

**LATIMORE TOWNSHIP
ADAMS COUNTY, PENNSYLVANIA**

**SUBDIVISION AND LAND
DEVELOPMENT ORDINANCE**

DECEMBER 2009

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ARTICLE I

SHORT TITLE

Section 101. Short Title. These regulations shall be known and may be cited as “The Latimore Township Subdivision and Land Development Ordinance.”

ARTICLE II

PURPOSE, AUTHORITY, APPLICATION AND INTERPRETATION

Section 201. Purpose of the Subdivision and Land Development Ordinance.

The purpose of this Subdivision and Land Development Ordinance is to perfect and provide for the public health, safety and general welfare of the Township and to provide for harmonious development of the Township by:

- A. Ensuring the orderly and efficient integration of subdivisions into the development of the Township of Latimore in accordance with the Comprehensive Plan.
- B. Ensuring sites are suitable for building purposes and human habitation.
- C. Ensuring conformance of subdivision plans with public improvement plans.
- D. Ensuring coordination of inter-municipal public improvement plans and programs.
- E. Ensuring the protection of water resources and drainage ways.
- F. Ensuring the protection of other natural resources.
- G. Ensuring the protection of cultural resources.
- H. Ensuring the efficient movement of traffic by the avoidance of vehicle congestion in the streets and providing safe and appropriate pedestrian access.
- I. Ensuring the management of stormwater run-off and floodplains.
- J. Ensuring equitable handling of all subdivision plans by providing uniform standards and procedures.
- K. Ensuring the greater health, safety and welfare of the citizens of the Township of Latimore.
- L. Ensuring the efficient and orderly extension of community services and facilities at minimum cost and maximum convenience.
- M. Encouraging and promoting flexibility, economy and ingenuity in the layout and design of subdivision and land developments.

- N. Encouraging the use of sustainable energy systems and energy conserving building design.

Section 202. Authority.

- A. The Latimore Township Board of Supervisors shall have the authority to approve or disapprove all preliminary and final subdivision or land development plat applications as required herein.
- B. The Township of Latimore Planning Commission is hereby designated as the agency, which shall review and make recommendations on all subdivision and land development plat applications as required herein, prior to action on same by the Township and when provided by ordinance, make other recommendations.

Section 203. County Review.

Applications for subdivision and land development located within the Township shall be forwarded by the applicant, with the appropriate review fee, to the County for review and report. The Township shall not approve such applications until the county review report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County Planning Commission. As evidence of their review and report, officials of the County Planning Commission will sign final plats which have been formally approved by the Township before such plats are presented for recording at the Office of Recorder of Deeds in Adams County.

Section 204. Application of Regulations.

- A. Land development, as herein defined, must comply with the regulations contained herein. Such compliance shall include, but not be limited to: the filing of preliminary and final plats; the execution of a developer's agreement; submission of required improvement guarantees; the dedication and improvement of rights-of-way sanitary sewers, water lines and stormwater facilities; streets and roads; and the payment of fees and charges as established by the Township. Land development plans shall indicate the location of each structure and clearly define each unit and shall indicate public easements, common areas and improvements, all easements appurtenant to each unit and improvements to public rights-of-way. All land developments are subject to the zoning regulations as they apply to use and density requirements, setbacks, parking and other features and shall be indicated on the land development plans.
- B. No subdivision or land development of any lot, tract or parcel of land located in the Township of Latimore shall be affected; no street, sanitary sewer, storm sewer, water main or other improvement in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings thereon unless and until a final subdivision or land development plat has been approved by the Board of Supervisors and publicly

recorded in the manner prescribed herein; nor otherwise except in strict conformance with the provision of this ordinance.

- C. No lot in a subdivision may be sold; no permit to erect or alter any building upon land in a subdivision or land development may be issued; and no building may be erected or altered in a subdivision or land development, unless and until a final subdivision or land development plat has been approved by the Township of Latimore and recorded in the office of the Recorder of Deeds in Adams County, and until construction of the improvement required and in the manner prescribed herein.

Section 205. Interpretation.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, comfort, convenience and greater welfare. Where provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, restriction or regulation, then the provisions of this ordinance shall be controlling. Where the provisions of a statute, other ordinance, restriction or regulation imposes greater restrictions than this Ordinance, the provisions of such statute, resolution, ordinance or regulation shall be controlling.

Section 206. Township Liability.

The granting of any permit or approval of any subdivision or land development plan as authorized by this Ordinance shall not constitute a representation, guarantee or warranty or any kind by the Township or by any official(s), agent(s) or employee(s) thereof of the practicability or safety of the proposed use and shall create no liability upon the Township, its official(s), agent(s), or employee(s).

Section 207. Amendments.

The Board of Supervisors may on its own motion or upon recommendation of the Planning Commission amend, supplement or repeal any portion of this Ordinance. Amendments to this Ordinance shall be come effective only after a public hearing held pursuant to public notice. In addition, in case of an amendment other than that prepared by the Township Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.

ARTICLE III
DEFINITIONS

Section 301. Definitions.

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance have the meaning herein indicated. The present tense shall include the future; the singular number shall include the plural of the singular; words used in the masculine gender shall include the feminine and the neuter; the word “shall” is always mandatory; and the word “may” is always permissive.

Accessory Building: A building subordinate to and detached from the principal building on the same lot and used for such purposes as are customarily incidental to the principal building.

Accessory Structure: A subordinate structure or a portion of the principal structure on a lot, the use of which is customarily incidental to and consistent with that of the principal structure.

Alley: A public thoroughfare other than a side street, which affords only a secondary means of access to abutting property and is not intended for general circulation.

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

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

Block: An area bounded by streets and divided into lots.

Board of Supervisors: The Board of Supervisors of Latimore Township, Adams County, Pennsylvania.

Building: Any permanent structure having a roof supported by columns or walls.

Building Setback Line: The line within a property defining the required minimum distance permitted between any principal or accessory structure and the adjacent right-of-way and the line defining side and rear yards, where required.

Cartway: The surface of a street, access drive, driveway or alley available for vehicular traffic, including travel lanes and parking lanes, but not including curbs, sidewalks or swales.

Chairman: The Chairman of the Latimore Township Planning Commission.

Clear Sight Triangle: An area of unobstructed vision at street intersections as defined by the center lines of the streets and by a line of sight between points on their center lines at a pre-determined distance from the intersection of the center lines.

Commission: The Latimore Township Planning Commission.

Common Elements: Land amenities, parts of buildings, central services and utilities and any other elements and facilities owned and used by all unit owners and are designated as common elements. These elements may include but are not limited to:

- A. The land on which the building is located and portions of the building which are not included in a unit;
- B. The foundation, structural parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways, entrances and exits of the building;
- C. The yards, parking area and driveways;
- D. Portions of the land and building used exclusively for the management, operation or maintenance of the common elements;
- E. Installations of all central services and utilities;
- F. All other elements of the building necessary or convenient to its existence, management, operation, maintenance and safety or normally in common use; and
- G. Such other facilities as are designated as common elements.

Common Open Space: A parcel or parcels of land or an area of water or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.

Comprehensive Plan: The complete plan for the continuing development and re-development of Latimore Township as recommended by the Planning Commission and currently adopted by the Board of Supervisors.

Condominium: Ownership in common with others of a parcel of land with any improvements and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices and other types of space in commercial buildings or on property.

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

County: County of Adams, Pennsylvania.

County Planning Commission: The Planning Commission of the County of Adams.

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

Cultural Resource: Any district, site, building, structure or object significant in local, state or natural history, architecture, archaeology or culture.

Culvert: A drain, ditch or conduit not incorporated in a closed system that carries drainage water under a driveway, roadway, railroad, pedestrian walk or public way.

Curb: A stone or concrete boundary usually marking the edge of the cartway or paved areas.

Curb Cut: The opening along the curb line at which point vehicles or pedestrians may enter or leave the roadway.

Curb Ramp: A short ramp cutting through a curb or built up to it.

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

Department of Environmental Protection (DEP): The Pennsylvania Department of Environmental Protection, its bureaus, divisions, and/or agencies, as may from time to time be established or such Department or Departments as may in the future succeed it.

Department of Transportation (PennDOT): The Pennsylvania Department of Transportation, its bureaus, divisions, departments and/or agencies, as may from time to time be established or such Department or Departments as may in the future succeed it.

Detention Pond: An area in which surface water runoff is temporarily stored pending its release at a controlled rate.

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

Developer's Agreement: A written agreement between the Township and the developer of the land subject to a subdivision or other land development plan to be approved under this Ordinance containing the terms of such developer's performance of the requirements of such final approval.

Development Plan: The provisions for development including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space, public facilities and infrastructure. The phrase "provisions of development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

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

Drainage Facility: Any swale, ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas or any part of any subdivision or contiguous land areas.

Drainage Easement: The lands required for the installation and maintenance of storm water sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Driveway: A private roadway providing access from a public street or alley for vehicles to a parking space, garage, dwelling or other structure; vehicular entrance or egress to a land use.

Dwelling: A single unit providing complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling, Earth Sheltered: Any completed dwelling that was designed to be built partially or wholly underground. A completed building or structure, which was not intended to serve as a substructure or foundation for a building.

Dwelling, Industrialized Housing (Modular): Any structure designed primarily for residential occupancy on a permanent foundation, except a mobile home, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

Dwelling, Mobile Home: A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be issued without a permanent foundation.

Dwelling, Multi-Family: A dwelling designed for and occupied exclusively by three (3) or more families, having three (3) or more dwelling units, including apartment houses, garden apartments, row houses, and townhouses.

Dwelling, Single-Family Detached: A dwelling which is designated for and occupied by not more than one (1) family and surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, Single-Family Semi-Detached: A dwelling used by one (1) family, having one (1) side yard and one (1) party wall common with another dwelling.

Dwelling, Single-Family, Attached (Townhouses): A one-family (1) dwelling, including end units, attached to two (2) or more one (1) family dwellings by common vertical walls.

Dwelling, Two-Family, Detached (Duplex): A building used by two (2) families, with one (1) dwelling unit arranged over the other and having two (2) side yards.

Dwelling, Two-Family, Semi-Detached (Double Duplex): A building two (2) families, with one (1) dwelling unit arranged over the other, having one (1) side yard and one (1) party wall in common with another building.

Easement: The grant by a property owner of a right, not dedicated to any public entity, for limited use of private lane, within which the property owner may not erect any permanent structures but within which the property owner shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee of the limited use.

Engineer, Township: A registered professional engineer in Pennsylvania designated by the Township of Latimore to perform the duties of engineer as herein specified.

Engineer, Professional: An individual licensed and registered under the laws of the Commonwealth to engage in the practice of engineering.

Engineering Land Surveys: Surveys for (1) the development of any tract of land including the incidental design of related improvements, such as line and grade extension of roads, sewers, and grading but not requiring independent engineering judgment; provided, however, that tract perimeter surveys shall be the function of the Professional Land Survey or, (2) the determination of the configuration or contour of the earth's

surface or the position of fixed objects thereon or related thereto by means of measuring lines and angles and applying the principals of mathematics, photogrammetry or other measurement methods; (3) geodetic or cadastral surveys, underground survey and hydrographic survey; (4) sedimentation and erosion control surveys; (5) the determination of the quantities of materials; (6) tests for water percolation in soils; and (7) the preparation of plans and specifications and estimates of proposed work as described herein.

Engineering Specifications: The Design Standards and Improvements and Construction Requirements of the Township regulating the installation of any required improvements or for any facility installed by any owner, subject to public use.

Erosion: The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice, gravity or any other method.

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

Existing Grade: The vertical location of the ground surface prior to excavation or filling.

Fill: Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including, but not limited to, levees, bulkheads, dikes, jetties, embankments, and causeways.

Finished Grade: The proposed elevation of the land surface of a site after completion of all site improvement work.

Flood: A temporary inundation of normally dry land areas.

Floodplain: An area of land adjacent to the channel of a watercourse which has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Fringe District: The area inundated by the Regulatory Flood which is not included within the Floodway District, which has been adopted as a part of the Township of Latimore Zoning Ordinance and which is shown on the Latimore Township Official Floodplain and Floodway Map.

Flood, One Hundred Year: A flood that has one chance in one hundred or a one percent chance of being equated or exceeded in any year. For the purposes of this ordinance, the one hundred (100) year flood (base flood) is as defined by the Federal Insurance Administration, U.S. Department of Housing and Urban Development; also the Regulatory Flood.

Floodway: The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the base flood elevation more than one (1) foot.

Floodway District: The designated part of the area inundated by the Regulatory Flood required to carry and discharge the flood waters of the Regulatory Flood without causing a rise in the elevation of that flood of more than one (1) foot, which has been adopted as a part of the Township of Latimore Zoning Ordinance and which is shown on the Latimore Township Official Floodplain and Floodway Map.

Flood proofing: Any combination of structural and nonstructural additions, changes or adjustments to proposed or existing structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

Governing Body: The Board of Supervisors of Latimore Township, Adams County, Pennsylvania.

Grade, Existing: See definition Existing Grade.

Grade, Finished: See definition Finished Grade.

Improvements: Those physical additions, installations and changes required to render real estate suitable for the use intended, but not limited to grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, telephone and communication cables, sanitary sewers, stormwater facilities, sidewalks, crosswalks, driveways and street shade trees.

Infrastructure: The fundamental public facilities serving the Township of Latimore such as communication systems, roads and transportation, water supply, sanitary sewers, stormwater facilities and gas and electricity distribution.

Land Development: Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 1. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively or single non-residential building on a lot or lots regardless of the number of occupants or tenure; or,

2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;

B. A subdivision of Land.

C. "Land development" does not include development which involves:

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

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

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

Lot Area: The area contained within the property lines of a lot as shown on a subdivision plan excluding space within any rights-of-way, but including the area of any easement.

Lot, Corner: A lot abutting upon two or more streets at their intersections.

Lot, Double Frontage: An interior lot having frontage on two (2) streets.

Lot, Interior: A lot fronting on a street but where the side lot lines do not abut on any street.

Lot, Non-Conforming: A lot of record at the time of the adoption of this Ordinance, which by reason of area or dimension does not conform to the requirements of this Ordinance.

Lot of Record: A lot described in a deed or shown on a plan of lots, which has been recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania.

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.

Maintenance Guarantee: Any security, other than cash, which may be accepted by the Township for the maintenance of any improvements required by this Ordinance.

Master Deed: A legal instrument under which title to real estate is conveyed and by which a condominium or a planned unit development is created and established.

Mobile Home, Dwelling: See definition Dwelling, Mobile Home.

Mobile Home Lot: A parcel of land in a Mobile Home Park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

Mobile Home Park: A parcel or contiguous parcel of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Monument: A concrete surveying marker that is usually six (6") inches square or four (4") inches in diameter and a minimum of thirty (30") inches long, and is used to denote a property corner.

Municipal Authority: A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the Municipalities Authority Act of 1945.

Municipalities Planning Code: Act of Assembly of July 31, 1968, P.L. 805, No. 247, as re-enacted and amended by the acts of assembly dated December 2, 1988, P.L. 1329, Act No. 170, and December 14, 1992, P.L. 815, No. 131; 53 P.S. 10101, et seq.

Open Space, Common: See definition Common Open Space.

Open Space, Public: Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

Performance Guarantee: Any security which may be in lieu of a requirement that certain improvements be made before the Board of Supervisors approve a final land development plan including performance bonds, escrow agreements and other similar collateral or surety agreements.

Person: Any individual or group of individuals, partnership, co-partnership or corporations.

Planned Residential Development: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units or combination of residential and non-residential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density or intensity, lot coverage and required open space to the regulations established in any one District created, from time to time, under the provisions of this Ordinance.

Planning Commission: Latimore Township Planning Commission, Adams County, Pennsylvania.

Plat: The map or plan of a subdivision or land development as follows:

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

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

Principal Building or Principal Use: The basic purpose for which a building or land area is occupied or intended to be occupied as opposed to accessory or incidental uses.

Profile Line: The elevations along the centerline of the finished surface of the street, which shall be midway between the sidelines of the street.

Public Facilities: Streets, utility rights-of-way, stormwater management facilities, and any other infrastructure feature accessory to the development of the community, but not intended to provide for recreation needs of the community.

Public Grounds: Includes:

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

Public Hearing: A formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking formal action in accordance with this Ordinance.

Public Meeting: A forum held pursuant to notice under the Act of July 3, 1986, P.L. 388, No. 84, known as the "Sunshine Act", as amended, 65 P.S. 271.

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

Real Estate: Any fee, leasehold or other estate or interest in, over or under land, including structures, fixtures and other improvements and interests which by custom, usage or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance.

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, camping trailer or motor home.

Regulatory Flood: The flood, which has been selected as the basis for the floodplain management regulations. For the purpose of this Ordinance, the one hundred year flood (base flood).

Regulatory Flood Elevation: The elevation of the Regulatory Flood at a point.

Renewable Energy Source: Any method, process or substance whose supply is sustainable and rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

Reserve Strip: A strip of land adjacent to a street intended to control access to the street from an adjacent property.

Resubdivision: Any replatting or resubdivision of land limited to change in lot lines on an approved final plan or recorded plan.

Retention Pond: An area in which surface water runoff is stored with no direct discharge. Discharge is through infiltration or evaporation.

Right-of-way: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, sidewalk, bikeway, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses; generally, the right of one to pass over the property of another.

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.

Sanitary Sewer (Public): A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

Sedimentation: The process by which mineral or organic matter is accumulated or deposited by wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as “sediment”.

Septic System: An individual sewage system with a septic tank used for the decomposition of domestic wastes; also referred to as an “on-lot system.”

Service Drive (Private): A service way providing a secondary means of private access to abutting property and not intended for general traffic circulation.

Shadow Analysis: A graphic representation of shadows cast by natural landscaping, screening and structures plotted with regard to topography, slope and direction at 9:00 a.m., noon and 3:00 p.m. on the date of the Winter Solstice.

Sidewalk: A paved or concrete area, parallel to and usually separated from the street, used as a pedestrian walkway.

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.

Sketch Plan: 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.

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

Soil Stabilization: Vegetative, chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise to improve its engineering properties.

Solar Energy: Radiant energy (direct, diffused or reflected) received from the sun at wave lengths suitable for conversion into thermal, chemical or electrical energy.

Solar Energy Collector: Any device, structure or part of a device or structure which is used primarily to transform solar energy into thermal, chemical or electrical energy including any space or structural component specifically designed to retain heat derived from solar energy.

Solar Energy System: A complete design or assembly consisting of a solar energy collector, an energy storage facility (where appropriate) and components for the

distribution of transformed energy to the extent that they cannot be joined with a conventional energy system. Passive solar energy systems, which use the natural properties of materials and architectural components to collect and store energy without using any external mechanical power, are included in this definition if they do not fulfill structural or other functions.

Solar Sky Space: The three dimensional space between a given location and the sun which must remain unobstructed between 9:00 a.m. and 3:00 p.m. mean solar time on the date of the Winter Solstice in order to permit sufficient solar energy to impinge on the location to allow efficient solar utilization.

Solar Sky Space Easement: A right, expressed as an easement, covenant or condition or other property interest in any deed or other instrument executed by or on behalf of any which protects the solar sky space of an actual, proposed or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interferes with access to solar energy.

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

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

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

Street, Major:

- A. Arterial Street: A major street or highway with fast or heavy traffic volumes of considerable continuity and used primarily as a traffic artery for inter-communications among large areas.
- B. Collector: A major street or highway which carries traffic from minor streets to the major system of arterial streets, including principal entrance streets of a residential, commercial or industrial development and streets for major circulation within such developments.
- C. Limited Access Highway: A major street or highway, which carries large volumes of traffic at comparatively high speed with access at designated points and not from abutting properties.

Streets, Minor:

- A. Minor Street: A street used primarily for access to abutting properties.

- B. **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 through traffic.

Street Width: The shortest distance between the lines delineating the right-of-way of a street.

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

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 Ordinance.

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

A. **Major Subdivision:** Any subdivision not classified as a minor subdivision.

B. **Minor Subdivision:** The subdivision of a single lot, tract or parcel of land into three (3) or fewer lots located on an existing improved street that does not involve installation of improvements as required by this Ordinance; extension of utilities; frontage on an arterial or collector street; adverse effect on the development of the remaining parcel; adverse effect to adjoining properties; or conflict with the Township's present or future Comprehensive Plan, Zoning Ordinance, any portion of this Ordinance or other State, County, or Township ordinance, law or regulation.

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

Stormwater Management: A plan showing all present and proposed grades and facilities for storm water drainage.

Surveyor, Professional Land: An individual licensed and registered under the laws of Pennsylvania to engage in the practice of land surveying.

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

Topographic Map: A map showing the elevations of the ground by contours of elevations.

Topography: The configuration of a surface area showing relative elevations.

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

Township: Latimore Township, Adams County, Pennsylvania.

Undeveloped Land: Any lot, tract or parcel of land, which has no improvements.

Unit: Means a part of the property, structure or building designed or intended for any type of independent use, which has direct exit to a public street or way or to an easement or right-of-way leading to a public street or way and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure or building.

Utility, Public or Private: (1) Any agency which under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service; (2) a closely regulated private enterprise with an exclusive franchise for providing a public service.

Watercourse: A permanent stream, intermittent stream, river, brook, creek or a channel or ditch for water, natural or man-made.

Water Survey: An inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Township.

Wetlands: Area with the characteristics of wetland as defined by the U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, DEP, and the U.S. Soil Conservation Service. Wetland areas are not limited to the locations delineated on wetlands maps prepared by the U.S. Fish and Wildlife Service.

Wind Energy Conversion System (WECS): A device, which converts wind energy to mechanical or electrical energy.

Wind Rotor: The blades, plus hub to which the blades are attached, that are used to capture wind for purposes of energy conversions. The wind rotor is generally used on a pole or tower and along with other generating and electrical storage equipment, forms a wind energy conversion system.

ARTICLE IV

APPLICATION PROCEDURES AND PLAT REQUIREMENTS

Section 401. Pre-application Procedures.

- A. 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. Copies of this Chapter are available upon request at a cost set by the Board of Supervisors.

- 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 Protection. It is suggested that the prospective developer consult the Municipal Sewage Enforcement Officer or the Pennsylvania Department of Environmental Protection 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.

- D. Before proceeding with the preliminary plan procedure or beginning steps to acquire land or subdivide, it is suggested that the subdivider or developer be familiar with these regulations, and should consult with the Township Planning Commission about the following factors:
 - 1. The suitability of the site for development.
 - 2. The demand for a development of the type proposed in the particular location proposed.
 - 3. The accessibility of the site.
 - 4. The availability of public facilities (schools, parks, water; sanitary and storm sewerage, etc.) and public services (police, fire, refuse disposal, etc.)

5. The effect on the project of any contemplated improvements or the proposal of any comprehensive plan and these regulations.
6. Sewage facilities requirements of the Department of Environmental Protection and the Township.
7. Erosion and Sedimentation plans and permits as required by the Department of Environmental Protection and as reviewed by the Adams County Conservation District.
8. Requirements of the Township Zoning Ordinance.
9. Precautionary measures to preserve or protect historic and natural features.
10. Approvals by all appropriate State and Federal agencies.

Section 402. Sketch Plans.

- A. Prior to the filing of a subdivision or land development plat for review and approval, the applicant is encouraged to submit a sketch plan to the Planning Commission for advice on the requirements necessary to achieve conformity with the standards of this and other applicable Township ordinances, as well as, to alert the applicant to other factors which must be considered in the design of the subdivision or land development. A sketch plan will be considered as submitted for informal review and discussion purposes. A sketch plan shall not be considered as a formal plan nor shall such sketch plan constitute a formal filing of a plan with the Township of Latimore.
- B. The plan shall be clearly labeled "Sketch Plan" and should include sufficient information to clearly indicate the character and extent of the proposed subdivision or land development and its relationship to existing conditions and facilities within the area in which it is to be located. In order for meaningful review, it is recommended that sketch plan submissions include a map covering sufficient area to establish the location of the site and an informal plan of any existing or proposed streets, buildings, lot arrangement, utilities, significant natural features and other elements within the subdivision or land development including topographic contours. In addition, a sketch plan should include the name and address of the developer, a North arrow and sufficient scale, existing tract boundaries, existing and proposed streets, general lot layout, number of lots, existing and proposed vehicular entrances.
- C. If it is known that the parcels being created will be used for development requiring a special permit, variance, special exception, conditional use, expansion or a nonconforming use or other zoning relief for development that is considered dangerous to human life or which could violate a provisions of any Township ordinance, including the zoning ordinance, prospective developers should review

the provisions contained in the Latimore Township Zoning Ordinance which pertain specifically to such development and restrictions thereon.

Section 403. Preliminary Plats Procedure.

- A. The applicant, thirty-eight (38) calendar days prior to the meeting of the Commission at which consideration is desired, shall file with the Township Secretary, twelve (12) copies of a preliminary plat of the proposed subdivision or land development and other required documents, data and maps. The applicant shall submit concurrently with the Preliminary Plat, four (4) copies of the sewage “Plan Revision Module for Land Development”, if applicable.
- B. The Township Secretary shall require the subdivider to submit copies of the preliminary subdivision plan and supporting data to any or all of the following:
 - 1. One copy shall be retained by the Secretary of the Planning Commission for the record.
 - 2. One copy and a feasibility report on water and sewer facilities transmitted to the local office of the Pennsylvania Department of Environmental Protection for review and recommendations where onlot individual subsurface sewage disposal systems and/or wells are to be utilized in the proposed subdivision, if applicable.
 - 3. One copy transmitted to the local office of the Pennsylvania Department of Transportation for review and recommendations concerning the proposed highway system as it will affect existing or proposed extensions of the official State highway system, if applicable.
 - 4. One copy to the Township Engineer for review.
 - 5. One copy transmitted to the Adams County Office of Planning and Development.
 - 6. One copy to all affected public utilities who shall be requested to make recommendations as to the suitability of installing underground systems, if applicable.
 - 7. One copy to the Bermudian Springs School District for review and comment, if applicable.
- C. The Board of Supervisors shall take official action on a preliminary subdivision plan after it has 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 filling of the plan. If

the first regular meeting of the Planning Commission is more than 30 days after the filing of the application, the 90 day period shall be measured from the thirtieth day following the date when the application was filed. In the event that any alteration of requirements from this paragraph is requested by the applicant or is deemed necessary by the Township Planning Commission for approval, the alteration shall be in writing signed by the applicant and the reason for its necessity shall be entered in the records of the Township Planning Commission.

- D. The Adams County Planning Commission shall review the Preliminary Plat and Data and shall submit written suggestions for any modifications and design changes to the Planning Commission.
- E. The Board of Supervisors shall determine whether the Preliminary Plat shall be approved or disapproved and shall notify the applicant in writing at his last known address thereof, including, if approved with conditions or disapproved, a statement of reasons for such action, not later than fifteen (15) days following the decision.
- F. Before acting on any subdivision plat, Board of Supervisors may hold a public hearing thereon after public notice.
- G. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of this Ordinance.
- H. Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
- I. Approval of the Preliminary Plat constitutes approval of the proposed subdivision or land development with respect to the general design, the approximate dimensions and other planned features. Preliminary approval binds the developer to the general scheme of the Plat as approved. Preliminary approval does not authorize the recording of the preliminary plat, the sale, lease, license or transfer of lots or the installation of improvements on such plat. However, such approval does authorize the developer to proceed with the preparation of the final plan, installation and construction of improvements subject to obtaining all necessary permits from the Township of Latimore and/or the posting of a bond guarantee or sufficient security as specified herein.
- J. The date of Preliminary Plat approval shall be specifically set forth on the Preliminary Plat with the appropriate signatures of Township Officials authorized

to approve such plat. The date of Preliminary Plat approval shall constitute the public meeting wherein Board of Supervisors approved the plat, with or without conditions. In the event of conditional approval, the applicant shall meet or obtain sufficient written documentation demonstrating compliance with all conditions of Preliminary Plat approval.

- K. Preliminary Plat approval shall expire within five (5) years after being granted. Any improvements constructed without prior review and approval of the Township of Latimore are done at the sole risk of the developer or the applicant.

Section 404. Preliminary Plat Specifications.

A. The preliminary plan shall show:

1. The development or property name.
2. The owner's or applicant's name, address and telephone number.
3. Name, address, telephone number and seal of the professional engineer certifying engineering aspects and professional land surveyor certifying accuracy of plat survey.
4. Date of original submission and of each subsequent revised submission.
5. True or magnetic north point.
6. Graphic and written scale.
7. The municipality's name in which the plat is located.
8. Certification of ownership and dedicatory statement signed by owner.
9. A location map, for the purpose of locating the property being subdivided, showing the relation of the property to adjoining properties, all streets, landmarks, governmental boundaries, roads, municipal boundaries, etc. A title, scale, and north point shall be included.
10. The total tract boundary lines of the area being subdivided accurate to hundredths of a foot and bearings to seconds of a degree. 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 1 foot in 10,000 feet; provided, however, that the boundaries adjoining additional unplatted land of the subdivider (for example, between separately submitted final plan sections) are not required to be based upon field survey and may be calculated. The location of all boundary line (perimeter) monuments shall be indicated, along with a statement of the

total area (gross and net) 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. Public Notary signature and recording statement.
12. A plot drawn to a legible scale showing the entire existing tract boundary and the location of the lots being subdivided from said tract.
13. Date of recording, base tax parcel number, and deed reference to the parcel being subdivided and/or developed as recorded in the Recorder of Deeds Office of Adams County, Pennsylvania.
14. 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.
15. Approval blocks to be signed by the Planning Commission, the Board of Supervisors, and the Adams County Planning Commission.
16. Contour lines at vertical intervals of at least 2 feet for land with average natural slope of 4% or less, at intervals of at least 5 feet for land with average slope of 4% to 12%, and at intervals of at least 10 feet for land with average slope exceeding 12%. All contours shall be taken from field run topography unless subdivision is for add-on purposes or agricultural use with no new structures. Alternative contouring data may be acceptable at the discretion of the Board of Supervisors and/or the Township Engineer.
17. Location and elevation of the datum to which contour elevations refer; where practicable, datum used shall be U.S.G.S.
18. The layout(s) names, state or township route number and cartway width and lines of all existing and/or proposed public streets, alleys, easements, and private roads within the property.
19. If the subdivision proposes a new street intersection with a State 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 be issued for that lot until the highway occupancy permit has been obtained.

20. If the subdivision proposes a new street intersection with a Township route, the intersection occupancy permit number(s) shall be indicated for all such intersections. If lots abut a Township highway and do not have their ingress and egress onto a new street as aforesaid, and if access to and from the Township highway is by a driveway servicing only the lot fronting on the Township highway, no final plan shall be approved unless the plat contains a notice that a Township highway occupancy permit is required pursuant to the Township Highway Law and before driveway access is permitted. No building permit shall be issued for that lot until the highway occupancy permit has been obtained.
21. The location and description of all existing and proposed monuments.
22. Location and widths and proposed rights-of-way and easements.
23. The layout of lots showing dimensions, lot numbers and a statement (or chart) of the total number of lots and parcels, lot areas (gross and net), type of dwelling units.
24. The building setback lines for each lot, or other sites.
25. For developments where onsite sewage disposal systems will be used, the location where all soils evaluation tests were conducted for each lot.
26. A statement of the intended use of all lots, and the type of dwelling units 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.
27. 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.
28. The location of any existing bodies of water or watercourses, marshes, ponds, rock outcrops, wooded areas, tree masses, buildings or structures (including the location of wells and onsite sewage facilities for such buildings or structures), public facilities and any other manmade or natural features within or near the proposed subdivision.
29. 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.
30. Parks, playgrounds and other areas to be dedicated or reserved for public use, with any conditions governing such use.

31. Zoning district(s), including exact boundary lines of the district(s).
 32. All existing buildings, sanitary and storm sewers, water mains, fire hydrants, culverts and other significant man-made features on or adjacent to the tract.
 33. A statement should be included on plat regarding the presence of wetlands. The statement should note that no development is proposed within wetlands or that the necessary permits for the disturbance of wetlands have been obtained from the appropriate federal and state regulating agencies. Disturbance of wetlands shall include, but not be limited to filling, dredging, draining or any building activities.
 34. Where the subdivision and/or land development lies partially or completely within any identified flood plain area or district or where such activities border on any identified flood plain area or district, the preliminary plat shall include the following information:
 - a. Location and elevation of proposed roads, utilities and building sites, fills, flood or erosion protection facilities;
 - b. The one-hundred (100) year flood elevations; and
 - c. Other areas subject to special deed restrictions.
 - d. All such plats shall show contours at intervals of two (2) or five (5) feet depending upon the slope of the land and identify accurately the boundaries of the identified flood plain areas or districts.
 35. A list of any zoning variances granted and/or any conditions imposed by the Latimore Township Zoning Hearing Board.
- B. 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 Protection. If necessary a completed sewage "Plan Revision Module for Land Development" to comply with the planning requirements of the Pennsylvania Sewage Facilities Act and Section 71.16 of Chapter 71 of Title 25 of the Pennsylvania Code, or as amended, for Submission by the Township of Latimore to the PA DEP.
 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. A preliminary Erosion and Sedimentation Control Plan together with a report of the County Conservation District indicating whether a permit for earth moving activity is required from the PA DEP under the Rules and Regulations, Chapter 102, "Erosion Control" P.L. 1987, June 22, 1937, as amended.

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 Protection and the Pennsylvania Department of Transportation.
4. Typical street cross-sections drawings for all proposed streets.
5. Tentative profiles along the centerline 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 Protection.
7. The applicant shall submit a stormwater management plan for the proposed subdivision or land development. The completeness of the stormwater plan shall be as required by the Township Engineer, the Planning Commission or Board of Supervisors in accordance with this Chapter and Township Ordinances.
8. Where the preliminary plan covers only a part of the entire land holdings, a sketch of the future street system of the un-submitted 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.

10. Where one hundred (100) or more dwelling units are proposed in a subdivision or land development, evidence in writing from the school district in which the subdivision or land development is located containing the review and comments of the school district on the proposed development.
11. A Traffic Impact Study or a copy of a report, where deemed necessary by the Board of Supervisors or Township Engineer, indicating an estimated volume of vehicular traffic movement and the adequacy or inadequacy of the proposed and existing streets and highways to carry the traffic both within and beyond the proposed development, including possible solutions to such problems as may be thereby identified.
12. All required filing fees as required herein or as set by the Board of Supervisors.
13. Documented proof of any modifications or variances, which may have been granted by the Board of Supervisors or the Zoning Hearing Board for matters within their respective jurisdiction which are relevant to plat approval.
14. If the developer proposes to impose restrictions on future lot owners by deed restrictions or covenants, the text of such provisions shall be shown on the plan, referred to on the plan or in an attached document.
15. A Stormwater Management Report or a copy of a report, where deemed necessary by the Board of Supervisors or Township Engineer, indicating the general arrangement for storm water drainage, the estimated volume of water to be generated and the effect of such volumes on the drainage ways or streams within the development and that projected volumes can be accommodated by the existing drainage facilities or streams beyond the proposed development.
16. In the event that the plans propose enlargement of utility and other services extending from another municipality, a statement or certificate indicating that the proposal and a PA DEP Planning Module for Land Development, if required, has been submitted by the developer for review and has been approved by the municipality or municipal authority concerned and is considered to be reasonable. Approval by the utility will be required when deemed necessary by the Board of Supervisors.

Section 405. Final Plats Procedures.

- A. The applicant shall, not later than five (5) years after the date of approval of the Preliminary Plat, for that portion intended to be developed, file with the Township's Secretary a Final Plat. Such filing shall include, as part of the formal

submission, all the material, documents, and other data required under the Final Plat specifications as listed in Section 406.

- B. The Final Plat shall incorporate all the changes and modifications required by the Board of Supervisors; otherwise it shall conform to the approved Preliminary Plat and it may constitute only that portion of the approved Preliminary Plat, which the applicant proposes to record and develop at the time, provided that such portion conforms with all the requirements of this Section.
- C. Twelve (12) copies and one (1) high quality reproducible Mylar copy of the plat prepared by a registered surveyor or professional engineer on sheets no larger than 18" x 24" clearly labeled "Final Plat" shall be filed by the applicant with the Township's Secretary thirty-eight (38) days prior to the meeting of the Planning Commission at which meeting consideration is desired.
- D. The Township Secretary shall require the subdivider to submit copies of the final subdivision plan and supporting data to any or all of the following:
 - 1. One copy to be retained by the Secretary of the Planning Commission for the record.
 - 2. One copy and a feasibility report on water and sewer facilities transmitted to the local office of the Pennsylvania Department of Environmental Protection for review and recommendations where onlot individual subsurface sewage disposal systems and/or wells are to be utilized in the proposed subdivision, if applicable.
 - 3. One copy transmitted to the local office of the Pennsylvania Department of Transportation for review and recommendations concerning the proposed highway system, as it will affect existing or proposed extensions of the official State highway system, if applicable.
 - 4. One copy to the Township Engineer for review.
 - 5. Two copies transmitted to the Adams County Office of Planning and Development.
 - 6. One copy to all affected public utilities who shall be requested to make recommendations as to the suitability of installing underground lines, if applicable.
 - 7. One copy to the Bermudian Springs School District for review and comment, if applicable.
- E. Before acting on any subdivision plat, the Board of Supervisors may hold a public hearing thereon after public notice.

- F. The Board of Supervisors shall determine whether the Final Plat shall be approved or disapproved and shall notify the applicant at his last known address in writing thereof, including, if approved with conditions or disapproved, a statement of reasons for such action, not later than fifteen (15) days following the decision.
- G. Action on the final plan shall be taken in the same manner as for preliminary plans (Section 403). However, if DEP 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 time public meeting after receipt of the letter from DEP. 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.
- H. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of this Ordinance.
- I. Failure of Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in a manner of presentation of communication shall have like effect.
- J. No changes, erasures, modifications or revision shall be made on any Final Plat of a subdivision or land development after approval has been given by the Board of Supervisors and endorsed in writing on the plat, unless the plat is first resubmitted to the Board of Supervisors.
- K. Upon the approval of a final plat and receipt of sufficient evidence that the applicant has complied with all conditions of final plat approval, the Township shall release the plan to the applicant who shall, within ninety (90) days of such final approval, record such plat in the office of the Recorder of Deeds of Adams County. One (1) recorded copy of the plat shall be returned to the Township by the applicant.
- L. The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.

M. In accordance with §508(4) of the Pennsylvania Municipalities Planning Code, as amended, when an application for approval of a plat, whether preliminary or final, has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to adversely affect the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.

Section 406. Final Plat Specifications.

A. The final plan shall show:

1. The development or property name.
2. Name and address and telephone number of subdivider.
3. Name, address, telephone number and seal of the registered professional engineer certifying engineer aspects and professional land surveyor certifying accuracy of the plat survey, or a 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 and written scale.
7. The municipality in which the plat is located.
8. Certification of ownership and dedicatory statement signed by owner.
9. A location map, for the purpose of locating the property being subdivided, showing the relation of the property to adjoining properties, all streets, roads, municipal boundaries, cities, landmarks, governmental boundaries, etc. A title, scale, and north point shall be included.
10. The total tract boundary lines of the area being subdivided accurate to hundredths of a foot and bearings to seconds of a degree. 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 1 foot in 10,000 feet; provided, however, that the boundary(s) adjoining additional unplatted land of subdivider (for example, between separately submitted final plan sections) are not required to be based upon field survey and may be calculated. The location 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. Notary Public signature and recording statement.
12. A plot drawn to a legible scale showing the entire existing tract boundary and the location of the lots being subdivided for said tract.
13. Boundaries of adjacent properties and recorded name and deed reference. When adjacent properties are part of recorded plat, only the lot number and subdivision name need be shown.
14. Contour lines at vertical intervals of at least 2 feet for land with average natural slope of 4% or less, at intervals of at least 5 feet for land with average slope of 4% to 12%, and at intervals of at least 10 feet for land with average slope exceeding 12%. All contours shall be taken from field run topography unless subdivision is for add-on purposes or agricultural use with no new structures. Alternative contouring data may be acceptable at the discretion of the Board of Supervisors and/or the Township Engineer.
15. Location and elevation of the datum to which contour elevations refer; where practicable, datum used shall be an established benchmark.
16. The layout(s), state or township route numbers, and cartway width and lines of all existing and/or proposed public streets, alleys, easements and private roads within the property.
17. The following data for the cartway edges (curb lines) 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 seconds) 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 seconds) either by magnetic bearings or by angles of deflection from other lot and street lines.

18. If the subdivision proposes a new street intersection with a State 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 be issued for that lot until the highway occupancy permit has been obtained.
19. If the subdivision proposes a new street intersection with a State 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 be issued for that lot until the highway occupancy permit has been obtained.
20. The location and description of all existing and proposed monuments.
21. Location and widths of existing and proposed rights-of-way, easements and driveways.
22. The layout of lots showing dimensions, lot numbers and a statement (or chart) of the total number of lots and parcels, lot areas, type of dwelling units.
23. The building setback lines for each lot or other sites.
24. For developments where onsite sewage disposal systems will be used, the location where all soils evaluation tests were conducted for each lot.
25. The location of all proposed private wells, along with a one hundred (100') foot radius isolation perimeter shown on the plan.
26. A statement of the intended use of all lots, and the type of dwelling units, 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.

27. 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.
28. The location of any existing bodies of water or watercourses, tree masses, marshes, ponds, rock outcrops, wooded areas, building or structures (including the location of wells and onsite sewage facilities for such buildings or structures), public facilities and any other manmade or natural features within or near the proposed subdivision.
29. 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).
30. 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.
31. Parks, playgrounds and other areas to be dedicated or reserved for public use, with any conditions governing such use.
32. Zoning district(s), including exact boundary lines of the district(s).
33. Date of recording, base tax parcel number, and deed reference to the parcel being subdivided and/or developed as recorded in the Recorder of Deeds, Office of Adams County, Pennsylvania.
34. All existing buildings, sanitary and storm sewers, water mains, fire hydrants, culverts and other significant man-made features on or adjacent to the tract.
35. An approval block for the use of the Adams County Planning Commission, the Latimore Township Planning Commission and the Latimore Township Board of Supervisors.
36. A statement should be included on plat regarding the presence of wetlands. The statement should note that no development is proposed within wetlands or that the necessary permits for the disturbance of wetlands have been obtained from the appropriate federal and state regulating agencies. Disturbance of wetlands shall include, but not be limited to filling, dredging, draining or any building activities.
37. Where the subdivision and/or land development lies partially or completely within any identified flood plain area or district or where such

activities border on any identified flood plain area or district, the preliminary plat shall include the following information:

- a. Location and elevation of proposed roads, utilities and building sites, fills, flood or erosion protection facilities;
- b. The one-hundred (100) year flood elevations; and
- c. Other areas subject to special deed restrictions.
- d. All such plats shall show contours at intervals of two (2) or five (5) feet depending upon the slope of the land and identify accurately the boundaries of the identified flood plain areas or districts.

38. Statement by the owner dedicating streets, rights-of-way and any sites for public uses, which are to be dedicated.

39. Street lighting facilities.

40. Purpose for which sites other than residential lots or parcels in unit, cooperative or condominium subdivisions are dedicated or reserved.

41. A Final Stormwater Management/Erosion and Sedimentation Control Plan pursuant to the rules and regulations of the PA DEP (Title 25, Part 1, Sub-Part C., Article II, Chapter 102 of the Pennsylvania Code) and evidence that any required Erosion and Sedimentation Control Permit has been issued. If any Erosion and Sedimentation Control Permit is not required, the applicant shall provide evidence that the Stormwater Management/Erosion and Sedimentation Control Plan has been reviewed and approved by the County Conservation District Office, however, if the District Office does not desire to review the Plan, the Board of Supervisors may, at its discretion, have the Plan reviewed by the Township Engineer. The cost of the review shall be paid by the applicant.

42. A list of any zoning variances granted and/or any conditions imposed by the Latimore Township Zoning Hearing Board.

B. Supplementary Data Required. The final plan shall be accompanied by the following supplementary data where 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 centerline of each street.
 - b. Proposed finished grade of the centerline, 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.
 - f. Existing and proposed water mains, valves and hydrants.
3. Typical Cross Sections of each type of street, minor streets, collector, etc., showing the width of right-of-way, width of cartway, location and width of curbs and sidewalks, if required and location and size of utility mains.
4. Plans and profiles of proposed sanitary and stormwater sewers with grades and pipe size indicated and a plan of any proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
5. An agreement that the applicant will install all underground utilities before paving streets or constructing sidewalks.
6. Final designs of any bridges or culverts, which may be required. Such designs shall meet all applicable requirements of the PA Department of Environmental Protection and the PA Department of Transportation, and Latimore Township Ordinances.
7. Where the final plan covers only part of the entire landholdings, a sketch of the future street system of the un-submitted 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.
8. 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.

9. A plan for the control of erosion and sedimentation approved by the County Conservation District Office as required by the Pennsylvania Clean Streams Act.
10. The applicant shall submit a stormwater management plan for the proposed subdivision or land development. The completeness of the stormwater plan shall be as required by the Township Engineer, the Planning Commission or the Board of Supervisors in accordance with this Ordinance.
11. 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.
12. Any other certificates, affidavits, endorsements or dedications, etc., that may be required by the Board of Supervisors.

Section 407. Additional Requirements for a Land Development Plat.

In addition to the requirements set forth in this Article, the Final Plat for a land development involving either multi-family dwellings or commercial, industrial or other non-residential uses shall also indicate the following:

- A. Location and general exterior dimensions of principal and accessory buildings.
- B. Location and dimensions of vehicular entrances, exits, access drives, access barriers, acceleration and deceleration lanes.
- C. Location, arrangement and dimensions of automobile parking space, width of aisles, width of bays, angle of parking.
- D. Location and dimensions of pedestrian entrances, exits and walks.
- E. Location, arrangement and dimensions of truck loading and unloading spaces and docks.
- F. Location, dimensions and materials of walls, fences, buffers, screen plantings and landscaped areas.
- G. Location and dimensions of unenclosed storage areas and screening (if applicable).
- H. Location, size, height and orientation of all signs other than signs flat on building facades.

- I. Location and appropriate dimensions of all other significant proposed facilities and structures.
- J. Finished grades, slopes and banks.
- K. The stages, if any, to be followed in the construction of the land development.
- L. Table of site and development data including statements of total acreage of the property, proposed use of the property, density, proposed building coverage, proposed lot coverage, proposed landscaped area, proposed type of sewage disposal and water supply, number of off-street parking spaces required and number of off-street parking spaces proposed.
- M. Copies of National Pollutant Discharge Elimination System (NPDES) permits and any other stormwater management permits as required and approved by the Environmental Protection Agency and the PA DEP either where (1) discharge of stormwater associated with an industrial activity is proposed or if (2) the plan has proposed the disturbance of five (5) acres or more.
- N. All set back and other zoning requirements of the existing Zoning Ordinance of the Township of Latimore or any other Township Ordinance in effect at the date of filing a land development plan.

Section 408. Minor Subdivision and Land Development Applications.

Where three (3) or fewer lots are proposed to be subdivided from a tract of land or where land is being transferred to be combined with an existing lot, the Board of Supervisors, being advised by the Planning Commission, in response to a written request by the applicant, may waive the requirements of Preliminary Plat requirements, provided such proposal is on an existing improved street that does not involve installation of new streets or other public improvements as required by this ordinance; extension of utilities; frontage on an arterial or collector street; adverse effect to the development of the remaining parcel; adverse effect to adjoining properties; or conflict with the Township's Comprehensive Plan, Zoning Ordinance, any portion of this Ordinance or other State, County or Township ordinances, laws or regulations. In such cases the applicant shall submit a Final Plat as follows:

- A. The Final Plat for a minor subdivision or land development shall be submitted and processed as required by Section 405, "Final Plats: Procedure" and contain the following data and plat specifications:
 - 1. Submit a stormwater management/erosion and sedimentation control plan as required by the "Pennsylvania Clean Streams Law" and the PA DEP "Erosion Control Rules and Regulations: (Title 25, Part I, Subpart C, Article 11, Ordinance 102 – Erosion Control). The plan content shall be prepared in accordance with the erosion control measures set forth in the

Erosion and Sediment Pollution Control Program Manual prepared by the PA DEP and Adams and applicable provisions herein.

2. Twelve (12) copies and one (1) high quality reproducible Mylar copy of the plat prepared by a registered surveyor or professional engineer on sheets no larger than 18" x 24" clearly labeled "Final Plat" shall be submitted containing the following information:
 - a. The development or property name.
 - b. Outline of the property from which the lot or lots are being subdivided or combined.
 - c. Bearings and distances of the property taken from the property deed including the primary control point.
 - d. Adjacent landowner's names.
 - e. Location on the property map of existing streets, streams and woods.
 - f. A separate drawing of the proposed lot(s) (maximum scale 1" = 100') with lot area, bearings and distances of lot lines, lot numbers and minimum distances of lot lines, existing street right-of-way, width, cartway width and street name and number, easements, existing man-made features, building setback lines and contours, with a two (2') foot interval.
 - g. A location map on the plat (minimum scale 1" = 1,000') showing property location, streets and other pertinent information.
 - h. Name of the Zoning District in which the site is located.
 - i. Additional data required on the plat.
 - (1) Name, address and telephone number of owner or applicant, including a deed reference to the existing tract which is proposed for subdivision.
 - (2) Name, address and telephone number and seal and signature of professional engineer certifying aspects and professional land surveyor certifying accuracy of plat survey (as defined herein).
 - (3) Date of plat preparation.

- (4) Date the parcel being subdivided and/or developed was recorded in Adams County Recorder of Deeds Office.
- (5) Municipality where property is located.
- (6) True or magnetic north point and scale.
- (7) Certification of ownership and dedicatory statement signed by owner.
- (8) Notary public and recording statement
- (9) Approval blocks to be signed by the Planning Commission and the Board of Supervisors.
- (10) Location and description of survey monuments shown on the plat.
- (11) Locations and size of existing and/or proposed public utilities.
- (12) Existing natural features, such as watercourses, wetlands, marshes, rock outcrops and wooded areas.
- (13) Proposed Protective Covenants running with the land, if any, existing easements or rights of way, proposed easements or rights of way.
- (14) Reference to recorded subdivision plats of adjoining platted land and by record name, date and number.
- (15) When applicable, four (4) copies of the “Sewage Module for Land Development” or other equivalent documentation required by the PA DEP in compliance with the requirements of the Pennsylvania Sewage Facilities Act and Chapter 71 of Title 25 of the Pennsylvania Code.
- (16) A statement shall be included on plat regarding the presence of wetlands. The statement should note that no development is proposed within wetlands or that the necessary permits for the disturbance of wetlands have been obtained from the appropriate federal and state regulating agencies. Where the subdivision and/or land development lies partially or completely within any wetlands, all necessary permits required by federal and

state agencies for disturbance of such wetlands shall be obtained prior to approval of the final plan. Disturbance of wetlands shall include but not be limited to, filling, draining, dredging or any building activities.

- (17) All other requirements of Section 407 of this Ordinance, including all requirements pertaining to applications located in a flood hazard area.
- (18) Where the proposed subdivision abuts a State Highway (Pennsylvania Route or United States Route) evidence in writing from the PA DEP indicating the Department's concurrence with the proposed design for driveway access and drainage required for issuance of the Department's Highway Occupancy permits. In lieu of written approval from PennDOT, a note should appear on the plan stating: "Before access may be constructed to any lot, a Highway Occupancy Permit is required from PennDOT."
- (19) Such other data as may be required by the Planning Commission or Board of Supervisors in the enforcement of this Ordinance.

Section 409. Resubdivision Procedure.

- A. 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.

Section 410. Additions To Existing Lots.

For the purpose of straightening lot lines and additions of small, non-buildable parcels of property to existing recorded lots, said lots shall possess the following characteristics:

- 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.

Section 411. Effect of Final Plat Approval.

- A. Approval of the Final Plat by the Board of Supervisors constitutes final approval of the land development as to the character and intensity of the development, the layout and dimensions of streets, lots and other planned features. This approval binds the applicant to the scheme on the final plat.
- B. Final plat approval shall not be granted until such improvements as required by this Ordinance and shown on such Final Plan have been completed or a sufficient guarantee, performance guarantee or other form of financial security as required by this Ordinance has been posted and all required fees are paid in accordance with this Ordinance.
- C. The date of final plat approval shall be specifically set forth on the Final Plan with the appropriate signatures of Township Officials authorized to approve such plat. The date of final plat approval shall constitute the public meeting wherein the Board of Supervisors approved the plat, with or without conditions. In the event of conditional approval of any preliminary final plat, the applicant shall meet or obtain sufficient written documentation demonstrating compliance with all conditions of plat approval. Upon receipt of such documentation, the Township shall release the plat to the applicant for recording purposes that shall be solely responsible for recording the plan within ninety (90) days from approval or conditional approval of the plat by the Board of Supervisors. Failure of the applicant to record the plat within ninety (90) days from the date of final approval shall require that the applicant file a subsequent plat with the Commission or Board of Supervisors for subsequent review so as to comply with all time requirements of the Pennsylvania Municipalities Planning Code, as amended.

ARTICLE V
DESIGN STANDARDS

Section 501. Application.

- A. The following principles, standards and requirements will be applied by the Board of Supervisors and Planning Commission in their review and evaluation of all subdivision and land development plat applications.
- B. The standards and requirements contained herein shall be considered the minimum for the promotion of the public health, safety, convenience and general welfare.
- C. Where literal compliance with the standards and requirements contained herein is clearly impractical, the Board of Supervisors may modify or waive such through the alteration of requirements process set forth in Article IX of this Ordinance. Any such waiver shall only be made following receipt of written approval from the Township Engineer.
- D. Subdivision and land development plats shall give due consideration to “Official Plans” of the Township of Latimore, Adams County and Region or to such parts thereof as may be adopted pursuant to statute.
- E. Proposed land uses shall conform to the Latimore Township Zoning Ordinance or subsequent zoning ordinance, in effect at the time of the submission of any plat to the Township of Latimore.
- F. Land subject to hazards to life, health or property, such as may arise from fire, flood, disease, or other causes, shall not be platted for development purposes unless such hazards have been eliminated or unless the plat shall show adequate safeguards against them, which shall be approved by the appropriate Federal, State or local regulatory agencies.
- G. Subdivision and/or land development plans should encourage and promote site designs with flexibility, economy, ingenuity, and adherence to protecting public interests in their layout. Other practices which are in accordance with modern and evolving principles of site planning and development.

Section 502. Streets.

A. General Standards

- 1. Proposed Streets shall be properly related to any street plans or parts thereof as have been officially adopted by Latimore Township and shall be

coordinated with existing or proposed streets in adjoining subdivision or land development. Further, proposed streets shall be properly related to County, Regional or State transportation plans as have been prepared and adopted as prescribed by law.

2. Streets shall be laid out to preserve the integrity of their design. Local access streets shall be laid out to discourage their use by through traffic and, where possible, collector and arterial streets shall be designed for use by through traffic.
3. Streets shall be related to the topography so as to establish usable lots and satisfactory street grades.
4. Proposed street arrangements shall make provisions for the continuation of existing streets in adjoining areas; the proper projection of streets into adjoining undeveloped or unplatted areas; and the continuation of proposed streets to the boundaries of the tract being subdivided.
5. New half or partial streets shall be prohibited except where essential to reasonable subdivision or development of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be obtained; a cul-de-sac shall be constructed at the end of such half street which shall be of a permanent nature, unless a temporary cul-de-sac is approved.
6. Names of new streets shall not duplicate existing or platted streets names or approximate such names by the use “drive”, “court”, or suffixes such as “lane”, “way”, or “avenue”. In approving the names of streets, cognizance should 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 of any continuation of alignment with an existing or platted street. All street names shall be subject to Township approval.
7. Insofar as possible, streets on which structures utilizing solar access are proposed to front upon, shall be oriented along an east-west axis with maximum deviations permitted up to twenty-five (25) degrees; provided that such orientations are feasible based on soil and slope conditions and are a practical means of providing safe and convenient access and circulation.
8. Private streets are prohibited. All lands subdivided within the Township of Latimore shall have immediate access to a public street.

9. Private service access for purposes of providing a means of secondary access to a lot, are permitted as deemed appropriate by the Board of Supervisors and the Township Engineer.

B. Street Classification. Three (3) functional classifications of streets and roads, classified as regional highways, major and minor collectors and local roads are established as follows:

1. Arterial. This classification includes the regional highways or highways which provide intra-county or inter-municipal traffic of substantial volumes. Generally, these highways should accommodate operating speeds of 55 miles per hour.
2. Collector. This classification is intended to include major and minor collectors or those highways, which connect minor streets to arterial highways and generally serve intra-county and intra-municipal traffic. They may serve as traffic corridors connecting residential areas with industrial, shopping and other services. They may penetrate residential areas. Generally, these highways will accommodate operating speeds of 35 to 45 miles per hour or under.
3. Minor. This classification is intended to include local roads streets and roads that provide direct access to abutting land and connections to higher classes of roadways. Traffic volumes will be low and travel distances generally short. These streets and roads should be designed for operating speeds of 25 miles per hours or under.

C. Street Widths.

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

Street Type	Right-of-Way	Cartway Width (Curb to Curb)
Arterial Streets	As determined by the Township after Consultation with the PennDOT.	
Collector Streets	60 feet	36 feet
Lot Frontage < 80'	50 feet	36 feet
Lot Frontage 80-149'	50 feet	32 feet
Lot Frontage >150'	50 feet	28 feet
Lots in developments With parking lots	50 feet	20 feet
Alleys	16 feet	10 feet

The Township shall reserve the right to restrict parking along streets or to require additional width to accommodate on-street parking.

2. Provision for additional street width or shoulder (right-of-way, cartway, or both) may be required when determined to be necessary by the Board of Supervisors to facilitate for aspects such as:
 - a. Public safety and convenience.
 - b. Traffic in commercial and industrial areas and in areas of high density.
 - c. Widening of existing street where the width or alignment does not meet the requirements of the preceding paragraphs.
 - d. Where topographic conditions require excessive cuts and fills.
 - e. When curbs will not be required.
 - f. To accommodate on-street parking.
 - g. Where street adjoins neighboring municipalities roads.
3. In the case where conditions warrant alternate design standards, the design may be required to consider the parameters as a function of design speed. Alternate design standards may be referenced from either AASHTO or PennDOT.
4. In the case of a plan for a Land Development fronting on an existing public or private road of improper right-of-way and/or cartway width, the developer shall provide the following:
 - a. Any required dedication of land for increasing the existing right-of-way to meet the requirements of this Ordinance. The right-of-way must be centered from the centerline of the existing road.
 - b. Improvement of roadway to meet cartway, curb, gutters or other standards of this Ordinance. In lieu of making such improvements, the Township may at its discretion, require a fee to cover the cost of future improvements as established by the developer's engineer and approved by the Township Engineer.

D. Pavement Type.

1. All streets shall be constructed with flexible pavement as required according to the following:

Pavement Courses	Arterial Collectors	Local Roads
Bituminous Surface	3-1/2	3-1/2

CABC, CABC-DG	8	6
Subbase	6	6
Bituminous Surface	3-1/2	3-1/2
AGG.CEM. or	5	5
A-L-P	5	5
Subbase	6	6
Bituminous Surface	3-1/2	1-1/2
BCBC	4	4-1/2
Subbase	6	6
Bituminous Surface	3-1/2	1-1/2
AGG-BBC	5	5
Subbase	6	6

LEGEND

AGG. CEM.	Aggregate – Cement Base Course
Bituminous Surface	Bituminous Surface (1-1/2” Wearing Course and 2” Binder Course)
CABC	Crushed Aggregate Base Course
CABC – DG	Crushed Aggregate Base Course Dense Graded
A-L-P	Aggregate – Lime – Pozzolan Base Course
BCBC	Bituminous Concrete Base Course
AGG – BBC	Aggregate – Bituminous Base Course

E. Street Grades.

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

<u>Type of Street</u>	<u>Minimum Grade</u>	<u>Maximum Grade</u>
All Streets	1.0%	As determined by the Governing Body after Consultation with the Commission and PennDOT
Collector Streets	1.0%	Eight (8%) percent
Minor Streets	1.0%	Ten (10%) percent
Service Drives	1.0%	Twelve (12%) percent
Street Intersections	1.0%	Five (5%) percent

2. In all grades exceeding 1%, vertical curves shall be used in changes of grade and shall be designated for proper site distance.
3. On permission of the Township, minor street grade under special topographic conditions may exceed ten percent (10%) for distances less than one hundred (100) feet provided the grade does not in any case exceed fifteen percent (15%).
4. Standards for minimum and maximum grade refer to both positive and negative grades.

F. Horizontal Curves.

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

<u>Type of Street</u>	<u>Minimum Radius</u>
Arterial	500 feet
Collector Street	300 feet
Minor Street	150 feet

2. Straight portions of the street must be tangent to the beginning or end of the curve. Except for minor streets, there must be a tangent of at least one hundred (100) feet between reverse curves. For curves on arterial streets (or as otherwise determined by the Township Engineer) proper super elevation must be provided as required by the Township or PennDOT.
3. The Township may require that Sight Easements be provided in order to have adequate stopping sight distances.
4. The Township may require that the development be provided with speed limit signs in which speeds have been determined by the required engineering studies to be recommended for the horizontal curve design.

G. Vertical Curves and Sight Distance.

1. Changes in grade shall be joined by vertical curves, and the maximum rate of grade shall be 5% per 100 feet of road, provided the clear sight distances specified below are maintained at all points.
2. Proper sight distance shall be provided with respect to both horizontal and vertical road alignments at all intersections. The sight distance measured from the centerline 3.5 feet above grade shall be as follows:

<u>Type of Street</u>	<u>Sight Distance</u>
Arterial	400 feet
Collector	300 feet
Minor	200 feet

3. 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 centerlines. No building or other obstruction that would obscure the vision of a motorist shall be permitted within these areas.
4. A safe sight distance is required for the intersection of all roads and driveways. The safe sight distance shall be measured according to current PennDOT guidelines and shall meet current PennDOT requirements.

H. Crowns.

1. All streets shall be designed so as to provide for the discharge of surface water from the right-of-way. The slope of the crown on a street shall be three-eighths (3/8) of an inch per foot, or as determined by the Township Engineer. Where a curve is banked to reduce lateral vehicular acceleration as required by the design speed of the road, the crown required is eliminated. Adequate facilities shall be provided at low points along the street and other points necessary to intercept runoff.

I. Intersections.

1. No intersection shall involve the junction of more than two (2) streets.
2. Right-angle intersections shall be used wherever possible. In no instance, however, shall streets intersect at an angle of less than seventy-five (75) degrees or more than 105 degrees. Intersections of two arterial streets shall be subject to PennDOT requirements.
3. Intersections shall be improved on all sides by leveling areas. Such leveling areas shall have the minimum length of one hundred (100) feet (measured from the intersection of the centerlines) within which no grade shall exceed a maximum of five percent. Where a through street exists or is proposed, the five percent leveling area may be waived pending review of the Township Engineer.
4. All streets intersecting a state road (US, PA, or SR) shall be subject to the approval of PennDOT. The developer shall furnish evidence of such approval in the form of a PennDOT highway occupancy permit, or other written form.

5. Design of the curb or edge of pavements must be taken into account. Such factors as 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:

<u>Intersection</u>	<u>Curve Radius</u>
Minor with minor street	25 feet
Minor with collector street	30 feet

<u>Intersection</u>	<u>Curve Radius</u>
Collector with collector street	35 feet
Any street with arterial street	35 feet or as determined after Consultation with PennDOT.

6. Distances between intersections shall be as follows:

	<u>TYPE OF INTERSECTION</u>				
	<u>Arterial/ Arterial</u>	<u>Arterial/ Collector/Minor</u>	<u>Collector/ Collector</u>	<u>Collector/ Minor</u>	<u>Minor/ Minor</u>
Min. Dist. Between Centerlines Of Intersections	800'	800'	600'	500'	500'
Min. Dist. Separation of Centerlines for Streets not in Alignment	Must be in alignment with planned or proposed streets entering from opposite side.			200'	200'

7. Clear sight triangles shall be provided at all intersections. Measured along the centerline of the street there shall be a clear sight triangle with side lengths as follows:

<u>Type of Street</u>	<u>Min. Clear Sight Triangle Side</u>
Arterial	150'
Collector	100'
Minor	100'

No building or construction other than utility poles, street lights street signs, or traffic signs, shall be permitted within such triangles. Whenever a portion of such line occurs behind the building setback line, such portion shall be shown on the plan and shall be considered a building setback line.

8. Where determined to be necessary due to speed considerations, clear sight triangle side may increase. Increased values shall be in accordance with PennDOT or AASHTO Standards.
9. Safe sight distances shall be provided at all intersections. Standards for design shall comply with AASHTO and the Pennsylvania Department of Transportation whichever shall be most applicable as determined by the Township Engineer.

J. Slopes of Banks Along Streets.

The slope of banks along streets measured perpendicular to the street centerline shall be no steeper than the following:

1. One (1) foot of vertical measurement for three (3) feet of horizontal measurement for fills.
2. One (1) foot of vertical measurement for two (2) feet of horizontal measurement for cuts.

K. Dead-end Streets.

1. Dead-end streets are prohibited unless designed for future access to adjoining properties.
2. Any dead-end street, for access to an adjoining property or because of authorized phased development, shall be provided with a temporary, all-weather (paved) turn-around within the subdivision or/and land development; and the use of such turn-around shall be guaranteed to the public until such time as the street is extended.
3. Unless future extension is clearly impractical or undesirable, the turn around right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.
4. Drainage of dead-end streets shall be in accordance with current engineering standards.

L. Driveways.

1. Private driveways on any lot shall be located at least forty (40') feet from the point of intersection of any street right-of-way lines.
2. In order to provide a safe and convenient means of access, grades on private driveways shall be so designed to allow for the unimpeded flow of

stormwater runoff. In addition, driveways must be stabilized to their full width to prevent erosion.

3. All driveways shall be located, designed and constructed in such a manner as not to interfere or be inconsistent with the design and maintenance and drainage of streets or the safe and convenient passage of traffic.
4. All driveways shall be constructed of an impervious, all weather paved surface.
5. All driveways shall meet the criteria as set forth in the Latimore Township Zoning Ordinance.

M. Reserve Strips.

1. Controlling access to streets by reserve strips is prohibited except where their control is definitely given to the Township and is under control and/or approved by the Township. A reserve strip is a parcel of ground in separate ownership separating a street from other adjacent properties or from another street.

N. Alleys.

1. Alleys or service drives are prohibited in single family, detached or semi-detached residential development, except where they are required to access the rear of lots which front on existing arterial streets, when topographical conditions exist to justify their use, or as part of an alternative layout where their use has been recommended by the Adams County Planning Commission and the Township Planning Commission. In cases where alleys are to be allowed, design standards shall be as recommended by the Township Engineer and Planning Commission.
2. Where alleys or service drives dead end, they shall be provided with a turn-around of 80 feet diameter minimum.
3. Intersection involving alleys shall be provided with a minimum radius of 10 feet.
4. Alleys are to be provided in all townhouse developments for access to the rear.

O. Pedestrian Crosswalks and Curb Ramps.

1. Crosswalks shall be required wherever necessary to facilitate circulation and to give access to community facilities.

2. Crosswalks shall have an easement width of not less than twelve (12) feet and a paved walk of not less than four (4) feet. At a minimum, all crossings shall be constructed to comply with ADA requirements.
3. A line-stripe crosswalk shall be painted at street intersections where required by the Township Engineer and the Board of Supervisors.
4. Crosswalks in mid-block shall be provided with warning devices.
5. Any development required to have curbs and sidewalks shall also incorporate handicapped ramps into the design.
6. All curb/sidewalk ramps shall be designed and constructed according to the most current PennDOT and/or ADA requirements.

Section 503. Off Street Parking

- A. Off street vehicular parking facilities shall be provided in accordance with the Latimore Township Zoning Ordinance.

The following additional standards shall apply:

1. Commercial and Industrial Parking Facilities shall be adequately illuminated if designed for use by more than ten (10) cars after dusk.
2. Commercial and Industrial Parking Facilities shall be surfaced with a durable bituminous or concrete paving material.
3. All multi-family, commercial, public and industrial uses shall provide handicapped parking spaces as follows or as required by the applicable regulatory agency or by the Americans with Disabilities Act:

<u>Total Parking Spaces</u>	<u>No. Handicapped Spaces.</u>
5 or less	1
6 – 25	2
26 – 50	3
51 – 80	4
81 – over	5 of total

(Handicapped parking spaces shall be 12' wide minimum)

- B. For uses which are not addressed in the applicable Zoning Ordinance, the required parking spaces shall be based on a study as prepared by the developer and approved by the Township Engineer. The study shall address the following:

1. The type of use and estimated number of trips generated during peak conditions (inbound and outbound).
 2. Estimated parking duration per vehicle (turnover rate).
 3. Based on estimated number of trips generated and average parking duration per trip, calculate and number of spaces required. In addition one space shall be provided for every two employees working during the maximum shift.
- C. The minimum isle width for 90 degree parking shall be twenty-four (24') feet. For angled parking, isle width shall be as determined by the Township Engineer.

Section 504. Blocks.

- A. The length, width, shape and design of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, to the land use and/or zoning requirements of the Township of Latimore, the topography of the land being subdivided or developed and the requirements for safe and convenient vehicular and pedestrian circulation.
- B. Blocks shall not exceed sixteen hundred (1600') feet in length, nor be less than five hundred (500') feet in length. Where practical, blocks along collector or arterial streets shall be not less than one thousand (1,000') feet in length.
- C. Residential blocks shall generally be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering an arterial, or collector street are used, or where due to the contour of the land or the necessary layout of the subdivision, there is insufficient depth between intersecting streets for such two (2) tier design.
- D. Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with limited access to the street system. Extension of streets, railroad access right-of-way and utilities shall be provided as necessary.
- E. Crosswalks or interior pedestrian walks shall be required in blocks exceeding one thousand (1000') feet in length to provide for pedestrian circulation or access to community facilities. Such walks shall be paved for a width of not less than four (4') feet shall be located in easements not less than ten (10') feet in width and shall, insofar as possible, be located in the center of any such block.

Section 505. Lots.

A. General Standards

1. The size, depth, width and orientation of lots shall conform to applicable Zoning regulations of Latimore Township.
2. Lot lines will follow municipal boundaries and established zoning boundaries.
3. If, after subdividing, there exists remnants of land, they shall be either:
 - a. Incorporated in existing or proposed lots; or
 - b. Legally dedicated to public use, if acceptable to the Township.

B. Lot Frontage

1. All lots shall abut an existing or proposed public street.
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 or orientation.
3. No residential lots shall be created which front upon a limited access highway. Furthermore, no major subdivisions and/or land developments shall be created which front upon an arterial street.

C. Building Setbacks

Front, side and rear setbacks shall begin conformance with the present or subsequent amendments to the Latimore Township Zoning ordinance effective or pending at the date of filing any application for approval of a plat.

Section 506. Easements.

- A. Easements shall be provided for drainage facilities, overhead or underground public utility facilities in consultation with the Township Engineer, the Electrical, Telephone and Water Utilities, PennDOT and any Municipal Authority.
1. The minimum width of such easements shall be twenty (20') feet. Additional width may be required by the Commission depending on the purpose and use of the easements.
 2. Wherever possible such easements shall be centered on the side or rear lot lines or along the front lot lines.

- B. Where a subdivision and/or land development is traversed by a watercourse, drainage way, channel or stream, there shall be provided a drainage easement, width to be determined by the Township Engineer, conforming substantially with the line of such watercourse, drainage way, channel or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage or for the purpose of widening, deepening, or for the purpose of installing a storm water sewer. Under no circumstances shall the easement be less than twenty-five (25') feet.
- C. Where a subdivision or land development involves the use of solar access, solar sky space easements shall be provided, shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Any solar sky space easements shall be shown on the plans. Instruments creating a solar sky space easement shall include but not be limited to:
1. A permanently identifiable description of the sky space above the burdened land into which trees, buildings and/or other obstructions as specified by the easement shall not be permitted to encroach;
 2. Any terms or conditions under which the solar sky space easement is granted or will be terminated; and
 3. Any provision for compensation by the owner of the land benefiting from the solar sky space easement or compensation of the owner of the land burdened by the solar sky space easement for maintaining the easement.
 4. Where necessary for access to public or common lands, a pedestrian easement shall be provided with a width of no less than ten (10) feet. Additional width may be required by the Commission depending on the purpose and use of the easement.
 5. All such Easements as depicted or shown on any subdivision or land development plat shall be obtained and publicly recorded prior to approval of any final plat. The Commission or Board may require that an applicant obtain and provide sufficient evidence that an easement has been obtained and recorded prior to approval of a preliminary plat.

Section 507. Erosion and Sedimentation Control.

A. General Requirements and Standards.

1. In the event that any person shall intend to make changes in the contour of any land or engage in earth moving activity, whether for subdivision, land

development or any purpose, such person, who is required to obtain an permit, shall obtain such a permit from the PA DEP in accordance with the requirements of the “Rules and Regulations” Chapter 102, Erosion Control authorized under P.L. 1987, June 22, 1937.

2. Furthermore, under the requirements noted above, Latimore Township shall notify PA DEP immediately upon receipt of an application for a building permit involving earth-moving activity, which affects five (5) acres or more of land.
3. The township shall not issue a building permit to those engaged in earth-moving activities requiring a PA DEP permit until the Department has issued the permit.
4. An Erosion and Sedimentation Control Plan must be prepared for a single lot or more where subdivision, land development or other earth moving activity is proposed. The plan must be submitted:
 - a. as required by the Rules and Regulations of the PA DEP noted above and;
 - b. as required by the Pennsylvania Clean Streams Law, Act 222, July 31, 1970, as amended.
5. Such Erosion and Sedimentation Control Plan shall be submitted to the Township Engineer and County Conservation District for review and a copy of the Plan and review comments shall be submitted to the Commission as part of the Preliminary and Final Plat Applications.
6. In the preparation of Erosion and Sedimentation Control Plans the person preparing such plans shall consult with the County Conservation District to determine the measures needed to control erosion and sedimentation. The current Soil Erosion and Sediment Pollution Control Program Manual, prepared by the PA DEP, shall be used in the preparation of such plans.

Section 508. Stormwater Management.

- A. Storm Water Management facilities shall be designed to convey the storm water runoff in a safe and efficient manner. The system shall insure drainage at all points along streets and provide positive drainage away from buildings and on-site water disposal sites.
- B. The design and construction of the storm water management system shall comply with the requirements as set forth in the Latimore Township Stormwater Management Ordinance.

Section 509. Design Standards in Floodplains.

A. General Standards.

1. Where not prohibited by this or any other laws or ordinances, land located in flood-prone area(s) may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.
2. 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 Regulatory Flood elevation more than one (1) foot at any point.
3. Building sites for residences or any other type of dwelling or accommodate shall not be permitted in any Floodway. Sites for these uses may be permitted outside the Floodway if the sites of dwelling units are elevate to a height at least one (1) foot above the elevation of the Regulatory Flood. If fill is used to raise the elevation of a site, the fill area shall extend out laterally for a distance of at least fifteen (15) feet beyond the limits of the proposed structures. No fill or other obstruction to the free flow of flood waters shall be placed in any Floodway.
4. Building sites or fill for structures or buildings other than for residential uses shall not be permitted in any Floodway. Also such sites for structures or buildings outside the floodway shall be protected as provided for in (3) above. However, the Board of Supervisors may allow the subdivision and/or development of areas or sites for commercial and industrial uses at an elevation less than one (1) foot above the Regulatory Flood if the developer otherwise protects the area to one (1) foot above or assures that the buildings or structures will be flood proofed at least up to that height, in conformance with the Building Code.
5. If the Township of Latimore determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.
6. When a developer does not intend to develop the plat himself and the Township of Latimore determines that additional controls are required to insure safe development, it may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

B. Excavation and Grading.

Where any excavation or grading is proposed or where any existing trees, shrubs or other vegetative cover will be removed, the developer shall consult the County Conservation District representative concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site so that a determination can be made as to the type and degree of development the site may accommodate. Before undertaking any excavation or grading, the developer shall obtain an erosion and Sedimentation Control Permit from the Commonwealth of Pennsylvania, if required. An Erosion and Sedimentation Control Plan must be prepared, whether or not a Permit is required.

C. Drainage Facilities.

Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets and provide positive drainage away from buildings.

Plans shall be subject to the approval of the Latimore Township Board of Supervisors. The Board may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties. If Subdivision or Land Development Plans include any relocation or alteration of an existing watercourse, an analysis prepared by a Professional Engineer shall be submitted. The analysis shall show clearly the effect of the proposed relocation or alteration on the flood carrying capacity of the watercourse and shall consider flooding of a magnitude up to and including one hundred year flood. No relocation or alteration will be approved if the flood carrying capacity of the watercourse in question is reduced.

The Developer shall notify adjacent communities and the State Coordinating office prior to any alteration or relocation of a watercourse and submit copies of such specifications to the Administrator.

The Developer shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

D. Streets.

The finished elevation of proposed streets shall be established with due consideration given to the need for access to developed properties during times of flooding. The Board of Supervisors may require, where necessary profiles and elevations of streets to determine compliance with this requirement. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

E. Sewer Facilities.

All new or replacement sanitary sewer systems located within the Flood Fringe, whether public or private, shall be flood proofed up to an elevation one (1) foot above the Regulatory Flood Elevation.

F. Water Facilities.

All new or replacement water systems located in the Flood Fringe, whether public or private, shall be flood proofed to a point one (1) foot above the Regulatory Flood Elevation.

G. Other Public Utilities and Facilities.

All other new or replacement public and/or private utilities and facilities shall be elevated or flood proofed to a point one (1) foot above the Regulatory Flood elevation, except for individual services to existing structures, which shall meet the requirements of the Building Code.

H. Mobile Home Parks.

For all new mobile home parks and mobile home subdivisions, for expansions to existing mobile parks and mobile home subdivisions and for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced the following requirements shall be met for any construction within the Floodplain District:

1. Stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of each mobile home will be at least one foot above the Regulatory Flood Elevation.
2. Adequate surface drainage and access for a mobile home hauler shall be provided.

When mobile homes are to be elevated on pilings, lots shall be large enough to permit steps, piles shall be placed in stable soil no more than ten (10) feet apart and reinforcement shall be provided for pilings more than six (6) feet above ground level.

Section 510. Traffic Impact Studies.

Where deemed necessary to protect the public health and safety by the Board of Supervisors, the developer shall submit a traffic impact study for review. Traffic Impact Studies (TIS) shall be prepared in accordance with the following criteria. In determining the need for a traffic impact study the Township will consider:

- If trip generation estimates are sufficient to warrant a TIS;
- If there are existing traffic problems in the local area;
- If the project will significantly affect the existing level of service;
- If the project may affect adjacent neighborhoods or sensitive areas;
- If the adjacent roadway has limited capacity or limited potential for improvement;
- If the proposed access may affect nearby drives or intersections; or
- If there are problems or deficiencies that may be affected by the project.

A. General Content

The TIS should consider several functions. First, it should identify the contribution a certain development project would make to local transportation impacts.

Second, it should identify roadway improvements required to mitigate those impacts. And third, it should consider the compatibility of the project with local transportation plans. The TIS, in general should be in accordance with standards of PennDOT, the Institute of Transportation Engineers, and the Latimore Township Subdivision and Land Development Ordinance. The TIS should provide general information on the following: capacity, safety, circulation patterns, traffic control needs, neighborhood impacts, parking adequacy, pedestrian and bicycle movements, and service and delivery vehicle access.

B. TIS Preparer

The TIS should be prepared by a qualified Traffic Engineer. The preparer should have sufficient documented training and experience in traffic engineering to establish qualifications to perform the study, and shall be a registered Professional Engineer.

C. Additional Information

The report should provide the following elements:

- Project Narrative
- Indicate the size and nature of the development
- Location of all transportation access points
- Eventual traffic demand
- Describe the study area and existing land use and transportation facilities including details of the existing roadway network, physical features, traffic control devices, the presence of safety hazards and restricted sight distances
- The preparer should consult with local, county, and state officials to determine any proposed changes which may affect conditions in the study area
- The TIS shall analyze at least three scenarios; existing conditions, future conditions without the project, and future conditions with the project
- Data for each scenario should be developed as discussed below.

The specific data to be collected and analyzed will vary depending on the nature of the project and the conditions in its vicinity. In all cases, peak hour traffic volumes shall be evaluated. Peak hours include the peak traffic periods of the study area roadways and the proposed project, which may coincide with the roadway peaks. Normally, weekday morning and afternoon peaks will be considered.

For some uses, it may be appropriate to consider mid-day peaks or weekend peaks. Turning movement counts shall be collected at critical intersections during these periods. In addition, total daily traffic may be required, including volumes for other hourly periods. Besides traffic volumes, other data may be required, such as accident history, vehicle mix, signal phasing, operating speeds, vehicle gaps and acceptance, and pedestrian activity.

The data must be recent; either collected specifically for the current TIS or a verifiable source. If appropriate, adjustments should be applied to the actual counts for monthly or day-of-week variations. If significant variation is noted, the analysis should consider both “typical” and “worst case” conditions.

In evaluating a “future year without project” (or background) scenario, the preparer shall project future conditions based on an acceptable methodology. Unless otherwise specified a short-term projection factor, based on the recent pattern of travel growth, shall be applied to the existing volumes. Separate factors may be applied to different roadways, for example, based on different functional classifications. If there is knowledge of other proposed developments or roadway improvements affecting travel in the study area, these factors must be considered.

In evaluating a “future year with development”, total traffic shall include site-generated traffic and background traffic.

The site-generated volumes should be applied to the local network based on justifiable procedures. The process includes several distinct stages: trip generation, trip distribution, and route assignment.

The number of vehicle trips unless otherwise specified shall be computed from the current edition of Trip Generation as prepared by the Institute of Transportation Engineers. This reference must be used with caution. It may be appropriate to evaluate both average anticipated conditions and “worst-case” conditions when the underlying data is highly variable or not truly representative of the proposed use and location.

Trip distribution indicates the direction of travel from or to the site. It may be difficult to estimate the actual destination of trips originating at the proposed development, but the study must justify the assumed distribution using sound principles.

It may be appropriate to consider different potential trip distributions and evaluate each to determine “worst-case” impacts.

Route assignment is derived from trip distribution. The preparer shall assign all trips to roadway links based on the established distribution pattern. Unless otherwise specified the shortest path or travel time shall be used in assigning the trips.

Impact must be analyzed based on traffic conditions for each study period in each scenario. At a minimum, the preparer shall consider levels of service. At intersections, level of service must be considered for each approach and movement. Other factors may also be required, including potential impacts on safety.

Based on impacts occurring during the “future year with development” scenario, the preparer shall offer recommendations for improvements. These improvements may include traffic controls (such as signals and signs) and roadway improvements (such as roadway widening and turning lanes).

Unless otherwise specified the improvements must be considered for any roadway segment or intersection where the project has an adverse impact compared to the background level of service. For new intersections, a minimum level of service of “C” shall be provided, and the proposed design must provide that capacity.

Adequate controls must be provided to address any safety concerns. The TIS must also include engineering studies required to justify the recommended traffic control devices.

The costs of any roadway improvements, including the design and construction, shall be the responsibility of the developer (subdivider). The costs for the maintenance of any automated and/or energized signs, signals, or traffic control devices shall be from a maintenance fund established, funded and bonded by the developer (subdivider).

Section 511. Water Supply Feasibility Study.

The Board of Supervisors, with or without a recommendation of the Planning Commission, may require a Water Supply Feasibility Study. The Board of Supervisors will approve the use of on-lot water supply systems (wells) when:

- A. This report indicates that justification of the project necessitates consideration of this type of water supply.
- B. The anticipated water supply yield is adequate for the type of development proposed, and that, after sampling and analysis, the water supply is proven to be suitable for human consumption.
- C. The installation of such systems will not endanger or decrease the groundwater supplies to adjacent properties.

The Water Supply Feasibility Study shall contain information relative to the above items

and may be required for any development regardless of size. The information contained in the report shall be prepared by an Engineer licensed in the state of Pennsylvania or a qualified Hydrogeologist. The Board of Supervisors may require certification of yield projections and ground water supplies by the Engineer retained by the developer.

This study shall be submitted to the Township Engineer for review. Following review of the report, when determined to be necessary by the Township Engineer, the developer may be required to provide at least one (1) test well for each ten (10) lots. Such wells should be drilled, cased, and grout sealed into bed rock at least fifty (50) feet deep, having a production capacity of at least five (5) gallons per minute of safe potable drinking water as certified by the developer's engineer through laboratory testing; all findings shall be submitted to the Township. For institutional, commercial, industrial or other major plans, the Township Engineer shall specify specific criteria and tests to be provided of on-site water supply systems on a case by case basis.

ARTICLE VI

IMPROVEMENTS AND CONSTRUCTION REQUIREMENTS

Section 601. Improvements Required.

All applications for any subdivision or land development shall provide for all improvements as required by these regulations. The specifications for the improvements contained herein shall comply with the following principles, standards and requirements.

Section 602. Monuments and Markers.

A. Monuments must be set:

1. At the intersection of all street and right-of-way lines;
2. At the intersection of lines forming angles in the boundaries of the subdivision or land development;
3. At such intermediate points as may be required by the Township Engineer.

B. Markers must be set:

1. At all corners except those monumented;
2. By the time the property is offered for sale.

C. Monuments and markers shall be the following sizes and made of the following materials;

1. Monuments shall be six (6") inches square or four (4") inches in diameter and shall be thirty (30") inches long. Monuments shall be made of concrete, stone or by setting a four (4") inch cast iron or steel pipe filled with concrete.
2. Markers shall be three quarters (3/4") of an inch square or three quarters (3/4") of an inch in diameter and thirty (30") inches long. Markers shall be made of iron or steel bars.

D. 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.

- E. Removal – Any monuments or markers that are removed must be replaced by a Professional Land Surveyor at the expense of the person removing them.

Section 603. Street Construction.

A. Pavements and Construction.

Streets shall be designed in accordance with Article V herein and shall be surfaced to the grades and dimensions drawn on the plans, profiles and cross-sections submitted by the Applicant and approved by the Board of Supervisors. Before paving the street surface, the developer shall install the required utilities and provide, where necessary, adequate under drains and stormwater drainage for the streets, as acceptable to the Board of Supervisors. The pavement base and wearing surface must be constructed as outlined in Article V.

- B. In general, all streets shall be designed and constructed in conformance with all specifications of Pennsylvania Department of Transportation Publications Nos. 408 and 70, as amended. The Board of Supervisors shall decide if a collector or arterial street is required as a direct result of the construction of the subdivision, in which case the subdivider is responsible for constructing the additional width required.

- C. Where an existing Township Road is deemed by the Board of Supervisors to be inadequate to handle any increase in traffic as a result of the proposed development, the subdivider is responsible for either constructing or the cost of constructing the required improvements to the roadway.

D. Driveway Entrances.

Driveway entrances or aprons within the street right-of-way shall have an all-weather surface (paved) to their full width and in no case shall be less than twelve (12') feet wide for residential development and twenty-four (24') feet wide for commercial or industrial developments. In no case shall the driveway entrance be more than two (2') feet wider than the driveway. The type of surface to be either plain cement concrete, (minimum depth of four (4") inches) or the same depth of bituminous pavement as the adjacent street. Where sidewalks are installed, the required driveway surfacing shall end at the street side of the sidewalk.

1. Where proposed driveways provide access onto a State Highway (Pennsylvania Route or United States Route) the design of such driveway access and drainage shall be prepared in accordance with the PennDOT standards and shall be subject to the approval and issuance of permits by the Department. A note shall be placed on the plan, "that a Highway Occupancy Permit is required pursuant to Section 420 of the State Highway Law before driveway access to a State Highway is permitted". The Board of Supervisors may issue a final plat approval if a permit has

been secured or the notice of requirement for such a permit is placed on the plan. No building permit will be issued for affected lots until such a Highway Occupancy Permit has been secured.

2. The curb height at driveway entrances shall be reduced to one and one-half (1-1/2") inch for driveway entrances along streets. The minimum width of reduced curb height shall be twelve (12') feet and the maximum width of reduced curb height shall be twenty (20') feet for residential driveways; and non-residential driveways shall have a minimum width of twenty-four (24') feet and a maximum as per PennDOT specifications. Sidewalks across driveway entrances, where required, shall be constructed in accordance with the requirements in Section 607 herein.

Section 604. Sewer and Water Systems.

A. Sewers.

1. The Developer shall provide the subdivision or land development with a complete sanitary sewerage system to be connected to the existing sanitary sewerage system in accordance with Township specifications. All termini shall be capped in a manner, which will insure that all collector mains, laterals and house connections shall be water tight pending connections with the public sanitary sewerage system. The system shall be designed by a Professional Engineer and approved by the Township Engineer. The Township Engineer shall also inspect construction of all sanitary sewers to insure that said sewers will coordinate and have congruity with the Township's overall comprehensive sewerage plan. All sewage pumping stations and interceptors to be installed by the Developer shall be reviewed and approved by the Township Engineer, who shall inspect the construction thereof. PA DEP planning module approval and required permits shall be obtained prior to final approval by Board of Supervisors.
2. Design, approval of design, supervision and inspection fees for services rendered on behalf of the Developer by the Township Engineer shall be paid by the Developer in accordance with the fee schedule as set by Board of Supervisors, which schedule shall be available for review in the Township offices by any interested party.
3. Sanitary sewers and sewage disposal systems shall not be combined with storm water sewers and shall not be constructed to receive flows from any storm water collection system.

B. Water.

The Applicant/Developer shall provide the subdivision or land development with a complete water main supply system to be connected to the existing water main

supply system in accordance with Township and/or Authority Specifications. DEP planning module approval and required permits shall be obtained prior to final approval by Board of Supervisors.

Section 605. Storm Sewers.

- A. The Applicant/Developer shall install a storm water sewer system in accordance with approved plans and profiles. The system shall be designed in accordance with the La timore Township Stormwater Management Ordinance by a Professional Engineer and be approved by the Township Engineer. The Developer shall submit engineering calculations upon which the size of conduits, culverts and other portions of the proposed storm sewer system have been based.
- B. Pipe, Inlets and Manholes.

Pipes, inlets and manholes shall be constructed in accordance with the specifications set forth in PennDOT Publication 408, as amended, and as detailed on the Roadway Construction Standard Drawings.

Section 606. Curbs and Gutters.

- A. In any proposed subdivision or land development with an average lot size or area per dwelling unit of 22,000 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, where the evidence indicates that sidewalks are necessary for the public safety and/or where lot widths are 100 feet or less.
- C. Curbs shall be provided in all streets and parking compounds located within multi-family 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 requirements of §715, Plain Cement Concrete Curb, Type A, of PennDOT, or as amended. Rolled gutter type curbs may also be constructed if approved by the Township Engineer and the Board of Supervisors.
- F. Construction of all curbing shall meet all ADA requirements.

Section 607. Sidewalks.

- A. In any proposed subdivision or land development with an average lot size or area per dwelling unit of 22,000 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 Township specifications.
- B. The Planning Commission and/or Board of Supervisors 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.
- D. Sidewalks must be at least 4 feet wide. In the vicinity of shopping centers, schools, recreation areas and other such facilities, sidewalks must be at least 5 feet wide.
- E. Construction of all sidewalks shall meet all ADA and PennDOT standards.

Section 608. Fire Hydrants.

- A. Fire hydrants shall be installed as an integral part of any public water supply system.
- 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 six hundred (600') feet or as specified by the National Fire Protection and/or the PA Department of Environmental Protection.
- D. The Board of Supervisors may request that local fire department officials review and comment on the proposed subdivision/land development.

Section 609. Street Signs.

The subdivision or land development shall be provided with street name signs at all intersections. Such signs shall conform to PennDOT and Township Specifications and shall be installed by the Developer in a manner specified by the Township Engineer.

Section 610. Street Lights.

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

- A. Lighting shall be required in subdivisions and land developments. Streetlights shall be provided with the construction of all new streets. A plan for streetlights, approved by the local utility company, shall be provided by the applicant upon submission of final Subdivision or Land Development Plans.
- B. The developer shall provide funding to be deposited in a separate Township Street Lighting account, the interest from which would pay for the energy cost for the lighting on an annual basis. The funds are to be submitted to the Township at the time of final approval of the Board of Supervisors.
- C. Streetlights shall be provided at locations designated by the local utility company, consistent with current policy, at all street intersections and all other locations considered necessary for safety reasons as approved by the Board of Supervisors.
- D. Requirements. Exterior lighting shall be provided in parking areas, pedestrian sidewalks and walkways, and nonresidential driveway intersections in accordance with the following standards. Lighting used for security purposes shall also conform to the following standards. These regulations permit an option of providing a lower light post for luminaries with a no cutoff design or a higher pole, up to 60 feet, for luminaries that totally cut off light spillover at a cutoff angle smaller than 90 degrees. The maximum height light post permitted shall be dependent upon the amount of cutoff provided. Exterior lighting shall conform to the following standards:

- 1. When the light source or luminaire has not cutoff:

Maximum Permitted Illumination (footcandles)	Maximum Permitted Height of Luminaire (feet)
Residential equals 0.2	10
Nonresidential equals 0.3	20

- 2. When a luminaire has a total cutoff angle greater than 90 degrees, the maximum illumination and the maximum permitted luminaire height shall be:

Zoning District	Maximum Permitted Illumination (foot candles)	Maximum Permitted Height at Illumination (feet)
Residential	0.75	25
Residential Multifamily	1.0	30
Commercial	1.5	35
Manufacturing/ Industrial	2.0	40

3. When a luminaire has a total cutoff of light at an angle less than 90 degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five feet above the ground at the point where the cutoff angle intersects the ground, then the maximum permitted illumination and maximum permitted height at the luminaire shall be:

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

4. Exemption for specified uses.
 - a. Because of their unique requirements for nighttime visibility and their limited hours of operation, public and private recreational uses such as ball diamonds, playing fields, tennis courts, and volleyball courts are exempt from the above requirements.
 - b. Outdoor public and private recreational uses specified above shall not exceed a maximum permitted post height of 80 feet.
 - c. Outdoor public and private recreational uses may exceed a total cutoff angle of 90 degrees, provided that the luminaire is shielded to prevent light and glare spill over to adjacent residential uses. The maximum permitted illumination at the interior buffer yard line shall not exceed two foot candles.
 - d. Low level pedestrian lighting for sidewalks should be provided as necessary for safety. Low level sidewalk illumination for nonresidential uses shall be between 0.5 to 1.0 foot candle. Low level sidewalk illumination for residential uses shall be between 0.2 to 0.3 foot candle.
 - e. Additional requirements.
 - (1) Flickering or flashing lights shall not be permitted.
 - (2) Light sources or luminaries shall not be located within buffer yard areas except for pedestrian walkways.

- (3) The location and type of lighting required by this chapter shall be shown on the site plan submitted for development.

Section 611. Electric, Telephone and Cable Television Lines.

All electric, telephone and cable television service lines, including street lighting, shall be placed underground within any subdivision or land development. 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.

Section 612. Street Trees.

Shade trees shall be planted in any development to conform to the following specifications:

- A. The trees shall be located between the sidewalk and building setback line and at least 5 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.
- B. Each tree shall be at least 8 feet in height and have a diameter of at least 1-1/2 inches.
- C. Trees shall be uniformly spaced not less than 50 feet nor more than 70 feet apart, with at least one (1) tree per lot. Tree varieties shall be acceptable to the Planning Commission.
- D. Individual lot owners shall be responsible for future maintenance of trees. The developer will be responsible until the expiration of the maintenance bond.

Section 613. Recreation Fees.

- A. Recreation areas are not to be developed or dedicated to the Township unless requested by and/or agreed to by the Board of Supervisors.
- B. The developer shall make a payment to the Township, as a condition of approval, as a Recreation Fee. The amount shall be as established by resolution by the Board of Supervisors.

Section 614. Inspection of Improvements.

- A. Construction of all improvements shall be subject to inspection for conformity with this Ordinance and the approved plans.

1. Construction of all improvements covered by this Ordinance are subject to inspection by the Township or its authorized representative.
2. Where inspection of improvements is required to determine compliance with approved plans, the cost and fees for said inspection shall be paid by the developer in accordance with the fee schedule as adopted by the Township.
3. No person shall interfere with or obstruct the ingress or egress to or from any such site or premises by an authorized representative or agent of the Township of Latimore engaged in the inspection of work for compliance with the approved plans.

Section 615. As Built Plan.

- A. Within forty-five (45) days after completion of improvements and approval of same by the Township, the landowner or developer shall submit to the Board of Supervisors a set of As Built Plans and profiles. In the event the As Built Plan is not submitted in complete and accurate form, all funds being withheld by means of a completion guarantee shall not be released until such plan has been satisfactorily completed.
- B. The As Built Plan shall be reproducible and drawn to the same scale as the Final Plan, and shall be certified to by an Engineer or Surveyor and approved by the Township Engineer.
- C. Said Plan shall indicate the actual location, dimensions and/or elevations of all completed improvements.

Section 616. Completion of Improvements or Guarantee Thereof;
Perquisite to Final Plan Approval.

- 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 street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this Chapter or Board of Supervisors 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.

- B. When requested by the developer, in order to facilitate financing, the Township, shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining satisfactory financial security. The final plat or record plan shall not be signed or recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the Board of Supervisors; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
- C. Without limitation as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow amounts 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 said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
- D. Such bond or other security shall provide for, and secure to the public the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of such improvements.
- E. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion of the required improvements estimated as of 90 days following the date scheduled for completion by the developer. The Township may, annually, adjust the amount of the financial security by comparing the actual cost of the improvements, which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection.
- F. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the

Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.

- G. 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 prior by using the above procedure.
- H. In a situation 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 guarantees 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.
- I. 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 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 upon the improvements 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 any amount as estimated by the Township Engineer fairly representing the value of the improvements completed, or, if the Township fails to act within said 45 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.
- J. Where the Township accepts dedication of all or some of the required improvements following completion, the Board of Supervisors 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.

- K. 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.
- L. 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 Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final 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 the 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 upon 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.

Section 617. 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 non-approval or rejection.
- B. The Township shall notify the developer, within 15 days of the receipt of the Engineer's report, 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 dully-registered professional engineer in Pennsylvania employed by the Township or engaged as a consultant to the Township.
- G. Prior to being released from the improvement bond, the applicant shall reimburse the Township for the reasonable and necessary expenses incurred for the inspection of the improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary or customary fees charged by the Township Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Engineer or consultant to the Township in cases where fees are not reimbursed or otherwise imposed on applicants.
 - 1. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
 - 2. If, within 20 days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the expenses and make a determination as to the amount thereof which is reasonable and necessary.
 - 3. The professional engineer so appointed shall hear such evidence and review such documentation, as the professional engineer in his or her sole opinion deems necessary and shall render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

4. In the event the Township and applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of Adams County, Pennsylvania, shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any professional engineer who has been retained by, or performed services for the Township or the applicant within the preceding five years.
5. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Township shall pay the fee of the professional engineer but otherwise the Township and the applicant shall each pay ½ of the fee of the appointed professional engineer.

Section 618. 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.

Section 619. Dedication of Improvements.

Upon installation of the improvements 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. Developer must maintain streets and/or other improvements for a period of 18 months to be eligible for dedication to the Township.

ARTICLE VII

MOBILE HOME PARK REGULATIONS

Section 701. Purpose, Authority and Jurisdiction.

The purpose, authority and jurisdiction for a mobile home park as a land development are the same as those contained in Article II of this ordinance.

Section 702. Plat Requirements and Processing Procedure.

The plat requirements and processing procedure for a mobile home park as a land development shall be in accordance with the requirements contained in Article IV, Sections 402-407 of this ordinance in addition to the following plat requirements:

- A. Number and location of each mobile home lot, dimensions for each and proposed location of each mobile home.
- B. Location and number of off-street parking spaces.
- C. Location of all plantings and landscaping.
- D. Location, dimensions and proposed use of all service and accessory structures.
- E. Location and type of all fire extinguishers and waste containers.
- F. Location of both sewer riser pipe and water riser pipe.
- G. Plans and specifications for refuse disposal facilities.

Section 703. Design Standards.

The arrangement and other design standards of streets, easements, blocks, lots, storm water management and erosion and sedimentation control shall be in accordance with the requirements contained in Article V herein except as specified herein.

A. Street Widths.

1. All streets located within mobile home parks shall remain private and shall be maintained by the park owner/or legal or equitable owner. The minimum street cartway width for mobile home park streets shall be thirty-two (32') feet in width.

2. Provision for additional street width (right-of-way cartway or both) may be required when determined necessary by the Board of Supervisors for the following specific situations:
 - a. Public safety and convenience;
 - b. Where the number of mobile homes proposed to be located in the mobile home park exceeds one hundred (100) units;
 - c. Widening of existing streets where the width does not meet the requirements of the preceding paragraphs.
3. Direct driveway access from a mobile home lot to existing and/or proposed public streets shall not be permitted but shall be by way of an internal park street.

D. All mobile home parks shall be provided with safe, convenient, all season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.

A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of five (5) feet.

All mobile home stands shall be connected to common walks, streets, driveways or to parking spaces. Such individual walks shall have a minimum width of three (3) feet.

E. Lots in Mobile Home Parks.

1. Lots in a mobile home park shall be served by both public water supply and sanitary sewerage collection systems.
2. Mobile home lots shall be not less than eighty (80') feet wide measured at the minimum required setback line nor less than ten thousand (10,000) square feet in area, per mobile home unit exclusive of streets and other public areas.

F. Building Setback Lines.

In a mobile home park, the minimum building setback line from the cartway line of a private street shall be twenty (20') feet.

G. Side and Rear Building Lines.

1. The minimum spacing between mobile home units, including attached accessory structures, shall be no less than twenty (20') feet. On a corner lot, the side yard abutting the street shall have a width equal to the depth of the front yard required and shall be subject to all front yard requirements of this ordinance.
2. The minimum rear yard shall be ten (10) feet measured from the rear lot line of each mobile home lot.
3. Detached accessory structures shall be located on the lot no closer than five (5') feet from a mobile home and shall comply with the required front, side and rear setback lines.
4. Mobile home units shall not be located closer than fifty (50) feet from the mobile home park property lines on the sides and rear not adjacent to a street. Mobile home units adjacent to public street shall not be located closer than thirty-five (35) feet to the right-of-way line and shall contain a buffer yard in accordance with Section 704.A herein.

H. Off-Street Parking Requirements.

1. Paved off-street parking areas shall be provided at the rate of at least two (2) vehicular parking spaces for each mobile home lot.
2. Each such off-street parking space shall contain at least two hundred (200) square feet of area and shall be located on the lot it is intended to serve.
3. Auxiliary parking shall be provided at the rate of one space for each three (3) mobile home stands. The auxiliary parking spaces shall be located within three hundred (300) feet of the mobile(s) it is intended to serve.
4. Construction and paving of auxiliary parking lots shall be in accordance with the standards set forth herein for park streets.
5. Separate parking lots for the storage of small trailers, boats, RV's, campers, etc. may be provided. However, storage of such vehicles shall not occur in the auxiliary parking lots.

I. Open Space Requirements.

1. Not less than ten (10%) percent of the total land area shall be provided for useable open space. Such space shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located and easily accessible to all park residents.

2. Such open space shall be maintained with a durable vegetative cover that is capable of preventing soil erosion and the emanation of dust during dry weather.

J. Stormwater Management.

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 adequate drainage of all locations within the park.
2. A stormwater plan in accordance with the provisions of this Ordinance shall be prepared and submitted prior to the granting of a plat approval or license for any mobile home park.
3. All stormwater facilities shall be kept completely separate from any sanitary waste facilities.

K. Park Areas for Nonresidential Uses.

No part of the mobile home park shall be used for a nonresidential purpose, except such uses that are specifically required for the direct servicing and well being of park residents, for property management and for maintenance of the park.

Section 704. Improvement and Construction Requirements.

All improvements, construction requirements and engineering specifications for the improvements required, shall be provided in accordance with Article VI of this Ordinance in addition to those required herein.

A. Buffer Yard.

A suitably screened or landscaped buffer yard of at least ten (10) feet wide, recommended for approval by the Planning Commission, shall be provided by the developer along all of the property lines separating the mobile home park from adjacent land uses and public streets. Said buffer yard shall be planted with dense screen plantings as specified in the Latimore Township Zoning Ordinance.

B. Signs and Lighting.

1. Signs may be permitted in accordance with standards set forth in the Latimore Township Zoning Ordinance.
2. All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the

following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

- a. All parts of the streets systems: an average of 0.6-foot candle with a minimum of 0.1-foot candle.
- b. Potentially hazardous locations, such as major street intersections and steps or step ramps; individually illuminated with a minimum of 0.3-foot candle.
- c. The owners of the Mobile Home Park shall be responsible for the operation and maintenance of all lighting units in the park.

C. Other Site Improvements and Requirements.

1. Methods for Stabilization.
 - a. Each mobile home site shall be provided a structurally stabilized foundation for mobile home placement approved by the Township Engineer.
 - b. Each stand shall have a minimum of nine hundred eighty (980) square feet. The stand shall be concrete with a minimum thickness of four (4) inches, shall have a minimum of 6 x 6 welded wire mesh and shall have a minimum sub-base of four (4) inches compacted, crushed aggregate.
2. An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
3. Each mobile home lot shall be provided with a four (4) inch thick concrete slab on a stable surface at least ten (10) feet by eighteen (18) feet in size for use as a terrace and so located so as to be adjoining and parallel to the mobile home but not extend into the front, side or rear yard setback.
4. Individual tenants of the mobile home park may construct attached enclosures or covered patios to individual mobile homes, provided that such enclosures do not encroach into the front, side or rear yard areas.
5. Tie downs shall be installed at strategic locations so as to prevent movement of the mobile home by natural causes. Each unit shall have a minimum of four (4) anchorage devices, either cast in the concrete pier or footing or of a screw-type acceptable to the Township Engineer, which complies with the Manufacturer's Home Foundations as recommended by the Department of Housing and Urban Development.

6. Provisions shall be made by the Park operator to have garbage and waste collected at least once every week and shall be deposited at an approved disposal site.
7. There shall be provided such other improvements as the Board of Supervisors may deem necessary, whereby such requirements shall at all times be in the best interests of the park residents.

D. Water Supply.

1. Water Distribution System.

- a. The water system of the mobile home park shall be connected by pipes to all mobile homes, buildings and other facilities requiring water.
- b. The water piping system shall not be connected with non-potable or questionable water supplies and shall be protected against the hazards of backflow or back-siphonage.
- c. The system shall be so designed and maintained as to provide a pressure of not less than twenty (20) pounds per square inch and a maximum of eighty (80) pounds per square inch, under normal width of a diameter approved by the Township Engineer.

2. Individual Water Riser Pipes and Connections.

- a. Individual water-riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position.
- b. The water-riser pipe shall extend at least four (4) inches above pad elevation. The pipe shall be at least three-fourth (3/4) inch. The water outlet shall be capped when a mobile home does not occupy the lot.
- c. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipe and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
- d. A shut-off valve below the frost line shall be provided near the water-riser pipe of each mobile home lot.
- e. Underground stop and waste valves shall not be installed on any water service.

E. Sewage Disposal.

An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. All such systems shall make connection to the public sanitary sewer system upon review and approval by the PA DEP and the Municipal Authority.

1. Individual Sewer Connections.

- a. Each mobile home lot shall be provided with at least a three (3) inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the mobile home drain outlet will approximate a vertical position.
- b. The sewer connection shall have a nominal inside diameter of not less than three (3) inches and the slope of any portion thereof shall be at least one-fourth (1/4) inch per foot. All joints shall be watertight.
- c. All materials used for sewer connections shall be semi rigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.
- d. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rims of the riser pipe shall extend at least four (4) inches above pad elevation.

2. Sewer Lines.

- a. All sewer lines shall be cased in trenches with a minimum depth of four (4) feet and shall be separated from the park water supply system and stormwater drainage systems and shall have watertight joints.

F. Electrical Distribution System.

Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electrical power company specifications regulating such systems.

1. Power Distribution Lines.

- a. All power lines shall be placed underground at least eighteen (18) inches below the ground surface and shall be insulated and specifically designed for such installation. Such lines shall be located not less than one (1) foot distance from any other utility lines, facility or installation.
 - b. Meter poles shall have a maximum height of six (6') feet.
2. Individual Electrical Connections. Each mobile home lot shall be provided with an approved disconnecting device and over current protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.
3. Required Grounding. All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

G. Fuel Supply and Storage.

1. Natural Gas System.
 - a. Natural gas piping systems when installed in mobile home parks shall be maintained in conformity with the specifications of the gas company serving the area.
 - b. Each mobile home lot provided with piped gas shall have an approved shut off valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.
2. Liquefied Petroleum Gas Systems.

Liquefied petroleum gas (LPG) systems provided for mobile homes, service buildings or other structures when installed shall be maintained in conformity with any applicable rules and regulations and shall include the following:

- a. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
- b. Systems shall have at least one (1) accessible means for shutting off gas. Such means shall be located outside the mobile home,

shall be maintained in effective operating condition, and be located within five (5) inches of the storage tanks.

- c. All LPG piping located outside of the mobile home shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.
- d. LPG Vessels of more than twelve (12) U.S. gallons gross capacity may be installed on a mobile home lot and shall be securely fastened. Tanks shall not be closer than ten (10) feet to any mobile home exit.
- e. No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure unless such installations are specially approved by the authority having jurisdiction.

3. Fuel Oil Supply Systems

- a. All fuel oil supply systems provided for mobile homes, services buildings and other structures shall be installed and maintained in conformity with any applicable rules and regulations:
- b. All piping from outside storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.
- c. All fuel oil supply systems provided for mobile homes, service buildings and other structures shall have shut-off valves located within five (5") inches of storage tanks.
- d. Storage tanks located in areas subject to traffic shall be protected against physical damage. Tanks shall not be closer than ten (10) feet from any mobile home exit.

H. Other Utilities. Any other utility, such as telephone or cable, servicing a mobile home park shall be installed underground, as applicable and maintained in accordance with the respective utility company specifications regulating such systems.

I. Service Buildings and Other Park Service Facilities. The requirements of this Section shall apply to service buildings, recreation buildings and other community service facilities as follows:

1. Facilities

- a. Every mobile home park shall have a structure clearly designated as the office of the mobile home park manager.
- b. Service and accessory buildings located in a mobile home park shall be used only by the residents of the mobile home park.

2. Structural Requirements for Buildings

- a. 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.
- b. All rooms containing lavatory facilities shall:

- (1) Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions in lavatories and other plumbing fixture shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture-resistant materials.

- (2) Have at least one (1) window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten (10%) percent of the floor area served by them.

- (3) Have at least one (1) window, which can be easily opened, or a mechanical device, which will adequately ventilate the room.

- c. Toilets shall be located in separate compartments equipped with self-closing doors.

J. Refuse Handling. The storage, collection and disposal of refuse in the mobile home park shall be the responsibility of the mobile home park owner or manager and shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution and shall comply with all applicable Township and state regulations.

K. Insect and Rodent Control. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall comply with all applicable Township and state regulations.

L. Fire Protection.

1. Local Regulations. The mobile home park area shall be subject to any local fire protection rules and regulations.
2. Litter Control. Mobile home park areas shall be kept free of litter, rubbish and other flammable materials.
3. Fire Extinguishers. Portable fire extinguishers of a type approved by the fire prevention authority shall be kept in public service buildings under park control and a sufficient number shall be maintained throughout the park in readily accessible and well-marked positions.
4. Fire Hydrants.
 - a. Fire hydrants shall be installed in accordance with National Fire Protection Association and/or PADEP requirements;
 - b. Fire hydrants shall be located within six hundred (600') feet of any home, service building or other structure in the park.

Section 705. Standards for Mobile Home Parks in Floodplain Areas.

Where permitted within any identified floodplain area, all mobile home parks and additions thereto shall be in accordance with the Latimore Township Floodplain Ordinance.

Section 706. Permits and Certificate of Registration.

A. Permits Required.

It shall be unlawful for any person to maintain, construct, alter or extend any mobile home park within the limits of the Township unless he holds a valid certificate of registration issued by the PA DEP in the name of such person and also an annual permit issued by the Township.

B. Application to PA DEP.

All applications for a certificate of registration shall be made by the owner of the mobile home park or his authorized representative in accordance with the Rules and Regulations, Commonwealth of Pennsylvania, PA DEP, Chapter 4, Article 415, Regulations for Mobile Home Parks, Adopted October 30, 1959, Amended January 22, 1965 or as hereafter amended.

C. Application to the Township.

A copy of the said PA DEP application shall be concurrently filed with the Township of Latimore. Using the form furnished by the Township, the applicant shall also submit an application for a permit to operate a mobile home park in the Township of Latimore.

D. Renewal Permits.

Renewal permits shall be issued by Latimore Township on an annual basis, upon the applicant furnishing proof that the park continues to meet the standards prescribed by the PA DEP and this Ordinance. It shall be the responsibility of the owner(s) to pay any and all fees associated with the permit.

A representative of the Township may inspect a mobile home park at reasonable intervals and at reasonable times to determine compliance with this ordinance.

The permit shall be conspicuously posted in the office or on the premises of the mobile home park at all times.

E. Transfer of Ownership.

Any person holding a permit shall give notice in writing to both the Pennsylvania Department of Environmental Protection and Latimore Township within ten (10) days after having sold, transferred or otherwise disposed of interest or control of any mobile home park located in the Township. Such notice shall include the name and address of the person succeeding to the interest in or control of such mobile home park; and shall be accompanied by a permit transfer fee payable to the Township in an amount established by the Board of Supervisors.

F. Occupancy Registration.

It shall be the responsibility of the owner(s) of a mobile home park to keep a register and to record therein the name of the person or head of the family occupying each mobile home, showing the address within the mobile home park by street and plot number and the date of entry on said land; the last permanent address of the head of the household; make, year and size of the mobile home; and the names of all persons living in said mobile home. An updated copy of said register shall be delivered by the owner(s) of the mobile home park to the Latimore Township Secretary twice a year, on May 1st and October 1st.

G. Compliance of Existing Mobile Home Parks.

Mobile home parks in existence at the date of adoption of this ordinance and being duly authorized to operate as same by the PA DEP continued so long as they otherwise remain lawful.

Existing mobile home parks shall be required to submit an existing plot plan, drawn to scale, when applying for a mobile home park permit as required under Sections 706.A. and 706.C. of this ordinance.

Any subsequent new construction, alteration or extension of an existing mobile home park shall comply with the provisions of this ordinance.

Any existing mobile home park, which in the opinion of Latimore Township creates a fire or health hazard, shall be required to comply with the Ordinance within a reasonable period of time as determined by Latimore Township.

H. Individual Mobile Homes.

Individual mobile homes not located in a mobile home park shall not be required to obtain a mobile home park permit; however, they shall be required to obtain a building permit as prescribed by the Building Permit Ordinance of Latimore Township.

Individual mobile homes shall comply with all other applicable ordinances and regulations that govern single-family homes in the Township.

Section 707. Fees.

An initial permit fee for each mobile home park will be assessed plus additional fees for each mobile home space shown by the plot plan. These fees will be established by the Board of Supervisors and will be due when the plot plan is filed.

The annual renewal permit fee for each mobile home park shall also be established by a resolution of the Board of Supervisors.

Section 708. Management and Supervision.

A. Responsibilities of the Park Management.

The person to whom a permit for a mobile home park is issued shall operate the park in compliance with this Ordinance and shall provide adequate management and supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition and shall:

1. Supervise the placement of each mobile home stand which includes securing its stability and installing all utility connections;
2. Give Latimore Township and its representatives free access to all mobile home lots, service buildings and other community service facilities for the purpose of inspections;

3. Maintain a register containing the names and addresses of all park occupants. Such register shall be available to any authorized person inspecting the park.
4. Notify the PA DEP immediately for any suspected communicable or contagious disease within the park.
5. Comply with any rules and regulations governing mobile home parks as established by the Adams County Commissioners.
6. Notify the park residents of all applicable provisions of this ordinance and inform them of their duties and responsibilities relating to the need for sanitary conditions, the proper placement of mobile home units, the control of pets, the prior approval of porches, skirting, awnings and accessory structures, the periodic storage of garbage and maintenance of fire extinguishers.
7. The park management shall give the Township Zoning Officer or other authorized Township representative free access to all mobile home lots, service buildings and other community service facilities for inspection purposes.

Section 709. Revocation of Permit.

Whenever, upon inspection of any mobile home park, Latimore Township determines that there are reasonable grounds to believe that conditions or practices exist which are in violation of any provision of this Ordinance or of any regulations adopted pursuant thereto, the Township of Latimore and/or its representative shall give notice in writing to the person to whom the permit was issued, advising them that unless such conditions or practices are corrected within a period of time specified in the notice, the permit to operate shall be suspended.

At the end of such period, such mobile home park shall be re-inspected and, if such conditions or practices have not been corrected, Latimore Township shall suspend the permit and give notice in writing of such suspension to the person to whom the permit is issued.

Whenever Latimore Township finds an emergency exist which requires immediate action to protect the public health, they may without notice or hearing issue an order reciting the existence of such an emergency and require that such action be taken as it may deem necessary to meet the emergency including the suspension of the permit or license.

Notwithstanding any other provisions of this ordinance, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately.

ARTICLE VIII

FEES

Section 801. Filing Fees.

At the time of filing, all plats shall be accompanied by a filing fee in the form of a check or money order payable to the Township of Latimore in the amount specified herein or as promulgated by the Board of Supervisors by resolution in accordance with this Article.

Section 802. Fee Schedule.

- A. The Board of Supervisors shall establish by resolution a Schedule of Review and Inspection Fees to be paid by the applicant at the time of filing a Preliminary or Final Plat.
- B. The Schedule of Fees shall be posted in the office of the Township Zoning Officer and in such other places as the Township may designate.
- C. No plat shall be finally approved by the Board of Supervisors and released to the applicant unless all fees and charges are paid in full or a review procedure has been commenced in accordance with this Article.
- D. Review Fees and Inspection Fees.
 1. Review Fees. Review fees shall include the reasonable charges by the Township's professional consultants or Township Engineer for review and report to the Township of Latimore and shall be set by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer or consultant for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the Township Engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.
 2. Dispute of Review Fees.
 - a. In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten (10) days of the billing date, provide written notification to the Township of Latimore that such fees are disputed. Upon receiving such written notice, the Township shall not delay or disapprove a subdivision and development application due to the applicant's request over disputed fees.

- b. If, within twenty (20) days from the date of billing. The Township and the applicant or developer cannot agree on the amount of expenses which are reasonably necessary, then the applicant and Township shall, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
 - c. If necessary, the professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be immediately required to pay the entire amount determined in the decision.
 - d. In the event the Township and the applicant or developer cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of Adams County, shall appoint such engineer who, in that case, shall be neither the Township engineer nor any professional engineer who has been retained by or performed services for, the Township or the applicant or developer within the preceding five (5) years.
 - e. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000.00 or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay one-half of the fee of the appointed professional engineer.
3. Inspection Fees. Inspection fees shall include the reasonable charges by the Township's professional consultants or Township Engineer for inspection of any public improvements shown, completed or depicted on any subdivision or land development plat. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Township Engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.
4. Dispute of Inspection Fees.

- a. In the event any applicant or developer disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) days of the billing date, provide written notification to the Township of Latimore that such fees are disputed. Upon receiving such written notice, the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
- b. If, within twenty (20) days from the date of billing, the Township and the applicant or developer cannot agree on the amount of expenses which are reasonably necessary, then the applicant and Township shall, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
- c. If necessary, the professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be immediately required to pay the entire amount determined in the decision.
- d. In the event the Township and the applicant or developer cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of Adams County, shall appoint such engineer who, in that case, shall be neither the Township Engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant or developer within the preceding five (5) years.
- e. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000.00 or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay one-half of the fee of the appointed professional engineer.

Section 803. Other Fees.

The applicant shall be responsible for paying all other review fees. The applicant shall, upon filing any preliminary or final plat with the Adams County Planning Commission, accompany any such plat filing with the appropriate review fee as charged by the Adams County Planning Commission. Likewise, the applicant shall be responsible for paying all recording fees as charged by the Adams County Recorder of Deeds Office for recording any final plat.

ARTICLE IX

MODIFICATION OF REQUIREMENTS

Section 901. Modifications.

- A. The Board of Supervisors may grant a modification of the requirements of one (1) or more provisions of this ordinance if the literal enforcement will cause undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.
- B. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this Ordinance involved and the minimum modification necessary.
- C. The request for modification shall be referred to the Township Planning Commission for advisory comments.
- D. The Board of Supervisors shall keep a written record of all action on all requests for modifications.

ARTICLE X

ENFORCEMENT REMEDIES, AMENDMENTS AND RECORDING

Section 1001. Preventive Remedies.

- A. In addition to other remedies, the Township of Latimore may institute and maintain appropriate actions at law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

- B. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision or land development of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - 1. The owner of record at the time of such violation.
 - 2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - 3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

- C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

Section 1002. Enforcement Remedies.

- A. Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement

proceeding commenced by the Township of Latimore, pay a judgment of not more than five hundred (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township of Latimore the right to commence any action for enforcement pursuant to this Section.
- D. District justices shall have initial jurisdiction in proceedings brought under this Section of this Ordinance.

Section 1003. Effect of Change in this Ordinance.

- A. Changes in this Ordinance shall affect plats as follows:
 - 1. From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this Ordinance and while such application is pending approval or disapproval, no change or amendment of this Ordinance, zoning or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. The applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulation.
 - 2. When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in this

Ordinance, zoning or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.

- B. Where final approval is preceded by preliminary approval, the aforesaid five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in accordance with the provisions of this Ordinance as they stood at the time when the application for such approval was duly filed.
- C. Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five (5) year limit, or any extension thereof as may be granted by the Board of Supervisors, no change of any ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street or utility location.
- D. In case of a preliminary plat calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Board of Supervisors in its discretion.
- E. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25%) percent of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Board of Supervisors in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period the aforesaid protections shall apply for an additional term or terms of five (5) years from the date of final plat approval for each section.
- F. Failure of landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes in this ordinance, zoning and other governing ordinance enacted by the Township of Latimore subsequent to the date of the initial preliminary plan submission.

Section 1004. Recording Plats and Deeds.

- A. Upon the approval of a final plat and completion of all conditions of approval, if any, the applicant shall, within ninety (90) days of such final plat approval, record such plat in the office of the Recorder of Deeds in Adams County. The Recorder of Deeds shall not accept any plat of recording unless such plat officially notes the approval of the Board of Supervisors and review by the county planning agency. All recording fees shall be paid by the applicant.
- B. One (1) recorded copy of the plat shall be returned to the Township by the applicant.
- C. The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.

Section 1005. Effect of Plat Approval on Official Map.

After a plat has been approved and recorded as provided in this Ordinance, all streets and public grounds on such plat shall be and become a part of the official map of the Township of Latimore without public hearing, upon their substantial completion by the applicant.

ARTICLE XI

EFFECTIVE DATE AND ENACTMENT

Section 1101. Codification Statement.

It is the intention of the Board of Supervisors and it is ordained that the provision of this ordinance shall become and be made a part of the Code of Ordinances of the Township of Latimore and the section of this Ordinance may be renumbered to accomplish this intention.

Section 1102. Severability.

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

Section 1103. Relationship to Other Ordinances.

All other Ordinances, parts of Ordinances or parts of Resolutions inconsistent herewith shall be and the same expressly are repealed.

Section 1104. Effective Date.

This Ordinance shall take effect on the _____ day of _____ 2009.

ENACTED AND ORDAINED this _____ day of _____ 2009.

BOARD OF SUPERVISORS
LATIMORE TOWNSHIP

By _____

ATTEST:
