish a street which is not offered for dedication to public use, the Planning Commission and/or Supervisors may require the subdivider to submit, and also to record with the plan, a copy of an agreement made with the municipality on behalf of his heirs and assigns, signed by the Municipal Solicitor, which shall establish the conditions under which the street may later be offered for dedication and shall stipulate, among other things:
  - (a) That the street shall conform to appropriate specifications or that the owners of the abutting lots shall include with the offer of dedication sufficient money, as estimated by the Municipal Engineer, to restore the street to conformance to specifications.
  - (b) That an offer to dedicate the street shall be made only for the street as a whole.
  - (c) That the method of assessing repair costs be as stipulated.
  - (d) That agreement by the owners of more than 50% of the front footage thereon shall be binding on the owners of the remaining lots.

C. Streetlights. If required by the municipality, a streetlight meeting municipal specifications shall be installed at one corner of every intersection.

D. Street signs. Street name signs shall be placed at one corner of every intersection. The design must be according to municipal specifications.

E. Street trees. The Planning Commission may require that shade trees be planted in a development, to conform to the following specifications:

- (1) The trees shall be located between the sidewalk and building setback line and at least five feet from the sidewalk. Trees shall be planted between the sidewalk and curb only if the curb and sidewalk are at least 10 feet apart.
- (2) Each tree shall be at least eight feet in height and have a diameter of at least 1 1/2 inches.

**§ 85-26. Curbs and gutters.**

- A. In any proposed subdivision or land development with an average lot size or area per dwelling unit of 15,000 square feet or less or where any subdivision is immediately adjacent to or within 1,000 feet of any existing or recorded subdivision having curbs, curbs shall be installed on each side of the street.
- B. Curbs may also be required along any existing or proposed street regardless of lot size where curbs are necessary to control the flow of surface water and regulate traffic and/or where lot widths are 80 feet or less.

- C. Curbs shall be provided in all streets and parking compounds located within multifamily development projects.
- D. In areas where curbing is not required, suitable gutters shall be installed to avoid erosion.
- E. All curbs shall be constructed of portland cement concrete. The construction of vertical curbs shall conform to the requirements of Section 715, Plain Cement Concrete Curb, Type A, of the Pennsylvania Department of Transportation Specifications, or as amended, Rolled curb and gutter-type curbs may be constructed.

**§ 85-27. Sidewalks.**

- A. In any proposed subdivision or land development with an average lot size or area per dwelling unit of 15,000 square feet or less or where a subdivision is immediately adjacent to or within 1,000 feet of any existing or recorded subdivision having sidewalks, sidewalks may be required on each side of the street in accordance with municipal specifications.
- B. The Planning Commission may require installation of sidewalks in any subdivision or development where the evidence indicates that sidewalks are necessary for the public safety.
- C. Sidewalks shall be within the right-of-way of the street and shall extend in width from the right-of-way line toward the curbline.
- D. Sidewalks must be at least four feet wide. In the vicinity of shopping centers, schools, recreation areas and other such facilities, sidewalks must be at least five feet wide and located within the street right-of-way.
- E. Sidewalks shall be constructed according to Pennsylvania Department of Transportation standards.

**§ 85-28. Sewer and water supply systems.**

- A. Private and on-site sewer systems.
  - (1) All properties shall be connected to a public sanitary sewer system if possible.
  - (2) Where a public sanitary sewer system is not accessible but is proposed for extension within five years to the development or to within 1,000 feet of the development, the developer shall install sewer lines, including lateral connections, to provide adequate service to each lot when connection with the public system is made. The sewer lines shall be capped at the street right-of-way line. When capped sewers are provided, on-site disposal facilities shall also be provided.
  - (3) If no public system is either proposed within five years or within 1,000 feet of the development, the Board of Supervisors may require that a study be prepared to determine the feasibility of constructing a separate private system or treatment facility or connecting to an existing private or public system over 1,000 feet away.

- (4) Upon completion of any sanitary sewer system installation, the plan for the system as built shall be filed with the municipality.
  - (5) Where none of the above alternatives are possible or feasible, an individual sewage disposal system consisting of a septic tank and tile absorption field or other approved sewage disposal system shall be provided for each lot at the time improvements are erected or installed thereon. All such individual sewage disposal systems shall be constructed in accordance with the Pennsylvania Department of Environmental Resources regulations.
- B. Private and on-site water systems.
- (1) Where a water main supply is within 1,000 feet or where plans approved by the municipality provide for the installation of public water facilities, the developer shall provide the development with a complete water supply system to be connected to the existing or proposed water main supply system in accordance with municipal specifications.
  - (2) If connection to a public water supply system is not possible, a report on the feasibility of constructing a separate water supply system may be required by the Planning Commission and a report shall be submitted setting forth the findings.
  - (3) The plans for installation of a private water supply system shall be prepared by the land developer and approved by the Pennsylvania Department of Environmental Resources. Upon completion of any water supply system, the plan for the system as built shall be filed with the municipality.
  - (4) Where none of the above alternatives are possible or feasible, an individual water supply system shall be installed.
  - (5) The water supply yield shall be adequate for the type of development proposed.
  - (6) The installation of such systems shall not endanger or decrease groundwater supplies of adjacent properties.
  - (7) Any such individual system shall meet any applicable Pennsylvania Department of Environmental Resources regulations.

**§ 85-29. Fire hydrants.**

Fire hydrants shall be provided as an integral part of any public water supply system.

- A. Fire hydrants shall be installed if their water supply source is capable of serving them in accordance with the requirements of the local fire authority.
- B. Fire hydrants shall be in accordance with specifications set forth by the National Fire Protection Association, or as amended.
- C. Fire hydrants shall be placed at intervals of not more than 600 feet or as specified by the Middle Department Association of Fire Underwriters.

**§ 85-30. Storm drainage.****A. General.**

- (1) Whenever the evidence available to the Planning Commission indicates that natural surface drainage is inadequate, the developer shall install storm sewers, culverts and related facilities as necessary to:
  - (a) Permit the unimpeded flow of natural watercourses.
  - (b) Ensure the drainage of all low points along the line of streets.
  - (c) Intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.
  - (d) Provide positive drainage away from on-site disposal facilities.
- (2) Storm sewers shall not be connected to sanitary sewers.
- (3) Stormwater drainage facilities which receive water from drainage areas in excess of 1/2 square mile (320 acres) shall be subject to the approval of the Pennsylvania Department of Environmental Resources, Division of Dams and Encroachments. Stormwater drainage plans which involve a state road shall be subject to the approval of PennDOT. Approval of a plan by the Planning Commission shall not be construed as an indication that the plan complies with the standards of any agency of the commonwealth.

**B. Design.**

- (1) Storm drainage facilities must be designed to handle not only the anticipated peak discharge from the property being developed, but also the anticipated increase in runoff that may occur when all the property at a higher elevation in the same drainage basin is fully developed.
- (2) The developer shall also study the effect of the development on the existing downstream drainage facilities outside the area of the development. Where the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission shall not approve the subdivision until provision has been made for the improvement of said condition.
- (3) The USDA Soil Conservation Service Soil Cover Complex Method or the PennDOT Method are the recommended methods for calculating runoff.
- (4) The storm design intensity shall be established with a minimum ten-year-storm frequency. A frequency of one in 25 to 50 years is required for high-value districts and major highways.

- C. Existing facilities. Where existing storm sewers are reasonably accessible and of sufficient capacity, the developer must connect his stormwater facilities to these existing storm sewers.

**D. Abutting properties.**

- (1) In the design of storm drainage facilities, special consideration must be given to preventing excess runoff onto adjacent developed or undeveloped properties. In no case may a change be made in the existing topography which would:
  - (a) Increase the slope to more than one foot of vertical measurement for three feet of horizontal measurement for fills or one foot of vertical measurement for two feet of horizontal measurement for cuts within a distance of 20 feet from the property line unless an adequate retaining wall or other structure is provided.
  - (b) Result in a slope which exceeds the normal angle of slippage of the material involved.
- (2) All slopes must be protected against erosion.

**§ 85-31. Erosion and sedimentation.**

All development applications which involve grading or excavation shall conform to the requirements of the rules and regulations of the Pennsylvania Department of Environmental Resources pertaining to erosion and sedimentation. It shall be the responsibility of the applicant to secure approval of the Department of Environmental Resources. Approval of plans by the Supervisors shall not be construed as approval under such regulations.

**§ 85-32. Floodplain.**

- A. The floodplain corridor shall be defined and established as the area of inundation which functions as a storage or holding area for floodwater to a width required for a one-hundred-year flood, as delineated in one of the following reports:
  - (1) A hydrologic report prepared by an individual registered in the Commonwealth of Pennsylvania to perform such duties.
  - (2) A hydrologic report prepared by an agency of the United States Government.
- B. In case of any dispute concerning the boundaries of a floodplain corridor, the Board of Supervisors shall determine the ultimate location.
- C. Whenever a floodplain is located within or along a proposed land development, the plan shall include the location of the floodplain with a plan note that:
  - (1) The floodplain shall be kept free of structures, fill and other encroachments; and
  - (2) Any structures located within the floodplain shall be floodproofed to the limits of the floodplain corridor.
- D. All floodplain lands shall be excluded in the minimum lot area calculations. Additionally, the floodplain area shall be identified by elevation or by approximate distance from the

center line of the stream channel. Floodplain lines need not be identified by distances and bearings.

- E. No subdivision and/or land development or part thereof shall be approved if the proposed development and/or improvements will individually or collectively increase the one-hundred-year flood elevation more than one foot at any point.
- F. If it is determined that only a part of a proposed subdivision can be safely developed, the Board of Supervisors shall limit development to that part and shall require that development proceed consistent with this determination.
- G. The subdivision must in all respects comply in full with the Butler Township Floodplain Ordinance.<sup>5</sup>

**§ 85-33. Underground utility lines.**

Electric, telephone and all other utility facilities shall be installed underground. The developer shall be required to obtain a letter from the appropriate utility company confirming that the developer has entered into an agreement to provide for an underground electric and telephone system in accordance with the Pennsylvania Public Utility Commission Investigation Docket No. 99, as amended, or has obtained a waiver from said Pennsylvania Public Utility Commission to allow overhead electric and telephone facilities.

**§ 85-34. Petroleum lines.**

When any petroleum or petroleum products transmission line traverses a land development, the developer shall confer with the applicable transmission or distributing company to determine the minimum distance which shall be required between each dwelling unit and the center line of such petroleum or petroleum products transmission line.

**§ 85-35. Natural gas lines.**

The minimum distance from a natural gas line to a dwelling unit shall be as required by the applicable transmission or distributing company or as required by the applicable regulations issued by the Department of Transportation under the Natural Gas Pipe Line Safety Act of 1986, as amended, whichever is greater.

**§ 85-36. Land for recreation or park purposes.**

- A. In subdivisions which are intended to provide housing for more than four families, the Planning Commission shall consider the need for suitable open areas for recreation and shall make recommendation thereon based upon the following standards:

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5. Editor's Note: See Ch. 15, Building Construction, Part 1.

Families To Be Served	Minimum Playground Acreage To Be Recommended
5 to 15	10,000 square feet
15 to 50	20,000 square feet
50 to 100	1 acre
Each additional 100	1 acre

- B. The land to be dedicated must be suitable in size, shape, topography and general character for the proposed use.
- C. In lieu of dedication of recreational areas, the developer and the municipality may agree on a capital contribution to be made by the developer to an existing or proposed park program.

**§ 85-37. Completion of improvements; guaranties.**

- A. No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition or improved as may be required by this chapter and any walkways, curbs, gutters, streetlights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains and other improvements as may be required by this chapter have been installed in accordance herewith. In lieu of the completion of any improvements required as a condition for the final approval of a plat, the Planning Commission and/or the Township shall require for deposit with the Township financial security in an amount sufficient to cover the costs of any improvements or common amenities, including but not limited to roads, stormwater detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements or buffer or screen plantings. Without limitation as to other types of financial security which the municipality may approve, federal or commonwealth-chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purpose of this chapter. Such financial security shall be posted with a bonding company or federal or commonwealth-chartered lending institution chosen by the party posting the financial security, provided that said bonding company or lending institution is authorized to conduct such business within the commonwealth.
- B. Such bond or other security shall provide for and secure to the public the completion of any improvements which may be required within one year of the date fixed in the subdivision plat for completion of such improvements. The amount of financial security shall be equal to 110% of the cost of the required improvements for which financial security is to be posted. The cost of the improvements shall be established by submission to the Township of bona fide bid or bids from the contractor or contractors chosen by the party posting the financial security to complete the improvements, or, in the absence of such bona fide bids, the cost shall be established by an estimate prepared by the Township Engineer. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10%

for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure. Where development is projected over a period of years, the Township may authorize submission of final plats by sections or stages of development, subject to such requirements or guaranties as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

- C. As the work of installing the required improvements proceeds, the party posting the financial security may request the Township to release or authorize the release, from time to time, of such portions of the financial security as are necessary for payment to the contractor or contractors performing the work. Any such request shall be in writing, addressed to the Township, and the Township shall have 45 days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Township that such portion of the work has been completed in accordance with the approved plat. Upon such certification, the Township shall authorize the release by the bonding company or lending institution of an amount, as estimated by the Township Engineer, fairly representing the value of the improvements completed, or, if the Township fails to act within said forty-five-day period, the Township shall be deemed to have approved the release of the funds as requested. The Township may, prior to final release at the time of completion and certification by its Engineer, require retention of 10% of the estimated cost of the aforesaid improvements.
- D. Where the Township accepts dedication of all or some of the required improvements following completion, the Township may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements, in accordance with the design and specifications as depicted on the final plat, for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of the installation of said improvements.
- E. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the municipality shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, on the lots or land as depicted on the final plat upon actual completion of the improvements depicted thereon. If financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted on the approved plat, either upon the lot or lots or

beyond the lot or lots in question, if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

**§ 85-38. Release from improvement bond.**

- A. When the developer has completed all the necessary and appropriate improvements, the developer shall notify the Township in writing, by certified mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Township shall, within 10 days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall thereupon file a report, in writing, with the Township, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Township Engineer of the aforesaid authorization by the Township; said report shall be detailed and shall indicate approval or rejection of said improvements either in whole or in part, and if said improvements or any portion thereof shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
- B. The Township shall notify the developer in writing, by certified or registered mail, of the action of the Township with relation thereto.
- C. If the Township or Township Engineer fails to comply with the time limit contained herein, all improvements shall be deemed to have been approved and the developer shall be released from all liability pursuant to its performance guaranty bond or other security agreement.
- D. If any portion of the said improvements shall not be approved or shall be rejected by the Township, the developer shall proceed to complete the same, and upon completion the same procedure of notification as outlined in this chapter shall be followed.
- E. Nothing in this chapter, however, shall be construed in limitation of the developer's right to contest or question, by legal proceedings or otherwise, any determination of the Township or the Township Engineer.
- F. Where reference is made in this chapter to the Township Engineer, he shall be a duly registered professional engineer employed by the Township or engaged as a consultant to the Township.

**§ 85-39. Remedies to effect completion of improvements.**

In the event that any improvements which are required have not been installed as provided in this chapter or in accord with the approved final plan, the Board of Supervisors is hereby granted the power to enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by such security, the Township may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the

proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other Township purpose.

**§ 85-40. Dedication of improvements.**

Upon installation by the developer and subsequent inspection by the Township Engineer, the developer shall take final steps to dedicate the improvements and have them accepted by the Township. The recording of the final plan following approval by the Township has the effect of an irrevocable offer to dedicate all streets and other public ways and areas to public use. The offer, however, does not impose any duty on the Township concerning maintenance of improvements until the proper authorities of the Township have made actual acceptance either by ordinance or resolution.

**ARTICLE VI**

**Fees**

**§ 85-41. Fees established.**

The fees for subdivision and land development review and approval shall be as follows:

- A. Sketch plans. No fee shall be required for sketch plan review.
- B. Fee schedule. The Township shall adopt by resolution a Township Subdivision and Land Development Fee Schedule.<sup>6</sup> The Township shall not be required to review any plan unless the fee as provided in the fee schedule is first paid to the Township. [Amended 5-8-2006 by Ord. No. 2006-27 ]

**ARTICLE VII**

**Variances**

**§ 85-42. Authorization to grant.**

If any provision of this chapter is shown by the developer to be unreasonable or such as to cause undue hardship not of his own making in the special conditions of his proposed subdivision or land development, the Planning Commission or Board of Supervisors may grant a variance from the literal requirements of such provision, provided that such variance will not be contrary to the public interest, that justice will be done and the purpose and intent of this chapter will be observed.

6. Editor's Note: The fee schedule is on file in the office of the Township Secretary.

7. Editor's Note: This ordinance also repealed former Subsections B, Preliminary plans; C, Final plans; D, Resubmission of plans; and F, Consulting fees, and provided for the relettering of former Subsection E, Fee schedule, as Subsection B.

**§ 85-43. Procedure.**

- A. Any request for a variance shall be in writing and shall accompany and be a part of the submission of the plan, preliminary and/or final, to which it refers. The request shall state in full the ground and facts of unreasonableness or hardship on which the request is based, the provision(s) of this chapter involved and the exact variance therefrom which is requested.
- B. All proposals for variance from the provisions of this chapter shall be reviewed and a recommendation made by the Township, whether requested by the developer or deemed necessary by the Planning Commission.
- C. All proposals for variance from the provisions of this chapter shall be reviewed by and shall have effect only when approved by the Planning Commission and Board of Supervisors.
- D. A record of the action on all variances from the provisions of this chapter shall appear in the official minutes of the Planning Commission and on the Township minutes.

**ARTICLE VIII****Mobile Homes and Mobile Home Parks****§ 85-44. Contents of article.**

This article contains provisions setting forth minimum standards for the design, construction, alteration and extension of mobile home parks and related utilities and facilities.

**§ 85-45. Definitions.**

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

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

**MOBILE HOME LOT** — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased to the occupants of the mobile home erected on the lot.

**MOBILE HOME PARK** — A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two or more mobile home lots.

**PERSON** — Any individual, firm, trust, partnership, public or private association or corporation or other entity.

RECREATIONAL VEHICLE — A vehicle which is designed for human occupancy under transient circumstances, such as camping, travel or other recreation, sometimes variously known as a "travel trailer" or a "camping trailer."

SERVICE OR RECREATIONAL BUILDING — A structure housing operational, office, recreational, park maintenance and other facilities, built to conform to required local standards.

**§ 85-46. Approval for mobile home park construction, alteration or extension.**

All mobile home park plans shall have the same status as preliminary and/or final plans as described in Article III of this chapter. Approved final plans for mobile home parks shall be recorded as described in § 85-12D of this chapter.

- A. Permit required. It shall be unlawful for any person to construct, alter or extend any mobile home park unless a valid permit has been issued by the Pennsylvania Department of Environmental Resources in the name of such person for specific construction, alteration or extension proposed.
- B. Application to the Pennsylvania Department of Environmental Resources. All applications for permits shall be made by the owner of the mobile home park or his authorized representative to the Department of Environmental Resources or other designated agency in accordance with its rules and regulations concerning mobile home parks.
- C. Application to the Township Planning Commission. Copies of the application submitted to the Pennsylvania Department of Environmental Resources shall be concurrently filed with the Butler Township Planning Commission. Such application shall be accompanied by a plan drawn at a scale of not less than one inch equals 50 feet and containing the following information:
  - (1) All information as required by the Pennsylvania Department of Environmental Resources.
  - (2) Name of mobile home park, if any.
  - (3) Name and address of owner of record and/or applicant.
  - (4) Name of engineer, surveyor or other qualified person preparing the plan.
  - (5) North arrow, scale and date of plan preparation.
  - (6) Location map.
  - (7) Site data.
    - (a) Number of mobile home lots.
    - (b) Total number of acres.
    - (c) Number of lots per acre.

- (d) Number of off-street parking spaces.
  - (8) Topography showing existing and proposed contours at intervals of two or five feet, depending upon the slope of the land.
  - (9) The location of any existing bodies of water or watercourses, floodplain areas, tree masses, buildings or structures, public facilities and any other man-made or natural features within or near the proposed mobile home park area.
  - (10) A storm drainage plan and storm drainage calculations (see § 85-30 of this chapter).
  - (11) Existing and proposed property, lot and boundary lines, including building setback lines, and information concerning lot dimensions, lot areas, the location of all utilities and the street number assigned to each lot.
  - (12) Location and dimensions of all mobile home stands.
  - (13) The location of all existing and proposed streets, with information concerning pavement widths, types of paving and street names.
  - (14) Typical cross section of all streets.
  - (15) Street center-line profiles.
  - (16) Location of all off-street parking areas.
  - (17) Location and dimension of all pedestrian walkways and sidewalks.
  - (18) Location of proposed recreation areas.
  - (19) Location of all plantings and landscaping.
  - (20) Location, dimensions and proposed use of all service and accessory structures.
  - (21) Engineer's or surveyor's seal with certification that survey and plan are correct.
  - (22) Block for approval by Planning Commission and Board of Supervisors.
- D. Review and approval of plans. All actions on plans for mobile home parks shall follow the same procedure as actions on preliminary and final subdivision plans and the rules of §§ 85-10B and C and 85-12B and C of this chapter.
- E. Fees. Any and all applicable fees as required by the fee schedule set forth in Article VI of this chapter shall be paid by the applicant.

**§ 85-47. Design standards.**

- A. Site locations. The location of all mobile home parks shall comply with the following minimum requirements:
- (1) The site shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents.

- (2) The area shall not be subject to flooding.
- (3) The site shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, heat, odor, glare, etc.

B. Site drainage.

- (1) The ground surface in all parts of a park shall be graded and equipped to drain surface water in a safe, efficient manner. Where necessary, storm sewers, culverts and related facilities shall be provided to permit the unimpeded flow of natural watercourses and to ensure the adequate drainage of all locations within the park.
- (2) A drainage plan (as described in § 85-30 of this chapter) shall be prepared and submitted for review and approval by the Butler Township Planning Commission with the mobile home park plan.
- (3) All stormwater facilities shall be kept completely separate from any sanitary waste facilities.

C. Soil and ground cover requirements.

- (1) Ground surfaces in all parts of every park shall be paved or planted with a vegetative growth that is reasonably capable of preventing soil erosion and the emanation of dust during dry weather.
- (2) All paving and/or planting shall be designed in accordance with the storm drainage plan.

D. Park areas for nonresidential uses.

- (1) No part of any park shall be used for nonresidential purposes, except such uses as are required for recreation, direct servicing, management or maintenance of the park and its residents.
- (2) Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home lot and connected to utilities.

E. Setbacks, buffer strips and screening.

- (1) Mobile homes in parks shall be located at least 70 feet from the center line of any abutting existing or proposed public local street and 80 feet from the center line of any abutting existing or proposed public collector street.
- (2) There shall be a minimum distance of 35 feet between an individual mobile home, including accessory structures attached thereto, and the center line of an abutting park street.
- (3) Mobile homes shall be located:
  - (a) At least 25 feet from any park property line.
  - (b) At least 10 feet from any rear mobile home lot line.

- (c) A total of 20 feet from the two side lines of the mobile home lot, with neither side being less than five feet.
  - (4) Mobile homes, including any additions or accessory structures attached thereto, shall be separated from each other and from other buildings by at least 20 feet on all sides.
  - (5) Mobile home parks located adjacent to any industrial or commercial land use shall be required to provide screen planting (trees, shrubs) along the property boundary line separating the park from such adjacent use.
- F. Park street system.
- (1) A safe and convenient vehicular access shall be provided from abutting public streets or roads.
  - (2) The entrance road or area connecting the park with a public street or road shall have a minimum pavement width of 36 feet.
  - (3) Other internal streets shall be as follows:
    - (a) The minimum cartway width shall be 16 feet.
    - (b) In addition, stabilized shoulders may be added on one or both sides of the cartway. Such shoulders shall be 10 feet. Parking shall be permitted only on these shoulders, if it is permitted on the street at all.
    - (c) Dead-end streets shall be provided at the closed end with a paved turnaround having an outside diameter of at least 60 feet.
  - (4) Grades of all streets shall be at least 0.5% and not more than 8.0%.
  - (5) Intersections of more than two streets are prohibited.
  - (6) Within 100 feet of an intersection, streets shall be at approximately right angles. In no case shall streets intersect at less than 75°.
  - (7) If intersecting streets are not in alignment, a distance of at least 125 feet shall be provided between the center lines of the intersecting streets.
  - (8) Minimum curb or edge of pavement radii at intersections shall be as follows:
    - (a) Minor street with minor street: 15 feet.
    - (b) Minor street with collector street: 20 feet.
    - (c) Collector street with collector street: 20 feet.
  - (9) All streets shall be constructed in accordance with § 85-25 of this chapter.
  - (10) All streets within a mobile home park shall be privately owned and maintained.
- G. Off-street parking areas. A paved off-street parking space for two motor vehicles shall be provided at each mobile home lot.

## H. Walks.

- (1) All mobile home parks shall be provided with pedestrian walks on both sides of the street. Such walks shall be at least three feet in width. Where such walks constitute a continuation of existing sidewalks, they shall be continued at the same width as that existing walk, but in no case shall they be less than three feet in width.
- (2) All mobile home lots shall be connected to a pedestrian walk with an individual walk at least two feet in width.
- (3) All pedestrian walks shall be constructed in accordance with Pennsylvania Department of Transportation regulations.

## I. Mobile home lots.

- (1) All lots shall abut and be accessible from a park street.
- (2) Mobile home lots within the park shall have the following minimum dimensions:
  - (a) Minimum area shall be 5,000 square feet.
  - (b) Minimum width at any point shall be 45 feet.
- (3) Each mobile home lot shall be improved to provide a mobile home stand and adequate frost-free foundation for the placement of the mobile home unit.
- (4) Individual lots in a mobile home park shall not be sold separately.

## J. Block dimensions. The length of blocks shall not exceed 900 feet.

## K. Streetlights.

- (1) In any mobile home park of five or more units, streetlights shall be required at a separation distance of not more than 300 feet.
- (2) In lieu of requiring streetlights in parks of five units or more or when considering a proposal of less than five units, the Planning Commission may require individual lot lights in a ratio of 1:1.

## L. Recreation areas. In all mobile home parks, a recreation area or areas with suitable facilities shall be maintained within the park for the use of all park residents. Such recreation areas:

- (1) Shall not be located in areas which are unsuitable or hazardous.
- (2) Shall be so located as to provide reasonable access by all park residents.
- (3) Shall not include less than 10% of the gross area of the mobile home park.

**§ 85-48. Water supply.**

- A. An adequate supply of safe water of satisfactory quality under adequate pressure shall be provided in all parks, to all mobile homes, service buildings and other accessory facilities. Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made thereto and its supply shall be used exclusively.
- B. Where a satisfactory public water supply system is not available, water shall be provided by a private water supply system which has been approved by the Pennsylvania Department of Environmental Resources.

**§ 85-49. Sewage disposal.**

- A. An adequate and safe sewage disposal system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Where a public sewage disposal system of adequate capacity is available, connection shall be made thereto and it shall be used exclusively.
- B. Where a satisfactory public sewage disposal system is not available, a private system shall be provided which has been approved by the Pennsylvania Department of Environmental Resources.

**§ 85-50. Service buildings and other community service facilities.**

- A. Applicability. The requirements of this section shall apply to service buildings, recreation buildings and other community service facilities as follows:
  - (1) Management offices, repair shops and storage areas.
  - (2) Laundry facilities.
  - (3) Indoor recreation areas.
- B. Facilities.
  - (1) Every mobile home park shall have a structure clearly designated as the office of the mobile home park manager.
  - (2) Service and accessory buildings located in a mobile home park shall be used only by residents of the mobile home park.
- C. Structural requirements for buildings. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed as to prevent entrance or penetration of moisture and weather.

**§ 85-51. Fire protection.**

- A. Local regulations. The mobile home park area shall be subject to any local fire protection rules and regulations.
- B. State and federal regulations.
  - (1) All methods of fire protection employed shall be in compliance with any applicable state and federal regulations.
  - (2) Installation of fire protection facilities, such as hydrants, shall be in accordance with National Fire Protection Association standards.

**ARTICLE IX****Administration, Enforcement and Penalties****§ 85-52. Administration and enforcement.**

- A. From and after the effective date of this chapter, no subdivision of any lot, tract or parcel of land within the Township shall be made, and no street, sanitary sewer, storm sewer, water main or other facility in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of this chapter.
- B. No lot in a subdivision may be sold; no permit to erect, alter or repair any building upon land in the subdivision may be issued, and no building may be erected in the subdivision or no land development may take place, unless and until a plan for the subdivision or development has been approved by the Board of Supervisors or until the improvements required by the Board of Supervisors in connection therewith have either been constructed in strict conformance with the standards of this chapter or guaranteed pursuant to § 85-37 of this chapter.
- C. The Board of Supervisors shall have the duty of and authority for the administration and general enforcement of the provisions of this chapter, as specified or implied herein.
- D. Permits required by the Township for the erection or alteration of buildings, the installation of sewer or sewage disposal systems or for other appurtenant improvements to or use of the land shall not be issued by any Township official until he has ascertained that the site for such building, alteration, improvement or use is located in a development approved and publicly recorded in accordance with the provisions of this chapter. Also, such permits shall be issued only after it has been determined that the site for such building, alteration, improvement or use conforms to the site description as indicated by the approved and recorded final plat or other land description acceptable in accordance with the provisions of this chapter and that it is in compliance with all applicable provisions of this chapter.
- E. The Township Building Permit Officer shall require that applications for building permits contain all the information necessary for him to ascertain that all is in strict compliance with this chapter, and he shall not issue any building permit until he determines that the

site and plan for the proposed building, alteration or improvement are acceptable in accordance with the provisions of this chapter.

- F. The Township Sewage Enforcement Officer shall require that applications for sewage disposal system permits contain all the information for him to ascertain that everything is in compliance herewith, and he shall not issue any sewage disposal system permit until he determines that the site for the proposed system is acceptable in accordance with the provisions herein.

**§ 85-53. Violations and penalties.**

- A. Any person, partnership or corporation who or which, being the owner or agent of the owner of any lot, tract or parcel of land, shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development, whether by reference to or by other use of a plat of such subdivision or land development or otherwise, or erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof, such person or the members of such partnership or the officers of such corporation or the agent of any of them responsible for such violation shall pay a fine not exceeding 1,000 per lot or parcel or per dwelling within each lot or parcel.
- B. The description of such lot or parcel 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. The Board of Supervisors may also enjoin such transfer or sale or agreement by action for injunction brought in any court or equity jurisdiction, in addition to the penalty herein provided.

**§ 85-54. Action for relief by Township.**

The Board of Supervisors may obtain a writ of injunction against the owner or agency who attempts the improper sale or conveyance of land, to set aside and invalidate any conveyance of land made prior to final plan approval of any development.

**§ 85-55. Other actions.**

Nothing herein shall prevent the Board of Supervisors from taking such other action as is necessary to prevent or remedy any violation.

**§ 85-56. Appeals.**

The decision of the Board of Supervisors with respect to the approval or disapproval of plans may be appealed directly to court by any person, partnership, corporation or officer or agent thereof. Such appeal shall be filed not later than 30 days following the date of the decision being appealed.

**§ 85-57. Repealer; subdivisions previously approved.**

All ordinances or parts thereof inconsistent herewith are hereby repealed; provided, however, that any land development or subdivisions approved under the former Subdivision and Land Development Ordinance may be enforced pursuant to the terms thereof insofar as the same does not pertain to new development or subdivision, which will be controlled by this chapter.

