

# **SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

for the

**TOWNSHIP OF TYRONE**

Adopted:

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Prepared by: The Tyrone Township Planning Committee  
Technical Assistance by: The Adams County Office of Planning and Development

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**TYRONE TOWNSHIP  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

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**THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF  
TYRONE TOWNSHIP**

**AN ORDINANCE ESTABLISHING SUBDIVISION AND LAND DEVELOPMENT REGULATIONS FOR TYRONE TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE V OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247 OF 1968, AS REENACTED AND AMENDED.**

**BE IT ORDAINED BY THE TOWNSHIP SUPERVISORS OF THE TOWNSHIP OF TYRONE**, in the County of Adams and the Commonwealth of Pennsylvania, as follows:

**ARTICLE I: GENERAL PROVISIONS**

**Section 100: Short title.**

This ordinance shall be known and may be cited as "The Subdivision and Land Development Ordinance of Tyrone Township."

**Section 101: Purpose.**

This ordinance is established to regulate and control the subdivision and development of land within Tyrone Township so as to provide sites suitable for human habitation, commercial and industrial operations, and other uses for which land may be developed, thereby creating conditions favorable to the health, safety, morals and welfare of the community.

**Section 102: Scope.**

From and after the effective date of this Ordinance, any subdivision or land development shall be in conformity with this Ordinance and all standards and specifications adopted as a part of such Ordinance.

**Section 103: Interpretation.**

In interpreting and applying the provisions of this Ordinance, they shall be held to be minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. When provisions of this Ordinance and all standards and specifications adopted under it impose greater restrictions than those of any statute, other Ordinance or regulations, the provisions of this Ordinance and its standards and specifications shall be controlling unless specified to the contrary. The illustrations in this Ordinance are not a part of the Ordinance, but are included herein for purposes of explanation and clarification only.

## **ARTICLE II: DEFINITIONS**

### **Section 200: Interpretation.**

A. For the purpose of this Ordinance, the words and terms used herein shall be interpreted as follows:

1. Words used in the present tense include the future.
2. The singular includes the plural.
3. The word "person" includes a corporation, partnership, association, or other legal entity, as well as an individual.
4. The word "lot" includes the word "plot" or "parcel".
5. The term "shall" is mandatory.
6. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be occupied".
7. The word "Commission" and the words "Planning Commission" shall mean the Tyrone Township Planning Commission.
8. The word "Supervisors" and the words "Board of Supervisors" shall mean the Tyrone Township Board of Supervisors.

B. Any word or term not defined herein shall be used with a meaning of standard usage.

C. Unless a contrary intention clearly appears, the following words and phrases shall have, for the purpose of this Ordinance, the meanings given in the following clauses:

### **Section 201: Definitions.**

**ACCESSORY STRUCTURE** – A structure detached from, subordinate to, and on the same lot with the principal structure, and used for the purposes customarily incidental thereto.

**AGRICULTURAL PURPOSE** - Those land uses which are devoted to the production of agricultural, horticultural, orchards, viticultural and dairy products, livestock, ranch-raised fur-bearing animals, poultry, bee raising, forestry, sod crops, and any and all products raised on farms intended for human consumption.

**AGRICULTURAL SOILS** - Soils classified in the Soil Survey of Adams County, Pennsylvania, U. S. Department of Agriculture, Soil Conservation Service, May 1967, as may be amended or updated. The term, unless otherwise specified, refers to land capability units I, II, III; those soils which may be considered prime agricultural soils.

ALLEY – A minor way, whether or not legally dedicated, intended and used primarily for vehicular access to the rear of properties which abut on a street, and not intended for the purpose of through vehicular traffic.

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

AVERAGE DAILY TRAFFIC (ADT) - The actual or calculated total vehicular trips that occur, or are expected to occur, on a specific street within a typical weekday.

BERM - A linear earth mound with a maximum slope of three to one (3:1) with a grass cover or a maximum slope of two to one (2:1) when shrubbery or ground cover is used.

BLOCK - An area bounded by three (3) or more streets.

BOARD OF SUPERVISORS – The Board of Supervisors of Tyrone Township, Adams County.

CALIPER - The diameter of the main trunk of a tree. Caliper measurement shall be taken at a point on the trunk three (3) feet above the surface of the ground.

CARTWAY - The paved portion of a street right-of-way intended for vehicular use.

CERTIFICATE OF REGISTRATION – The written approval as issued by the Department of Environmental Protection, authorizing a person to operate and maintain a mobile home park.

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

COMMON RECREATION AREA – Any area or space designed for joint use of the occupants of a residential community.

CONDOMINIUM - As defined within the Uniform condominium Act #82 of 1980, as amended: Real estate, portions of which are designed for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not condominium unless the included interests in the common elements are vested in the unit owners.

COUNTY – The County of Adams, Pennsylvania.

CROSSWALK - A publicly or privately owned right-of-way for pedestrian use, which crosses a cartway or cuts across a block so as to furnish access for pedestrians to adjacent streets or properties.

CUL-DE-SAC - A street intersecting another street at one (1) end and terminating in a vehicular turnaround at the other end.

DENSITY – The number of dwelling units per acre of land.

DESIGN STANDARDS - Regulations, as stated in Article V, imposing standards in the layout by which a subdivision or land development is governed.

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

DRIVEWAY -A private vehicular service road providing access to single lot, building, dwelling or garage.

DWELLING – Any building which is designed for human living quarters, but not including hotels, boarding houses, tourist cabins, motels, and other accommodations used for transient occupancy.

DWELLING, MULTI-FAMILY – A building used by three (3) or more families living independently of each other and doing their own cooking, including apartment houses.

DWELLING, SINGLE-FAMILY ATTACHED - A building designed for two or more dwelling units attached by common or party walls, commonly identified as twin homes when two units are attached or town houses or row houses when three or more units are attached together in a structure,

DWELLING, SINGLE-FAMILY DETACHED - A building containing one dwelling unit, and having no party wall common with an adjacent property.

DWELLING, TWO-FAMILY - A building containing two dwelling units, arranged either in a side-by-side fashion sharing one (1) common party wall or with one unit arranged over the other.

DWELLING UNIT – An independent housekeeping unit consisting of living quarters of one or more rooms with cooking, sleeping, and sanitary facilities, arranged for use by one or more individuals.

EASEMENT – The right of a person, governmental agency, or public entity to use public or private land owned by another for a specific purpose.

ENGINEER - A professional engineer registered by the Commonwealth of Pennsylvania.

FLOODPLAIN – That land, including flood fringe and the floodway, subject to inundation by the 100-year flood, as delineated on maps produced by the Federal Emergency Management Agency.

FLOODPLAIN SOILS - Soils in areas subject to periodic flooding and listed in the Soil Survey of Adams County, Pennsylvania, U.S. Department of Agriculture, Soil Conservation Service,

May 1967, as may be amended or updated, as being on the floodplain or subject to flooding. "Floodplain soils" include, but are not limited to:

1. Bowmansville
2. Croton
3. Dunning
4. Guthrie
5. Lamington
6. Melvin
7. Rohrersville
8. Watchung
9. Wehadkee
10. Worsham

**HIGHWAY CLASSIFICATION MAP** - A map contained in the Zoning Ordinance which serves to categorize existing township streets.

**IMPERVIOUS SURFACES** - Those surfaces which do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, and packed stone shall be considered impervious surfaces within this definition. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

**IMPERVIOUS SURFACE RATIO** - A measure of the intensity of use of a piece of land. It is measured by dividing the total area of all impervious surfaces within the site by the net site area.

**IMPROVEMENTS SPECIFICATIONS** - Regulations, as stated in Article V, imposing minimum standards for the construction of required improvements, including, but not limited to, streets, curbs, sidewalks and sewers.

**LAKES and PONDS** - Natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams or result from excavation. The shoreline of such water bodies shall be measured from the permanent pool elevation. Lakes are bodies of water two (2) or more acres in extent. Ponds are any water body less than two (2) acres in extent.

**LAND DEVELOPMENT** - Any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - a. a group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
  - b. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the

purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

2. A subdivision of land.

**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 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.

**LANDSCAPE ARCHITECT** - A professional landscape architect registered by the Commonwealth of Pennsylvania.

**LEVEL OF SERVICE** - As described in the Highway Capacity Manual, Special Report 209 (Washington, D.C.: Transportation Research Board, National Research Council, 1985, as may be amended from time to time), the quality of traffic movement on a particular street or through a particular intersection.

**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, excluding any street or utility right-of-way or driveway easement providing access to an adjoining property, or officially designated floodplain located on the lot.

**LOT, CORNER** - A lot located at the intersection of two (2) or more streets.

**LOT, DEPTH** - The mean distance from the street line of the lot to its opposite rear lot line measured in the general direction of the side lot lines of the lot.

**LOT, INTERIOR** - Any lot which is not a corner lot.

**LOT, THROUGH** - An interior lot having frontage on two (2) parallel or approximately parallel streets.

**LOT, WIDTH** - The distance measured between the side lot lines at the required building setback line. In a case where there is only one (1) side lot line, lot width shall be measured between such side lot line and the opposite rear lot line or street line.

**MAJOR INTERSECTION** - Any intersection of one (1) or more collector or arterial streets.

**MARKER** - A metal pipe or pin of at least one-half inch (1/2") diameter and at least twenty-four inches (24") in length.

**MAXIMUM EXPECTED DISCHARGE** - The maximum expected quantity of water arriving at a particular location.

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

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

**MOBILEHOME PARK** - A parcel or contiguous parcels of land which has been designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

**MOBILEHOME PARK PERMIT** - A written approval as issued by the Township Supervisors, authorizing a person to operate and maintain a mobile home park under the provisions of this Ordinance.

**MODIFICATION** – The waiver or alteration of a requirement of this Ordinance as may be approved by the Township Supervisors following written request from an applicant.

**MONUMENT** - A stone or concrete monument with a flat top of at least four inches (4") square; scored with an "X" to mark the reference point; at least thirty inches (30") in length; the bottom sides of which are at least two inches (2") greater than the top to minimize movements caused by frost.

**OPEN SPACE** –

(1) **OPEN SPACE, COMMON** - A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the residential development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space includes both developed (active) and undeveloped (passive) open space.

(2) **OPEN SPACE, DEVELOPED (ACTIVE)** - Land which is set aside for use as active recreational areas, such as playfields, playgrounds, skating rinks, swimming pools, tennis courts, and areas for water management (storm, waste, potable supply).

(3) **OPEN SPACE, UNDEVELOPED (PASSIVE)** - Land used for passive recreation, agriculture, resource protection, amenity, or buffers and protected from future development by the provisions of this Ordinance to insure that it remains as open space.

**OPEN SPACE RATIO** - The total amount of open space within a site divided by the net site area.

PEAK HOUR TRAFFIC - The highest number of vehicles found or expected to be found during the a.m. or p.m. hours, passing over a section of street in sixty (60) consecutive minutes.

PLAN, FINAL - A complete and exact subdivision plan, including all required supplementary data, prepared for official recording as required by statute, defining property rights and proposed streets and other improvements.

PLAN, PRELIMINARY - A tentative formal subdivision plan (and including all supplementary data), showing proposed street and lot layout as a basis for consideration prior to preparation of the final plan.

PLAN, RECORD - A copy of the final plan which contains the original required endorsements of the township and which is intended to be recorded with the Adams County Recorder of Deeds.

PLAN, SKETCH - An informal plan, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development.

PLANNING MODULE - An application required by the Pennsylvania Sewage Facilities Act, Section 5 (a) and (d); and Section 71.15 (b) and (c) of the Pennsylvania Department of Environmental Protection, Title 25: Rules and Regulations, Chapter 71, Administration of the Sewage Facilities Program, as amended.

PLAT - The map or plan of a subdivision or land development, whether preliminary or final.

PUBLIC TRANSPORTATION - Transportation service for the general public provided by a common carrier of passengers generally on a regular route basis.

RECREATION AREA - An area provided for public or common recreational pursuits pursuant to this Ordinance and the Township's Zoning Ordinance.

RESUBDIVISION - Any replatting or new division of land. Replattings shall be considered as constituting a new subdivision of land. See definition of "subdivision".

REVIEW - An examination of a plan to determine compliance with this Ordinance, the Zoning Ordinance and other pertinent requirements.

RIGHT-OF-WAY – A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipelines, water lines, sanitary storm sewer and other similar uses to allow the right of one person to pass over the property of another.

(1) EXISTING RIGHT-OF-WAY - The legal right-of-way as established by the Commonwealth, or other appropriate governing authority, and currently in existence.

(2) ULTIMATE RIGHT-OF-WAY - The right-of-way as shown on the Highway Classification Map, as appropriate to provide adequate width for future street improvements.

SECRETARY - The Secretary of the Tyrone Township Board of Supervisors.

SETBACK LINE - A line, generally parallel with and measured from the adjoining road or street right-of-way or property line, defining the limits of a yard in which no building or structure may be located.

SEWER - A public or private sanitary sewer system.

(1) PUBLIC SEWER SYSTEM - Any system, including capped sewers, approved by the Pennsylvania Department of Environmental Protection and Tyrone Township, which collects sewage and/or industrial wastes of a liquid nature from two (2) or more lots and treats and/or disposes such sewage and/or industrial wastes at an approved sewage disposal system.

(2) PRIVATE SEWER SYSTEM - A system of piping, tanks or other facilities serving one(1) or more buildings located on a single lot which collects or disposes of sewage in whole or in part into the soil on the same lot.

SIGHT DISTANCE - The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point three and five-tenths feet (3.5') above the center line of the cartway surface to a point five-tenths feet (0.5') above the center line of the cartway surface.

SITE - A parcel or contiguous parcels of land intended to have one (1) or more buildings or intended to be subdivided into two (2) or more lots.

SITE AREA -

(1) GROSS SITE AREA - All land area within the site as defined in the deed. Area shall be determined from an actual site survey rather than from a deed description.

(2) NET SITE AREA - The remainder of the gross site area after subtracting all lands within the existing roads or their ultimate rights-of-way and all lands without development opportunities due to restrictions such as drainage easements, restrictive covenants and conservation easements.

SITE CAPACITY CALCULATION - A computation intended to determine the appropriate intensity of use for a given tract.

SOIL PERCOLATION TEST - A field test conducted to determine the suitability of the soil for on-site sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

SOLICITOR - The Tyrone Township Solicitor.

STEEP SLOPES - Areas where the slope exceeds fifteen percent (15%) which, because of this slope, are subject to high rates of stormwater runoff and, therefore, erosion.

STORMWATER MANAGEMENT PLAN – A Plan detailing measures to be taken by a property owner or developer to demonstrate compliance with applicable State and Township requirements regarding the accommodation of water runoff from a specific site.

STREET – An avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are further defined and classified as follows:

(1) ARTERIAL - Major regional highways, with full or partial access control, designed for a large volume of through traffic.

(2) COLLECTOR - Streets designed to provide access between minor streets and arterial street. Access is controlled by limiting curb cuts and providing marginal access areas.

(3) MINOR - Streets which primarily serve to local streets with major collector streets and arterial streets.

(4) RESIDENTIAL SUBCOLLECTOR - Streets providing connection between local residential streets and collector street.

(5) LOCAL RESIDENTIAL - Streets used primarily to provide access to more heavily traveled streets for abutting properties in internally developed areas. An average daily traffic count of up to five hundred (500) trips is expected.

(6) RESIDENTIAL CUL-DE-SAC – A local residential street with only one vehicular traffic outlet. An average daily traffic count of up to two-hundred ADT is expected.

STREET LINE - The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way provided that where an ultimate right-of-way width for a street has been established, that width shall determine the location of the street line.

STUDY AREA - An area extending one-half (1/2) mile along a street adjacent to the site, in both directions from all proposed or existing access points; or to and including a major intersection with a collector or arterial, whichever area is greater.

SUBDIVIDER - Any individual, copartnership or corporation (or agent authorized thereby) which undertakes the development or subdivision of land, as defined by this Ordinance, as the owner (or agent authorized thereby) of the land being developed or subdivided.

SUBDIVISION - The division or redivision of a lot or tract of land by any means into two (2) or more lots or tracts or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, building or lot development, mortgage liens or auctions; provided, however, that the subdivision by lease of

land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings shall be exempted.

**SUBDIVISION, AGRICULTURAL** - A subdivision by lease containing lots in excess of ten (10) acres, the use of which is for agricultural purposes as specified in the definition of "agricultural purpose." Residential subdivisions shall not be considered under this definition.

**SUBDIVISION, MAJOR** - The division of a lot or tract of land, or part thereof, into two (2) or more lots or tracts for the purpose, whether immediate or future, of transfer of ownership or of building development, which requires the installation of public improvements.

**SUBDIVISION, MINOR** - The division of a lot or tract of land into five (5) or less lots for the purpose, whether immediate or future, of transfer of ownership or of building development, provided that the proposed lots thereby created have frontage on an improved street or streets, and provided further that there is not created by the subdivision any new street, any required public improvements, or the need therefor.

**SURVEYOR** - A surveyor registered by the Commonwealth of Pennsylvania.

**SWALE** - A low lying area which is designed to accommodate the proper channeling of storm water.

**TREE, LARGE** – A tree with a mature height exceeding fifty (50) feet and a minimum caliper at the time of planting of between two (2) and two-and-one-half (2½) inches.

**TREE, SMALL** - A tree with a mature height of between fifteen (15) and fifty (50) feet and a minimum caliper at the time of planting of between one (1) and one-and-one-half (1½) inches.

**TIME OF CONCENTRATION** - The interval of time required for water from the most remote portion of the drainage area to reach a given point.

**TOWNSHIP ENGINEER** - A registered professional engineer designated by the Board of Supervisors to perform the duties of engineer as herein specified.

**TRACT** - One (1) large lot or two (2) or more contiguous lots which are held in single and separate ownership.

**TRAFFIC IMPACT STUDY** – An analysis prepared to assess the traffic impact of a proposed land development, including recommendations to mitigate said impact.

**TRIP GENERATION RATES** - The total count of trips expected to and from a particular land use.

**WATER SUPPLY, CENTRAL** - Any municipal water supply system, or any system for the supply and distribution of water to more than one (1) user unit (dwelling, business, institution, or combination thereof).

**WATER SUPPLY FEASIBILITY REPORT** – A study prepared to assess the impact of a proposed development project on public, private, or groundwater supplies in the area affected by the proposed development and further, to determine what mitigation measures may be necessary to address such impacts.

**WATER SUPPLY, PRIVATE** - A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

**WETLANDS** - Marshes, swamps, bogs and areas over one-fourth (1/4) acre where soils are slowly permeable, a high water table exists and there is a slope of less than one percent (1%).

**ZONING OFFICER** - The Tyrone Township Zoning Officer.

**ZONING ORDINANCE** - The Zoning Ordinance of Tyrone Township, as amended.

## **ARTICLE III: MODIFICATIONS**

### **Section 300: Modifications**

A. The Township Supervisors, upon recommendation by the Planning Commission, may grant a modification of requirements of one (1) or more provisions of this Ordinance if the literal enforcement will exact 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 the Ordinance is observed.

B. All requests for modifications of 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 the Ordinance involved, and the minimum modification necessary.

C. In granting any modification, the Township Supervisors shall record its action and the grounds for granting any modification in its minutes. The Township Supervisors shall transmit a copy of its action and any conditions of approval of any modification to the applicant.

D. Whenever a request for a modification is denied, the Township Supervisors shall record its action and the grounds for such denial in its minutes. The Township Supervisors shall transmit a copy of its action and the grounds for such denial of any modification to the applicant.

## **ARTICLE IV: PLAN REQUIREMENTS AND PROCEDURES**

### **Section 400: General**

Whenever any subdivision of land or land development is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision or land development shall be granted, the developer shall apply in writing for approval of such proposed subdivision or land development in accordance with the requirements of this Article.

### **Section 401: Optional Sketch Plans**

A. Prior to the filing of an application for review and approval of a subdivision or land development, whether major or minor, the developer is encouraged, in the strongest possible way, to submit an optional Sketch Plan for the purposes of classification and preliminary discussion relating to the requirements of this Ordinance, and any other Ordinance or regulation of the Township, the County, or the State.

B. If submitted, the Sketch Plan shall be based on an accurate base map at a scale (preferably not less than two hundred [200] feet to the inch) to enable the entire tract to be shown on one sheet, providing the following information:

1. Location of that portion to be subdivided or developed in relation to the entire tract, and the distance to the nearest street intersection.
2. Existing structures, wooded areas, streams, and other significant physical features within the portion to be subdivided and within two hundred (200) feet thereof. Topographic conditions should be shown with contours indicated at intervals of not more than ten (10) feet.
3. Name of the owner of the subject property and of adjoining properties as disclosed by the most recent municipal tax records.
4. Tax map sheet and parcel numbers of the subject property and of adjoining properties.
5. Utilities available, and streets which are either proposed, mapped, or in existence.
6. Proposed pattern of lots (including lot width and depth), street layout, building layout, recreation areas, systems of drainage, sewerage and water supply.
7. Existing restrictions on the use of land including easements, covenants, or zoning district boundaries.

C. Although a formal action of either the Township Planning Commission or the Township Supervisors is not required for an Optional Sketch Plan submission, the Planning Commission

may determine whether the Sketch Plan meets the purposes of this Ordinance and the Tyrone Township Zoning Ordinance, and may make specific recommendations in writing that may be incorporated by the applicant in the formal submissions required by Section 3.

#### **Section 402: Plan Classifications**

The specifications and plan requirements for subdivision and land development plan applications shall be determined by the Plan Classification, as follows:

A. Major Subdivision Plans and Major Land Development Plans shall be prepared in accordance with Sections 403 and 405, respectively, of this Ordinance and shall be reviewed in accordance with Sections 404 and 406, respectively, of this Ordinance.

B. Because Minor Subdivision Plans and Minor Land Development Plans do not typically involve substantial public improvements, and because streets, sewer and water systems, and other types of infrastructure are typically not required for these types of projects, the applicant may bypass the Preliminary Plan submission process. Therefore, Minor Subdivision Plans and Minor Land Development Plans need only be prepared in accordance with Section 407, and need only be reviewed in accordance with Section 408.

#### **Section 403: Major Preliminary Plans – Submission Requirements**

A. Preliminary Plan Requirements: Preliminary Plans for Major Subdivisions and/or Major Land Developments shall be required to include the following information:

1. Name of the proposed subdivision.
2. Name, address, and telephone number of the developer.
3. Name, address, telephone number, license number, and seal of the professional engineer or registered surveyor who prepared the plans.
4. Date or origin of the plans and the date of each subsequent revised submission.
5. True or magnetic north point.
6. Graphic scale.
7. Written scale.
8. Certification by the professional engineer or surveyor that the topography shown on the Plan resulted from an actual survey of the subject property. The certification shall include the date of such survey.
9. A key map, for the purpose of locating the property being subdivided, drawn at a scale of one (1) inch to two thousand (2000) feet. The key map shall show the relation of the

property to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within one thousand (1000) feet of any part of the property. The key maps shall include a title, scale, and true or magnetic north point.

10. The total tract boundary lines of the area being subdivided showing distances to hundredth of a foot and bearings to one second. These boundaries shall be determined by accurate survey in the field, and shall close with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet before adjustment; provided, however, that the boundary(ies) adjoining additional un-platted 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 and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the placement of the monuments.

11. A plot to a legible scale showing the entire existing boundary and the location of the lots being subdivided from said tract.

12. Boundaries of adjacent properties and recorded name and deed reference, including those properties that may lie on the opposite side of the street from the subject property. When adjacent properties are part of a recorded plat, only the lot number and subdivision name are required to be shown. The deed book and page number for the property being developed shall also be provided.

13. Contour lines at vertical intervals of no more than two (2) feet for land with an average natural slope of four percent (4%) or less, and at intervals of no more than five (5) feet for land with an average natural slope exceeding four percent (4%). Contour intervals of one (1) foot are required for utility and drainage plans.

14. Location and elevation of the bench mark(s) to which contour elevations refer; sea level datum shall be based on USGS mean.

15. The name, number, cartway width, and right-of-way width of all proposed and existing public streets and the name and location of all roads within the property.

16. A certificate of ownership, acknowledgement of the plan, and offer of dedication (where applicable) shall be signed by the owner(s), and shall be notarized.

17. Location of existing streets and alleys adjoining the tract including the name, number, cartway width, right-of-way width, and location of sidewalks, if applicable.

18. The location (and elevation, if established) of all existing and proposed street monuments.

19. Location of existing and proposed rights-of-way and easements.

20. Lot numbers, and a statement of the total number of lots and parcels.

21. Lot lines and lot areas, with dimensions.
22. The building setback lines for each lot, including the remnant portion of the original parcel.
23. For developments where on-site sewage disposal systems will be used, the location where the soils evaluation test was conducted for each lot.
24. A statement of the intended use of all lots including reference to applicable zoning districts. Such statement shall reference restrictions of any type which exist or which will exist as covenants in the deed for the lots contained in the subdivision. Such statement shall also reference any variance or special exception approval as may have been provided by the Tyrone Township Zoning Hearing Board or any conditional use approval as may have been provided by the Tyrone Township Board of Supervisors, and the dates of such approval(s). Any within or adjoining the subject property shall be shown on the Plan.
25. The location and size of existing and proposed utility structures and/or transmission lines including water, gas, electric, petroleum, etc., and all easements or rights-of-way connected with such structures and/or lines.
26. The location of any existing bodies of water or watercourses, tree masses, buildings, or structures (including the location of wells, springs, and on-site sewage facilities for such buildings or structures), public facilities, and any other man-made or natural features within or near the property proposed for subdivision or land development.
27. The location, size, and invert elevation of all existing and proposed sanitary sewers (including any and all proposed and/or capped sewer lines), and location of all manholes.
28. Location, size, and invert elevation of all existing and proposed storm sewers (and other drainage facilities), with the size and material indicated, and any proposed connections with existing facilities.
29. Location of existing drainage structures, whether natural or man-made, including marshes, streams, ponds, swales, or similar features.
30. Soil types taken from the Adams County Soil Survey.
30. Parks, playgrounds, and other areas to be dedicated or reserved for public use, including any conditions governing such use.
31. Where the development lies partially or completely within any flood-prone area, or where the development borders on any flood-prone area, the preliminary plan shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall identify accurately the boundaries of the flood-prone area.

32. All plans shall contain a note regarding the status of wetlands on the site. Where deemed necessary by the Township Planning Commission or Township Board of Supervisors, an analysis of wetland conditions affected by the subject development must be performed. Such analysis shall be prepared by a recognized professional with expertise in this field and shall delineate the field determined boundaries of any existing wetland areas. All such delineations shall identify accurately the boundaries of the wetland and the boundaries of hydric soils on the parcel. A note shall be added to the plan stating that Tyrone Township or its employees or agents assume no responsibility with regard to wetlands analyses and delineations.

33. Where applicable, the Plan shall indicate that, prior to applying for Zoning Permit and/or Building Permit for the property, a driveway permit must be obtained from Tyrone Township.

34. No lot or plan which requires access to a highway under jurisdiction of the Pennsylvania Department of Transportation shall be approved unless the plan contains a notice that a Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the State Highway Law, before driveway access to a state highway is permitted. The plan shall be marked to indicate that access to the state highway shall be only as authorized by a Highway Occupancy Permit.

B. Supplementary Data Requirements: Preliminary Plans for Major Subdivisions and/or Major Land Developments shall include the following data and information where applicable and where determined by the Township Planning Commission and/or Township Supervisors to be necessary:

1. A planning module for land development as required by the Pennsylvania Department of Environmental Protection (PennDEP). For projects involving proposed public sewer extensions or central sewer facilities, the planning module, when deemed necessary, shall be submitted to the appropriate Municipal Authority for review. The Preliminary Plan will not be approved until the planning module has been approved by PennDEP.

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. The plan shall also indicate if any borrow areas are proposed in which case the plan shall include Erosion and Sedimentation Control provisions for such borrow area. The Preliminary Plan shall not be approved until a copy of the adequacy letter from the Adams County Conservation District has been submitted.

3. Designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of PennDEP and the Pennsylvania Department of Transportation. Where facilities will be offered for dedication, the Township shall also review and approve the design.

4. Typical street cross-section drawings for all proposed streets.

5. 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 utilities which are existing or proposed to be located beneath the roadway surface.
6. A Water Supply Feasibility Report in accordance with the requirements of this Ordinance, and/or other applicable Township ordinances, concerning the availability and adequacy of water supply facilities in or near the proposed development
7. A Stormwater Management Plan, with applicable calculations, including design of storm sewers, drainage facilities, or other features in accordance with this Ordinance and/or any other applicable Township ordinance.
8. Where the Preliminary Plan covers only a part of the entire land holdings of the applicant, a sketch of the future street system of the un-subdivided or undeveloped portion of the parcel shall be provided.
9. Where the parcel includes an electric transmission line, a gas pipeline, a petroleum (or petroleum products) pipeline, or line of a similar nature, the plan submission shall include a letter from the owner or lessee of such right-of-way stating any conditions regarding the use of the land within the right-of-way and the minimum building setback from the right-of-way. This requirement may be satisfied by the submission of the recorded right-of-way agreement.
10. A traffic impact study in accordance with applicable requirements of this Ordinance and/or any other applicable Township ordinance.
11. The design of sanitary sewer and/or water systems, as applicable, including profiles. Where applicable, design of sanitary sewer and water systems shall be submitted to the appropriate municipal authority for review and approval. Approval of the Preliminary Plan will not be granted until an approval letter form the applicable municipal authority is received.
12. A land grading plan in accordance with the Section 513 and any other applicable requirements of this Ordinance.
13. A listing of underground utilities and contact information in accordance with Acts 287, 172, and 38 (the Pennsylvania One Call System), as amended.
14. Location and general layout of any proposed recreational facilities.
15. An offer of dedication shall be shown on the Plan identifying which improvements are intended to be dedicated to the Township or other municipal authority.
16. Whenever a development Plan proposes to dispose storm water runoff to an adjacent property not within a natural watercourse or in a manner which exceeds the capability of a natural water course, a letter shall be obtained from the affected property owner(s) stating

their approval of the proposal after their review of the required Stormwater Management Plan. If deemed necessary by the Township, a formal easement and agreement may be required from the affected property owner(s).

17. A Landscaping Plan in accordance with Section 511 and any other requirements of this Ordinance and/or any other applicable Township ordinances.

18. Where access will be to a Township road, the Plan shall identify the location of any proposed access drive, and include sight distances which are adequate to demonstrate that the site can be served with an access drive(s) which meets applicable requirements of this Ordinance and/or any other Township ordinances.

19. Plans for traffic control devices, as may be required. Such submission shall include necessary engineering studies to justify such devices.

#### **Section 404: Major Preliminary Plans – Procedures**

A. The applicant shall, at least twenty (20) days prior to the next regularly scheduled Township Planning Commission meeting at which initial consideration is desired, file with the Township Secretary, the number of copies of the proposed Subdivision and/or Land Development Plan, and any other required data and maps, required by Section 403.

B. The Township Secretary shall submit copies of the proposed Subdivision and/or Land Development Plan to the Township Engineer, the Township Building and/or Zoning Officer, and the Township Sewage Enforcement Officer for review. The applicant shall also submit copies of the proposed Subdivision and/or Land Development to the Adams County Conservation District, the Adams County Office of Planning and Development, the Pennsylvania Department of Environmental Protection, and other public agencies when applicable.

C. The Township Supervisors, upon recommendation of the Planning Commission, shall act on the Preliminary Plan and communicate its decision to the applicant not later than ninety (90) days following the date of the next regularly scheduled Planning Commission meeting at which initial consideration was given. In the event that the next regularly scheduled Township Planning Commission meeting occurs more than thirty (30) days following the day the application was filed, the said ninety (90) day period shall be measured from the thirtieth day following the date the application was filed.

D. The Planning Commission shall make a recommendation to the Township Supervisors after the receipt of required review reports or the passage of thirty (30) days after the receipt of the proposed Subdivision and/or Land Development Plan by the appropriate reviewing agencies, whichever comes first.

E. The recommendation of the Planning Commission shall be in writing and shall be communicated to the Township Supervisors and to the applicant not later than five (5) days following the decision. The Planning Commission shall take the reports of the various review agencies into account when preparing its recommendations.

F. Where the Planning Commission recommends approval with conditions or disapproval of the proposed Subdivision and/or Land Development Plan, the recommendation shall be accompanied by a description of the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

G. Following receipt of the recommendation of the Planning Commission, the Township Supervisors shall render a decision on the proposed Subdivision and/or Land Development. The decision shall be communicated to the applicant not later than fifteen (15) days following the decision.

H. Before acting on any proposed Subdivision and/or Land Development Plan, the Township Supervisors may hold a public hearing pursuant to public notice.

I. Where the Township Supervisors approves with conditions or disapproves the proposed Subdivision and/or Land Development Plan, the decision shall be accompanied by a description of the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

J. Failure of the Township Supervisors to render a decision and communicate its decision to the applicant within the said ninety (90) day review period 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 manner of presentation of communication of the decision. Failure to meet the extended time or change in the manner of presentation of communication shall have like effect.

K. Approval of the Preliminary Plan constitutes approval of the proposed Subdivision and/or Land Development Plan with respect to the general design, appropriate dimensions, and other planned features. Preliminary approval binds the applicant to the scheme of the Plan as approved. Where a Final Plan is submitted which contains substantial variation from an approved or conditionally approved Preliminary Plan, said Final Plan shall be treated as a new Preliminary Plan.

L. Preliminary approval shall expire five (5) years from the day when Preliminary Plan approval was granted.

M. When a Preliminary plan application has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the Zoning, Subdivision and Land Development, or other governing ordinances or plans 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 405: Major Final Plans – Submission Requirements**

A. Final Plan Requirements: Final Plans for Major Subdivisions and/or Major Land Developments shall be required to include the following information:

1. Name of the proposed subdivision.
2. Name, address, and telephone number of the developer.
3. Name, address, telephone number, license number, and seal of the professional engineer or registered surveyor who prepared the plans.
4. Date or origin of the plans and the date of each subsequent revised submission.
5. True or magnetic north point.
6. Graphic scale.
7. Written scale.
8. Certification by the professional engineer or surveyor that the topography shown on the Plan resulted from an actual survey of the subject property. The certification shall include the date of such survey.
9. A key map, for the purpose of locating the property being subdivided, drawn at a scale of one (1) inch to two thousand (2000) feet. The key map shall show the relation of the property to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within one thousand (1000) feet of any part of the property. The key maps shall include a title, scale, and true or magnetic north point.
10. The total tract boundary lines of the area being subdivided showing distances to hundredth of a foot and bearings to one second. These boundaries shall be determined by accurate survey in the field, and shall close with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet before adjustment; provided, however, that the boundary(ies) adjoining additional un-platted 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 and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the placement of the monuments.
11. A plot to a legible scale showing the entire existing boundary and the location of the lots being subdivided from said tract.
12. Boundaries of adjacent properties and recorded name and deed reference, including those properties that may lie on the opposite side of the street from the subject property. When adjacent properties are part of a recorded plat, only the lot number and subdivision name are required to be shown. The deed book and page number for the property being developed shall also be provided.

13. Contour lines at vertical intervals of no more than two (2) feet for land with an average natural slope of four percent (4%) or less, and at intervals of no more than five (5) feet for land with an average natural slope exceeding four percent (4%). Contour intervals of one (1) foot are required for utility and drainage plans.
14. Location and elevation of the bench mark(s) to which contour elevations refer; sea level datum shall be based on USGS mean.
15. The name, number, cartway width, and right-of-way width of all proposed and existing public streets and the name and location of all roads within the property.
16. 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 cord) of all curved lines (including lot lines).
  - b. The width (in feet) of the cartway, right-of-way, and, if required, of the ultimate right-of-way, and (in degrees, minutes, and quarters of a minute) of the delta angle of all curved lines, including curved lot lines.
  - c. All straight lot lines, defined (in feet and hundredths of a foot) by distances and (in degrees, minutes, and seconds) either by magnetic bearings or by angles of deflection from other lot and streets lines.
17. Location of existing streets and alleys adjoining the tract including the name, number, cartway width, right-of-way width, and location of sidewalks, if applicable.
18. The location (and elevation, if established) of all existing and proposed street monuments.
19. Location of existing and proposed rights-of-way and easements.
20. Lot numbers, and a statement of the total number of lots and parcels.
21. Lot lines and lot areas, with dimensions.
22. The building setback lines for each lot, including the remnant portion of the original parcel.
23. For developments where on-site sewage disposal systems will be used, the location where the soils evaluation test was conducted for each lot.
24. A statement of the intended use of all lots including reference to applicable zoning districts. Such statement shall reference restrictions of any type which exist or which will

exist as covenants in the deed for the lots contained in the subdivision. Such statement shall also reference any variance or special exception approval as may have been provided by the Tyrone Township Zoning Hearing Board or any conditional use approval as may have been provided by the Tyrone Township Board of Supervisors, and the dates of such approval(s). Any within or adjoining the subject property shall be shown on the Plan.

25. The location and size of existing and proposed utility structures and/or transmission lines including water, gas, electric, petroleum, etc., and all easements or rights-of-way connected with such structures and/or lines.

26. The location of any existing bodies of water or watercourses, tree masses, buildings, or structures (including the location of wells, springs, and on-site sewage facilities for such buildings or structures), public facilities, and any other man-made or natural features within or near the property proposed for subdivision or land development.

27. The location, size, and invert elevation of all existing and proposed sanitary sewers (including any and all proposed and/or capped sewer lines), and location of all manholes.

28. Location, size, and invert elevation of all existing and proposed storm sewers (and other drainage facilities), with the size and material indicated, and any proposed connections with existing facilities.

29. Location of existing drainage structures, whether natural or man-made, including marshes, streams, ponds, swales, or similar features.

30. Soil types taken from the Adams County Soil Survey.

30. Parks, playgrounds, and other areas to be dedicated or reserved for public use, including any conditions governing such use.

31. Where the development lies partially or completely within any flood-prone area, or where the development borders on any flood-prone area, the preliminary plan shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall identify accurately the boundaries of the flood-prone area.

32. All plans shall contain a note regarding the status of wetlands on the site. Where deemed necessary by the Township Planning Commission or Township Board of Supervisors, an analysis of wetland conditions affect by the subject development must be performed. Such analysis shall be prepared by a recognized professional with expertise in this field and shall delineate the field determined boundaries of any existing wetland areas. All such delineations shall identify accurately the boundaries of the wetland and the boundaries of hydric soils on the parcel. A note shall be added to the plan stating that Tyrone Township or its employees or agents assume no responsibility with regard to wetlands analyses and delineations.

33. Where applicable, the Plan shall indicate that, prior to applying for Zoning Permit and/or Building Permit for the property, a driveway permit must be obtained from Tyrone Township.

34. No lot or plan which requires access to a highway under jurisdiction of the Pennsylvania Department of Transportation shall be approved unless the plan contains a notice that a Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the State Highway Law, before driveway access to a state highway is permitted. The plan shall be marked to indicate that access to the state highway shall be only as authorized by a Highway Occupancy Permit.

B. Supplementary Data Requirements: Final Plans for Major Subdivisions and/or Major Land Developments shall include the following data and information where applicable and where determined by the Township Planning Commission and/or Township Supervisors to be necessary:

1. Typical street cross-section drawings for all proposed streets.
2. Final 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 utilities which are existing or proposed to be located beneath the roadway surface.
3. An agreement that the applicant will install all underground utilities before paving streets or constructing sidewalks. Such agreement shall be noted on the Plan.
4. Copies of permits and/or approved plans for sewer, water, stormwater, transportation, and erosion and sedimentation control facilities, as may be required by the Township or by other controlling governments or agencies. Any improvements required in the context of these permits and/or approvals shall be shown on the Final Plan submission.
5. Where the Township required the submission of traffic impact studies, water or sewer feasibility reports, or other information, analyses, or plans in the context of the Preliminary Plan submission, the Final Plan shall include any design changes or improvements required by the Township as a result of the Township's review of these studies, reports, information, analyses, or plans.
6. A final phasing schedule for the proposed sequence of the development. The phasing schedule shall indicate the order in which construction activities will occur. In the case where development is projected over a number of years, each section except for the last section shall contain a minimum of twenty-five percent (25%) of the total number of lots, dwelling units, or buildings as depicted in the Final Plan, unless a lesser percentage is approved by the Township Supervisors.
7. Any other certificate, affidavit, endorsement, dedication, etc., that may be required by the Planning Commission or Township Supervisors.

8. Where required by the Township, Subdivision and Land Development Agreements shall be executed. A Subdivision and Land Development Agreement is required where there will be dedication of improvements to the Township or under the circumstances where deemed to be necessary for the implementation of plan approval. Details and provisions of such agreement shall be as recommended by the Township Solicitor and Township Engineer.

#### **Section 406: Major Final Plans – Procedures**

A. The applicant shall, at least twenty (20) days prior to the next regularly scheduled Township Planning Commission meeting at which initial consideration is desired, file with the Township Secretary, the number of copies of the proposed Subdivision and/or Land Development Plan, and any other required data and maps, required by Section 405.

B. The Township Secretary shall submit copies of the proposed Subdivision and/or Land Development Plan to the Township Engineer, the Township Building and/or Zoning Officer, and the Township Sewage Enforcement Officer for review. The applicant shall also submit copies of the proposed Subdivision and/or Land Development to the Adams County Conservation District, the Adams County Office of Planning and Development, the Pennsylvania Department of Environmental Protection, and other public agencies when applicable.

C. The Township Supervisors, upon recommendation of the Planning Commission, shall act on the Final Plan and communicate its decision to the applicant not later than ninety (90) days following the date of the next regularly scheduled Planning Commission meeting at which initial consideration was given. In the event that the next regularly scheduled Township Planning Commission meeting occurs more than thirty (30) days following the day the application was filed, the said ninety (90) day period shall be measured from the thirtieth day following the date the application was filed.

D. The Planning Commission shall make a recommendation to the Township Supervisors after the receipt of required review reports or the passage of thirty (30) days after the receipt of the proposed Subdivision and/or Land Development Plan by the appropriate reviewing agencies, whichever comes first.

E. The recommendation of the Planning Commission shall be in writing and shall be communicated to the Township Supervisors and to the applicant not later than five (5) days following the decision. The Planning Commission shall take the reports of the various review agencies into account when preparing its recommendations.

F. Where the Planning Commission recommends approval with conditions or disapproval of the proposed Subdivision and/or Land Development Plan, the recommendation shall be accompanied by a description of the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

G. Following receipt of the recommendation of the Planning Commission, the Township Supervisors shall render a decision on the proposed Subdivision and/or Land Development. The

decision shall be communicated to the applicant not later than fifteen (15) days following the decision.

H. Before acting on any proposed Subdivision and/or Land Development Plan, the Township Supervisors may hold a public hearing pursuant to public notice.

I. Where the Township Supervisors approves with conditions or disapproves the proposed Subdivision and/or Land Development Plan, the decision shall be accompanied by a description of the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

J. Failure of the Township Supervisors to render a decision and communicate its decision to the applicant within the said ninety (90) day review period 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 manner of presentation of communication of the decision. Failure to meet the extended time or change in the manner of presentation of communication shall have like effect.

#### **Section 407: Minor Final Plans – Plan Requirements**

A. Specifications: Final Plans for Minor Subdivisions and/or Minor Land Developments shall be prepared in accordance with the following specifications:

1. Name of the proposed subdivision.
2. Name, address, and telephone number of the developer.
3. Name, address, telephone number, license number, and seal of the professional engineer or registered surveyor who prepared the plans.
4. Date or origin of the plans and the date of each subsequent revised submission.
5. True or magnetic north point.
6. Graphic scale.
7. Written scale.
8. Reference to the technique and resource used to depict the topography on the Plan.
9. A key map, for the purpose of locating the property being subdivided, drawn at a scale of one (1) inch to two thousand (2000) feet. The key map shall show the relation of the property to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within one thousand (1000) feet of any part of the property. The key maps shall include a title, scale, and true or magnetic north point.

10. The total tract boundary lines of the area being subdivided showing distances to hundredth of a foot and bearings to one second. These boundaries shall be determined by accurate survey in the field, and shall close with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet before adjustment; provided, however, that the boundary(ies) adjoining additional un-platted 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 and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the placement of the monuments.
11. A plot to a legible scale showing the entire existing boundary and the location of the lots being subdivided from said tract.
12. Boundaries of adjacent properties and recorded name and deed reference, including those properties that may lie on the opposite side of the street from the subject property. When adjacent properties are part of a recorded plat, only the lot number and subdivision name are required to be shown. The deed book and page number for the property being developed shall also be provided.
13. Contour lines at vertical intervals of no more than ten (10) feet.
14. Location and elevation of the bench mark(s) to which contour elevations refer; sea level datum shall be based on USGS mean.
15. Location of existing streets and alleys adjoining the tract including the name, number, cartway width, right-of-way width, and location of sidewalks, if applicable.
16. The location (and elevation, if established) of all existing street monuments.
17. Location of existing and proposed rights-of-way and easements.
18. Lot numbers, and a statement of the total number of lots and parcels.
19. Lot lines and lot areas, with dimensions.
20. The building setback lines for each lot, including the remnant portion of the original parcel.
21. For developments where on-site sewage disposal systems will be used, the location where the soils evaluation test was conducted for each lot.
22. A statement of the intended use of all lots including reference to applicable zoning districts. Such statement shall reference restrictions of any type which exist or which will exist as covenants in the deed for the lots contained in the subdivision. Such statement shall also reference any variance or special exception approval as may have been provided by the Tyrone Township Zoning Hearing Board or any conditional use approval as may have been

provided by the Tyrone Township Board of Supervisors, and the dates of such approval(s). Any within or adjoining the subject property shall be shown on the Plan.

23. The location and size of existing 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.

24. The location of any existing bodies of water or watercourses, tree masses, buildings, or structures (including the location of wells, springs, and on-site sewage facilities for such buildings or structures), public facilities, and any other man-made or natural features within or near the property proposed for subdivision or land development.

25. Location of existing drainage structures, whether natural or man-made, including marshes, streams, ponds, swales, or similar features.

26. Soil types taken from the Adams County Soil Survey.

27. Where the development lies partially or completely within any flood-prone area, or where the development borders on any flood-prone area, the preliminary plan shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall identify accurately the boundaries of the flood-prone area.

28. All plans shall contain a note regarding the status of wetlands on the site. Where deemed necessary by the Township Planning Commission or Township Board of Supervisors, an analysis of wetland conditions affect by the subject development must be performed. Such analysis shall be prepared by a recognized professional with expertise in this field and shall delineate the field determined boundaries of any existing wetland areas. All such delineations shall identify accurately the boundaries of the wetland and the boundaries of hydric soils on the parcel. A note shall be added to the plan stating that Tyrone Township or its employees or agents assume no responsibility with regard to wetlands analyses and delineations.

29. Where applicable, the Plan shall indicate that, prior to applying for Zoning Permit and/or Building Permit for the property, a driveway permit must be obtained from Tyrone Township.

30. No lot or plan which requires access to a highway under jurisdiction of the Pennsylvania Department of Transportation shall be approved unless the plan contains a notice that a Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the State Highway Law, before driveway access to a state highway is permitted. The plan shall be marked to indicate that access to the state highway shall be only as authorized by a Highway Occupancy Permit.

B. Supplementary Data Requirements: Final Plans for Minor Subdivisions and/or Minor Land Developments shall include the following data and information where applicable and where

determined by the Township Planning Commission and/or Township Supervisors to be necessary:

1. A planning module for land development as required by the Pennsylvania Department of Environmental Protection (PennDEP). For projects involving proposed public sewer extensions or central sewer facilities, the planning module, when deemed necessary, shall be submitted to the appropriate Municipal Authority for review. The Preliminary Plan will not be approved until the planning module has been approved by PennDEP.
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. The plan shall also indicate if any borrow areas are proposed in which case the plan shall include Erosion and Sedimentation Control provisions for such borrow area. The Preliminary Plan shall not be approved until a copy of the adequacy letter from the Adams County Conservation District has been submitted.
3. A Stormwater Management Plan, with applicable calculations, including design of storm sewers, drainage facilities, or other features in accordance with this Ordinance and/or any other applicable Township ordinance.
4. Where the parcel includes an electric transmission line, a gas pipeline, a petroleum (or petroleum products) pipeline, or line of a similar nature, the plan submission shall include a letter from the owner or lessee of such right-of-way stating any conditions regarding the use of the land within the right-of-way and the minimum building setback from the right-of-way. This requirement may be satisfied by the submission of the recorded right-of-way agreement.
5. A land grading plan in accordance with Section 513 and any other applicable requirements of this Ordinance.
6. A listing of underground utilities and contact information in accordance with Acts 287, 172, and 38 (the Pennsylvania One Call System), as amended.
7. Whenever a development Plan proposes to dispose storm water runoff to an adjacent property not within a natural watercourse or in a manner which exceeds the capability of a natural water course, a letter shall be obtained from the affected property owner(s) stating their approval of the proposal after their review of the required Stormwater Management Plan. If deemed necessary by the Township, a formal easement and agreement may be required from the affected property owner(s).
8. A Landscaping Plan in accordance with Section 511 and any other requirements of this Ordinance and/or any other applicable Township ordinances.
9. Where access will be to a Township road, the Plan shall identify the location of any proposed access drive, and include sight distances which are adequate to demonstrate that the site can be served with an access drive(s) which meets applicable requirements of this Ordinance and/or any other Township ordinances.

## **Section 408: Minor Final Plans – Procedures**

- A. The applicant shall, at least twenty (20) days prior to the next regularly scheduled Township Planning Commission meeting at which initial consideration is desired, file with the Township Secretary, the number of copies of the proposed Subdivision and/or Land Development Plan, and any other required data and maps, required by Section 407.
- B. The Township Secretary shall submit copies of the proposed Subdivision and/or Land Development Plan to the Township Engineer, the Township Building and/or Zoning Officer, and the Township Sewage Enforcement Officer for review. The applicant shall also submit copies of the proposed Subdivision and/or Land Development to the Adams County Conservation District, the Adams County Office of Planning and Development, the Pennsylvania Department of Environmental Protection, and other public agencies when applicable.
- C. The Township Supervisors, upon recommendation of the Planning Commission, shall act on the Final Plan and communicate its decision to the applicant not later than ninety (90) days following the date of the next regularly scheduled Planning Commission meeting at which initial consideration was given. In the event that the next regularly scheduled Township Planning Commission meeting occurs more than thirty (30) days following the day the application was filed, the said ninety (90) day period shall be measured from the thirtieth day following the date the application was filed.
- D. The Planning Commission shall make a recommendation to the Township Supervisors after the receipt of required review reports or the passage of thirty (30) days after the receipt of the proposed Subdivision and/or Land Development Plan by the appropriate reviewing agencies, whichever comes first.
- E. The recommendation of the Planning Commission shall be in writing and shall be communicated to the Township Supervisors and to the applicant not later than five (5) days following the decision. The Planning Commission shall take the reports of the various review agencies into account when preparing its recommendations.
- F. Where the Planning Commission recommends approval with conditions or disapproval of the proposed Subdivision and/or Land Development Plan, the recommendation shall be accompanied by a description of the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.
- G. Following receipt of the recommendation of the Planning Commission, the Township Supervisors shall render a decision on the proposed Subdivision and/or Land Development. The decision shall be communicated to the applicant not later than fifteen (15) days following the decision.
- H. Before acting on any proposed Subdivision and/or Land Development Plan, the Township Supervisors may hold a public hearing pursuant to public notice.

I. Where the Township Supervisors approves with conditions or disapproves the proposed Subdivision and/or Land Development Plan, the decision shall be accompanied by a description of the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

J. Failure of the Township Supervisors to render a decision and communicate its decision to the applicant within the said ninety (90) day review period 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 manner of presentation of communication of the decision. Failure to meet the extended time or change in the manner of presentation of communication shall have like effect.

#### **Section 409: Required Improvements**

Before the Township Supervisors grant final approval of a Major or Minor Final Subdivision or Major or Minor Final Land Development Plan, the applicant shall demonstrate compliance with the following requirements and procedures, as may be applicable to a specific plan submission:

A. No plan shall be finally approved unless the streets shown on the plan are improved to a mud-free or otherwise permanently passable condition, or improved as may be required by this Ordinance and any walkways, curbs, gutters, street lights, fire hydrants, required landscaping, water mains, sanitary sewers, storm sewers, and other improvements as may be required by this Ordinance have been installed in accordance with this Ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plan, including improvements or fees required pursuant to Section 409.I. below, the applicant shall provide for the deposit with the municipality financial security in an amount sufficient to cover the costs of such improvements of 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 which may be required.

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

C. Without limitation as to other types of financial security which the Township Supervisors may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.

D. 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 in the Commonwealth.

E. Such bond, or other security shall be provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

F. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90<sup>th</sup>) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the applicant to post additional security in order to assure that the financial security equal one hundred ten percent (110%). Any additional security shall be posted by the applicant in accordance with this subsection.

G. The amount of financial security required shall be based on an estimate of the cost of completion of the required improvements, submitted by the applicant and prepared by a professional engineer licensed as such in the Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant 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 the Commonwealth and chosen mutually by the municipality and the applicant. 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 chosen, fees for services of said engineer shall be paid equally by the municipality and the applicant.

H. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten percent (10%) for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.

I. In the case where development is projected over a period of years, the Township may authorize submission of final plans by section 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.

J. 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, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Township Supervisors, and the Township Supervisors shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Township Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification, the Township Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the municipal engineer fairly representing the value of the improvements completed or, if the Township Supervisors fail to act within said forty-five (45) day, the Township Supervisors shall be deemed to have approved the release of funds as requested. The Township Supervisors may, prior to release at the time of completion and certification by its engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements.

K. Where the Township Supervisors accept dedication of all or some of the required improvements following completion, the Township 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 plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.

L. 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.

M. If financial security has been provided in lieu of the completion of improvements required as condition for the final approval of a plan 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 on the final plan upon actual completion of the improvements depicted upon the final plan. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public road 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 plan, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed.

N. Release from Improvement Bond

When the applicant has completed all of the necessary and appropriate improvements, the following conditions and procedures shall be followed:

1. The applicant shall notify the Township Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Township Supervisors shall, within ten (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 Supervisors, and shall promptly mail a copy of the same to the applicant by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Township Supervisors. Said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
2. The Township Supervisors shall notify the developer within fifteen (15) days of the Township Engineer's report, in writing by certified or registered mail of the action of said Township Supervisors with relation thereto.
3. If the Township Supervisors or the Township Engineer fail to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the applicant shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.
4. In any portion of the said improvements shall not be approved or shall be rejected by the Township Supervisors, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
5. Nothing herein, 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 Supervisors or the Township Engineer.
6. Where herein reference is made to the Township Engineer, he shall be a duly registered professional engineer employed by the Township or engaged as a consultant thereto.
7. The applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by resolution. 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 municipalities when fees are not reimbursed or otherwise imposed on applicants.
  - a. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the

date of billing, notify 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.

b. If, within twenty (20) days from the date of billing, the Township and the applicant can not agree on the amount of expenses which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.

c. 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 required to pay the entire amount determined in the decision immediately.

d. In the event that the Township and applicant can not agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which Tyrone Township is located (or of at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.

e. The fee for the appointed engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand dollars (\$1,000) or more, the Township shall pay the fee of the professional engineer, but otherwise the municipality and the applicant shall each pay one-half (½) of the fee of the appointed professional engineer.

#### O. Remedies to Effect Completion of Improvements:

In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plan, the Township Supervisors are 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 said security, the Township Supervisors may, at their option, install part of such improvements in all or part of the subdivision or land development and may institute other 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 applicant, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Township use.

## **Section 410: Filing of Approved Subdivision Plat**

- A. Prior to recording the approved final plan, the applicant shall submit two (2) mylar copies and two (2) paper copies of said plan to the Secretary in order to obtain the seals and signatures of township officials.
- B. Subdivisions of land developments proposing the use of private sewer systems.
1. Prior to securing said seals and signatures, the Secretary shall affix a note to one (1) of the copies reading "NOT TO BE RECORDED" and shall notify the applicant that said copy is available for transmittal to the Township Sewage Enforcement Officer.
  2. The applicant shall present the aforementioned plan to the Township Sewage Enforcement Officer for the purpose of receiving a written confirmation from said Department that the land development or all lots in the subdivision are suitable for private sewer systems.
  3. The applicant shall submit said confirmation to the Secretary. The Secretary shall check the confirmation and, if deemed complete, shall secure the seals and signatures for the remaining copies of the record plan and shall release the remaining copies of the record plan to the applicant for recording.
- C. Copies of the approved final plan shall, within ninety (90) days of the date of approval, be recorded by the applicant in the office of the Recorder of Deeds of Adams County. The applicant shall notify the Board of Supervisors in writing of the date of such recording and the plan book and page wherein such subdivision or land development is recorded. If the plan is not recorded within the ninety-day period, the approval shall lapse and become void.
- D. Effect of recording.
1. After a subdivision or land development has been duly recorded, the streets, parks and other public improvements shown thereon shall be considered to be a part of the Official Map of the township.
  2. Streets, parks and other public improvements shown on a subdivision or land development to be recorded, may be offered for dedication to the township by formal notation thereof on the plan, or the owner may note on the plan that such improvements have not been offered for dedication to the township.
  3. Every street, park or other improvement shown on a subdivision or land development plan that is recorded, as provided herein, shall be deemed to be a private street, park or improvement until such time as the same has been offered for dedication to the township and accepted, by resolution, and recorded in the office of the clerk of the Court of Common Pleas of Adams County, or until it has been condemned for use as a public street, park or improvement.

E. Recorded plan. All plans recorded shall contain the information specified in this Ordinance.

## **ARTICLE V: DESIGN REQUIREMENTS**

Applications for subdivision and/or land development shall be guided by the standards set forth hereinafter. It is intended that these standards be considered minimum requirements and may be modified as necessary to protect the health, safety, and welfare of the public. All subdivision and/or land development plans submitted for approval under this Ordinance shall incorporate these standards.

### **Section 500: General Provisions:**

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

- A. Any subdivision and / or land development plan shall be coordinated with existing development patterns in the surrounding area such that the entire area may be developed harmoniously.
- B. Land proposed for subdivision or land development shall not be developed or changed by grading, excavating, or by the removal or destruction of the natural topsoil, trees, or other vegetative cover unless provisions for minimizing erosion and sedimentation are provided as required by the erosion control regulations of the Pennsylvania Department of Environmental Protection and the Adams County Conservation District.
- C. In a subdivision and / or land development where the average slope exceeds fifteen percent (15%), the Township may require modifications of the requirements of this Article, as may be recommended by the Township Engineer or the Adams County Conservation District, to the requirements contained herein.
- D. In all subdivision and / or land developments, every precaution shall be taken to preserve natural and historic features deemed worthy of preservation by the Township. Examples of such features include, but are not necessarily limited to, large trees, significant wooded areas, watercourses, historic areas and structures, and scenic views. To ensure the preservation and protection of such features, the Township Supervisors may require the following additional information to be submitted.
  - 1. A grading plan showing the existing and proposed ground elevations relative to the features.
  - 2. The accurate location of the features to be protected.
  - 3. A written explanation of the precautions to be taken by the developer to protect such features.
- E. Any plans for the alteration of a watercourse shall be incorporated into the subdivision and / or land development plan and shall be subject to approval by the Township and / or, where

necessary, the United States Army Corps of Engineers and / or the Pennsylvania Department of Environmental Protection, as may be appropriate.

F. Land subject to hazards of life, health, or property as may arise from fire, floods, disease, excessive noise, odor, or considered uninhabitable for other reasons may not be developed unless the hazards have been removed or the plans provide adequate safeguards against said hazards.

### **Section 501: Streets**

All streets proposed to be constructed within the Township shall conform to the following design requirements:

#### **A. General Standards**

1. Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites. Finished elevation of proposed streets shall not be more than one (1) foot below the regulatory flood elevation.
2. Residential streets shall be so laid out as to discourage through traffic and to encourage the development of an attractive and functional residential environment; however, proposed streets shall be planned with regard to the existing street system, topographical conditions, public convenience in terms of fire protection and pedestrian traffic, probable volumes of traffic, existing and proposed use of land on abutting properties and future extension of the street system.
3. When a development abuts or contains an existing or proposed Arterial or Collector road, as herein defined, the Township may require a marginal access street, reverses frontage, or other treatment which will provide protection for abutting properties, reduction of the number of intersections, and separation of local from through traffic.
4. No street shall terminate into a dead end. Any street dead ended for access to adjoining property, or because of authorized staged construction, shall be provided with a temporary all-weather turnaround in accordance with applicable requirements of this Ordinance. The use of such turnaround shall be guaranteed to the public until such time as the street is continued.
5. New private streets are prohibited, unless the Board of Supervisors shall determine that the use of such private streets or rights-of-way is consistent with the intent of this Ordinance. In approving private streets or rights-of-way, the Township may attach additional standards and / or conditions relating to design and / or construction. The use of private streets will not be permitted as a means to circumvent the specifications required for public streets.

In general, new private streets for residential subdivisions and land developments are prohibited. Private streets may be considered for non-residential developments solely at the discretion of the Township.

In the event that private streets are permitted, such private streets shall strictly comply with all Township design and construction standards, unless such modifications are permitted by the Township. In addition, the developer shall be required to submit for approval, and record with the approved Final Plan, an agreement outlining the responsibilities for perpetual maintenance of such private streets. The agreement shall release the Township of any liability regarding maintenance and acceptance of dedication. In addition, the Township shall reserve the right to require improvement bonding, surety, and inspection in accordance with applicable procedures of this Ordinance.

6. The proposed street system shall extend existing or recorded streets at the same width. However, no street may be extended at less than the required minimum width.

7. The Township shall reserve the right to require alternative design standards relative to cartway, horizontal curves, sight distance, and intersections design where it is deemed to be necessary to eliminate a potential safety hazard or to implement design goals as may be envisioned in this or other Tyrone Township ordinances. Such alternative designs standards shall be approved by the Tyrone Township Engineer and be consistent with PennDOT and AASHTO standards.

8. The Township shall reserve the right to limit access to developments to a single access or multiple accesses, as may be required, in response to safety considerations.

## B. Street Service and Design Criteria

The Tyrone Township roadway network is deemed to include two distinct sets of roadway classifications. The "rural" component of the network contains Arterial Roads, Collector Roads, and Minor Roads. The "residential" component of the network contains Residential Subcollector Streets, Local Residential Streets, Residential Cul-de-sacs, and Alleys. The following service and design criteria apply to the specific roadway and street classifications:

### 1. Arterial Roads:

- a. Arterial roads are designed to carry heavy volumes of traffic at high velocities. Arterial roads are designed to contain a minimum of intersections, thus allowing traffic to flow with considerable continuity.
- b. Arterial roads provide for transportation between large areas.

### 2. Collector Roads:

- a. Collector roads are also designed to carry heavy volumes of traffic at relatively high velocities, although not the volumes or velocities attained on arterial roads.
- b. Collector roads are designed to move traffic from local areas, including lower density rural areas serviced by minor roads and higher density residential developments, to the

higher volume arterial roads. Collector roads provide the link between small scale areas and neighborhoods and the major roadways of the Township roadway network.

3. Minor Roads:

- a. Minor roads provide direct access to properties within the lower density areas of the Township. Most of the farm and rural residential properties are connected to the Township roadway network by the minor road system.
- b. Minor roads filter into the collector road network within the Township, which in turn provides connection to the major arterial road network.
- c. Traffic on minor roads is primarily locally generated, with either an origin or destination at a property directly served by the minor road.

4. Residential Subcollector Streets:

- a. A residential subcollector provides the connection between the "residential" component of the Township roadway network to higher level Township roads such as Arterial, Collector, and Minor roads.
- b. A residential subcollector street carries residential neighborhood traffic, but provides no or very limited residential frontage.
- c. Whenever possible, residential subcollector streets should be designed to have no residential lots directly fronting on them. Only lots having frontages of one hundred (100) feet or greater may front on collector streets and space shall be provided on these lots for turnarounds so that vehicles will not have to back out onto residential subcollector streets.
- d. Residential subcollector streets shall be laid out to discourage through traffic unless linkage between streets outside the subdivision is determined by the Township to be desirable.
- e. On-street parking shall be prohibited on residential sub-collector streets.

5. Local Residential Streets:

- a. A local residential street is a frontage street which provides access to abutting properties and which conducts traffic from residential areas to residential subcollector streets or directly to collector streets.
- b. Each local residential street shall be designed so that no section of it will convey a traffic volume greater than 250 ADT. Each half of a loop street shall be regarded as a single minor street and the total traffic volume conveyed on a loop street shall not exceed 500 ADT.

c. Local residential streets shall be designed to exclude all external through traffic which has neither origin nor destination on the minor street or its tributary alleys.

6. Residential Cul-de-sacs:

a. Within the "residential" component of the Township roadway network, residential cul-de-sacs are permitted to provide single street access to a limited number of abutting properties or dwelling units. Residential cul-de-sacs may intersect residential subcollector streets or may connect directly to the higher level Township roadway network.

b. Residential Cul-de-sac Streets shall be designed to convey a maximum of 200 ADT.

7. Alleys

a. Alleys may be used in higher density residential, village, or commercial developments to provide direct access to the rear of individual properties, specifically for purposes of providing off-street parking. The Township may require the use of alleys to minimize the number of driveway and other intersections with the overall street network.

C. Street Width

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

<u>STREET TYPE</u>	<u>RIGHT-OF-WAY</u>	<u>CARTWAY</u>
Arterial	As determined by the Township after consultation with PennDOT	
Collector	50 feet	22 feet with 8 foot shoulders
Minor	50 feet	20 feet with 6 foot shoulders
Residential Subcollector	50 feet	24 feet
Local Residential	50 feet	22 feet
Residential Cul-de-sacs	50 feet	20 feet
Alley	33 feet	18 feet

2. Provision for additional street width (right-of-way, cartway, or both) may be required by the Township when determined to be necessary in specific cases:

- a. Where Residential Subcollector Streets provide access to residential lots, the Township may require additional street width to accommodate one (1) side of on-street parking.
  - b. Where Local Streets provide access to residential lots with an average width of forty (40) feet or less, the Township may require additional street width to accommodate one (1) or two (2) sides of on-street parking.
  - c. Where Local Streets provide access to residential lots with an average width of between forty (40) feet and one hundred (100) feet, the Township may require additional street width to accommodate one (1) side of on-street parking.
3. Provision for additional street width (right-of-way, cartway, or both) may be required when determined to be necessary by the Township in specific cases for:
- a. Public safety and convenience.
  - b. Traffic in commercial and industrial areas and in areas of high density development.
  - c. Widening of existing streets where the width or alignment does not meet the requirements of the preceding paragraphs.
  - d. Where topographic conditions require excessive cuts and fills.

D. Street Grade:

1. The grades of streets shall no be less than the minimum or more than the maximum requirements listed below:

<u>STREET TYPE</u>	<u>MINIMUM GRADE</u>	<u>MAXIMUM GRADE</u>
Arterial Roads	As determined by the Township after consultation with PennDOT	
Collector Roads	1.0%	7%
Minor Roads	1.0%	10%
Residential Subcollector Streets, Local Streets, Cul-de-sacs, and Alleys	0.75% with curbs 1.0% without curbs	12%

2. Vertical curves shall be used in changes of grade when the difference exceeds one percent (1%) and shall be designed for maximum visibility.

3. With permission of the Township, maximum grades for minor roads, residential subcollector streets, local streets, cul-de-sacs, and alleys may, under special topographic conditions, exceed the maximum grades established above for distances of less than one hundred (100) feet provided the grade does not in any case exceed fifteen percent (15%).

4. All streets shall be designed to provide for the discharge of surface water from the right-of-way. The slope of the crown on a street shall not be less than one-fourth (1/4) of an inch per foot and not more than one-half (1/2) of an inch per foot. Adequate facilities shall be provided at low points along streets and other points necessary to intercept runoff.

E. Horizontal Curves

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

<u>STREET TYPE</u>	<u>MINIMUM RADIUS</u>
Arterial Road	500 feet
Collector Road	300 feet
Minor Road	150 feet
Residential Subcollector Street	125 feet
Local Streets, Residential Cul-de-sacs, and Alleys	75 feet

2. Straight portions of the street shall be tangent to the beginning or end of the curve. Except for minor roads, residential subcollector streets, local streets, and alleys, there must be a tangent of at least one hundred (100) feet between reverse curves.

F. Street Sight Distance

1. Proper sight distance shall be provided with respect to both horizontal and vertical road alignments. The sight distance measured from the centerline three and five-tenths (3.5) feet above the grade shall be as follows:

STREET TYPE	SIGHT DISTANCE
Arterial Road	400 feet
Collector Road	300 feet
Minor Road	
Residential Subcollector Street	200 feet
Local Street, Cul-de-sac,	

or Alley

150 feet

2. At all intersections involving Arterial, Collector, and Minor Roads, there shall be provided and maintained at all intersections a clear triangle with a line of sight between points one hundred (100) feet from the intersection of the street centerlines. At all other intersections, there shall be provided and maintained a clear triangle with a line of sight between point seventy-five (75) feet from the intersection of the street centerlines, unless a higher distance is deemed necessary by the Township for public safety. No building or other obstruction that would obscure the vision of a motorist shall be permitted within these areas.

G. Cul-de-sac Streets: In addition to the service and design requirements established in Section 501.B.6, cul-de-sac streets shall be designed in accordance with the following standards.

1. Residential Cul-de-sac Streets shall be designed in accordance with the following standards:

a. Residential Cul-de-sac Streets shall be a minimum of two hundred fifty (250) feet in length and shall not exceed seven hundred (700) feet in length.

b. Residential Cul-de-sac Streets shall be provided with a paved turn-around area having a minimum radius, measured from the center of the turn-around to the outside edge of the paved surface, of forty (40) feet.

c. To reduce the amount of paving within the turnaround area, the Township may permit a landscaped island within the turnaround area with a radius, measured from the center of the turn-around to the inside edge of the paved surface, of twenty-four (24) feet.

2. Cul-de-sac Streets serving non-residential uses shall be designed in accordance with the following standards:

a. Cul-de-sac Streets serving non-residential uses shall be designed in accordance with Minor Street width, grade, sight distance, and other applicable requirements.

b. Cul-de-sac Streets serving non-residential uses shall be a minimum of two hundred fifty (250) feet in length and shall not exceed one thousand (1000) feet in length.

c. Cul-de-sac Streets serving non-residential uses shall be provided with a paved turn-around having a minimum radius, measured from the center of the turn-around to the outside edge of the paved surface, of fifty (50) feet.

d. To reduce the amount of paving within the turnaround area, the Township may permit a landscaped island within the turnaround area with a radius, measured from the center of the turn-around to the inside edge of the paved surface, of thirty-four (34) feet.

H. Intersections: All street intersections shall be design in accordance with the following requirements:

1. No intersection shall involve the junction of more than two (2) streets.
2. Within one hundred (100) feet of an intersection, streets shall intersect at right angles. The Township may, under special circumstances where an angle of less than ninety (90) degrees will not create a traffic hazard, permit an intersection of less than ninety (90) degrees, but in no instance, however, shall streets intersect at an angle of less than seventy-five (75) degrees.
3. Intersections shall be approached on all sides by leveling areas. Where the grades exceed seven percent (7%), such leveling areas shall have a minimum length of one hundred (100) feet (measured from the intersection of the centerlines) within which no grade shall exceed a maximum of four percent (4%).
4. All streets intersecting a state road (US, PA, or SR) shall be subject to the approval of the Pennsylvania Department of Transportation. The developer shall furnish evidence of such approval in the form of a PennDOT Highway Occupancy Permit or other written form.
5. Design of curb or edge of pavements shall take 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 the pavement be less than the following:

<u>INTERSECTION</u>	<u>CURB RADIUS</u>
Collector Road with Collector Road	35 feet
Minor Road with Collector Road	25 feet
Minor Road with Minor Road	20 feet
Collector Road with Residential Subcollector Street, Local Residential Street, or Residential Cul-de-sac	25 feet
Minor Road with Residential Subcollector Street, Local Residential Street, or Residential Cul-de-sac	20 feet
Residential Subcollector Street with Residential Subcollector Street	20 feet
Residential Subcollector Street with Local Residential Street or Cul-de-sac	10 feet
Local Residential Street with Local Residential Street or Cul-de-sac	10 feet

6. Collector and Minor roads, and Residential Subcollector streets shall not intersect Arterial Roads on the same side at less than eight hundred (800) foot intervals and shall be in alignment with any existing or proposed streets intersecting from the opposite side. If two (2) roads or streets that intersect another from opposite sides cannot be aligned, then a distance of at least one hundred fifty (150) feet shall be provided between the two

intersecting street centerlines. Local Residential Streets and Cul-de-sacs shall not intersect Arterial Roads.

I. Slope of Bank Along Streets: The slope of bank along streets shall be measured perpendicular to the street, and shall be no steeper than the following:

1. The slope of banks along Collector and Minor Roads, measured at a perpendicular to the street, shall be no steeper than the following:

a. One foot of vertical measurement for three feet of horizontal measurement for fills.

b. One foot of vertical measurement for two feet of horizontal measurement for cuts.

2. Where curbs and sidewalks are not required along Residential Subcollector, Local Residential, and Cul-de-sac Streets, the above slope requirements shall be applied.

J. Partial and Half-Streets: The dedication of half-streets at the perimeter of new developments is prohibited, except to complete existing half-streets.

K. Names of Streets: Names of new roads or streets shall not duplicate or approximate such names by the use of suffixes such as "lane," "court," or "avenue." In approving the names, consideration shall be given to existing or platted road or 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 or alignment with an existing street.

L. Reserve Strips: Controlling access to streets by reserve strips is prohibited except where their control is definitely placed in Township control as 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.

M. Alleys: Alleys are permitted within the Village (V) District of the Tyrone Township Zoning Ordinance, and within residential developments, where they are intended to provide off-street parking and access to the rear of lots. Alleys are encouraged in the V District, and as part of alternative residential development layouts as may be enabled by the Tyrone Township Zoning Ordinance.

N. Street Construction Requirements: Streets shall be surfaced to the grades and dimensions shown on plans, street profiles, and street cross sections as submitted by the developer and approved by the Township. Unless otherwise required by the Township, all streets shall be constructed in accordance with applicable specifications of the Pennsylvania Department of Transportation. Before paving the street surface, the developer shall install the required utilities and provide, where necessary, adequate stormwater drainage for such streets, as acceptable to the Township and in conformance with the overall stormwater management plan for the site as required by this Ordinance.

## **Section 502: Lots**

### **A. General Standards**

1. The size, shape, and orientation of lots shall be appropriate for the type of development contemplated. Insofar as practical, side lot lines shall intersect straight street lines at right angles and radial to curved street lines.
2. Where feasible, lot lines shall follow municipal boundaries.
3. Generally, the depth of residential lots shall not be less than one (1) nor more than two and one-half (2 ½) times their width.
4. Where the lots in a subdivision are of such a size that resubdivision is possible, or where a portion of the tract is not intended to be developed, suitable access to these areas shall be provided.
5. Depth and width of parcels intended for non-residential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, and other improvements required by this and other Township ordinances.
6. If, after subdividing, there exists remnants of land, they shall either be incorporated into existing or proposed lots, or legally dedicated to either the Township or to another entity for public, community, or open space use, as deemed appropriate by the Township.
7. No lots shall be created in any manner whatsoever which does not meet the minimum requirements of this or other Township ordinances.

### **B. Lot Frontage**

1. All lots shall front upon a dedicated public street (existing or proposed), or upon a private street designed and constructed in accordance with applicable requirements of this Ordinance.
2. Double or reverse frontage lots shall be avoided except where required by the Township to provide separation of residential development from major streets, to control access to major streets, or to overcome specific disadvantages of topography, orientation, or location. The Township reserves the right to require double or reverse frontage lots in the interest of enhancing public safety.
3. All residential reverse frontage lots shall have a planting screen easement which runs parallel to the accepted rear lot line. The planting screen easement shall be twenty (20) feet in width. There shall be no right of access across the planting screen easement. Plantings shall be provided within the planting screen easement in accordance with the landscaping requirements of this or other Township ordinances.

C. Lot Dimensions, Area, and Building Setbacks: Lot dimensions, area, and building setback requirements shall not be less than specified by the Tyrone Township Zoning Ordinance, or as dictated by this Ordinance regarding on-site sewage disposal or other standards, whichever shall be more restrictive.

D. Unique Lots

1. Panhandle Lots: Panhandle lots, or lots having a narrow strip of property for the sole purpose of providing access to a public street from a lot which would not otherwise front on a public street, are prohibited.

2. Corner Lots: Corner lots shall be designed in manner that conforms with applicable Tyrone Township Zoning Ordinance requirements addressing corner lots. Specifically, any corner lot shall be of sufficient size to meet front setback requirements along both streets, and rear yard requirements along all other property boundaries, while still maintaining a usable building envelope.

3. Wedge-shaped Lots: Wedge-shaped lots along street curves or at the end of cul-de-sac streets are permitted in accordance with the following requirements:

a. The width of the arc measured at the front right-of-way line shall be no less than seventy percent (70%) of the lot width measured at the minimum front building setback line.

b. The width of the arc measured at the front right-of-way line shall be no greater than one hundred twenty-five percent (125%) of the lot width measured at the minimum front building setback line.

**Section 503: Blocks**

A. General Requirements: The length, width, and shape of block shall be subject to the following minimum general requirements:

1. Blocks shall provide adequate sites for the uses proposed by the subdivision and/or land development plan.

2. Blocks shall be related to the topography of the site.

3. Design or blocks shall be subject to any other applicable Tyrone Township code or ordinance.

4. Design of blocks shall take into account generally accepted requirements and standards for safe and convenient vehicular and pedestrian circulation. This standards includes, but is not necessarily limited to, the minimization of street or driveway intersections with major streets.

## B. Block Length

1. Blocks shall have a maximum length of one thousand six hundred (1,600) feet and a minimum length of five hundred (500) feet.
2. The Township Supervisors, at their discretion, may permit or require an increase in maximum block length or a decrease in minimum block length if such adjustments are warranted given unique topographic conditions, unique surface water drainage conditions, or the need to conform to existing lot and block patterns in unique settings, such as those areas within the Village (V) District of the Tyrone Township Zoning Ordinance.
3. If block lengths exceed one thousand (1,000) feet, special consideration shall be given to fire and emergency vehicle access.
4. Where practical, blocks along major streets shall not be less than one thousand (1,000) feet in length.

## C. Residential Block Depth: Blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except under the following conditions:

1. Where the Township requires reverse frontage lots along a major street.
2. Where the design of two (2) tiers of lots is prevented by the size, topographical conditions, or other unique conditions of the property.

## D. Non-residential Blocks: Blocks in non-residential developments may vary from the elements of design detailed above if required by the nature of the use. In all cases, adequate provision shall be made for off-street parking for employees and/or customers, loading areas, and traffic circulation.

### **Section 504: Access Driveways**

#### A. Individual Residential Lot: Access to any street from an individual residential lot shall be designed in accordance with the Tyrone Township Driveway Ordinance or PennDOT requirements as may be required, and in accordance with the following requirements:

1. Within ten (10) feet of a street right-of-way line, the access drive may not exceed twenty (20) feet in width.
2. Individual residential lots are limited to one (1) access driveway unless circumstances demonstrate, at the discretion of the Township, that a second access driveway is justified.
3. Individual residential lot access driveways shall not cross a street right-of-way line within:

- a. Within five feet of any property line, except where a common access drive for two (2) or more dwellings is permitted by the Township.
- b. Within fifty (50) feet of the right-of-way line of an intersecting street when the driveway is located on an arterial street.
- c. Within thirty-five (35) feet of the right-of-way line of an intersecting street when the driveway is located on a collector street.
- d. Within twenty-five (25) feet of the right-of-way line of an intersecting street when the driveway is located on a minor street or a residential subcollector street.
- e. Within twenty (20) feet of the right-of-way line of an intersecting street when the driveway is located on a local residential street or residential cul-de-sac.
- f. Within fifteen (15) feet of a fire hydrant.
- g. Where an individual residential lot has frontage on two streets, the access driveway shall connect to the street with the lower service level.

B. Multi-family Residential and Non-residential Lots: Access to any public street from a multi-family residential lot or a non-residential lot shall be designed in accordance with the Tyrone Township Driveway Ordinance or PennDOT requirements as may be required, and in accordance with the following requirements:

- 1. All access driveways to any street shall be located at least two hundred (200) feet from the intersection of any two street right-of-way lines, and shall be designed in a manner conducive to safe ingress and egress.
- 2. Where a lot has frontage on two streets, the access driveway shall connect to the street with the lower service level.
- 3. No access driveway design shall be approved which is likely to create a traffic hazard with the potential to endanger public safety. The Township may require safety improvements in the interest of public safety. Such improvements may include, but are not necessarily limited to, traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings, and signs. The developer shall be responsible for the design and construction of such traffic control devices and shall also, where applicable, obtain PennDOT approval for such measures.

### **Section 505: Curbs**

A. Curbs shall be provided along streets unless swales are substituted pursuant to Section 519.A.2. At a minimum, curbs shall be provided in non-residential developments, in multi-family developments, in two-family developments, and in single family detached developments where the average lot area is fifteen thousand (15,000) square feet or less.

- B. Curbs shall be the vertical type and constructed in accordance with township specifications.
- C. When the sole purpose of the curb is to protect the pavement edge, thickened-edge pavements or cement concrete headers may be utilized, subject to the approval of the Board of Supervisors.
- D. Curb Construction Requirements: Where required, vertical curbs shall be poured in place Class A Cement Concrete, eighteen (18) inches in depth and in accordance with those requirements set forth in the latest edition of the Pennsylvania Department of Transportation Specifications, Form 408, Section 630, as may be amended. The exposed face of the curb shall be eight (8) inches high on all Township roads, and six (6) inches high in all parking areas.

### **Section 506: Sidewalks and Pedestrian Paths**

- A. Sidewalks and pedestrian paths shall minimize pedestrian-vehicular conflict and shall be provided unless waived by the Board of Supervisors pursuant to Section 519.B. At a minimum, sidewalks shall be provided in non-residential developments, in multi-family developments, in two-family developments, and in single family detached developments where the average lot area is fifteen thousand (15,000) square feet or less. In lieu of sidewalks and at the discretion of the Board of Supervisors, a network of pedestrian and bicycle paths may be installed provided that the network provides pedestrian and bicycle access to all uses and activity centers within a development.
- B. The minimum width of all sidewalks and pedestrian paths shall be four (4) feet. There shall be a minimum three (3) foot wide planting strip between the back of the curb and the sidewalk.
- C. Sidewalks and public paths shall be installed for convenience and access to all dwelling units from streets, driveways, parking areas or garages and located within a public right-of-way, a public easement or a common open space area.
- D. At corners and other pedestrian street-crossing points, sidewalks shall be extended to the curblines with ramps for adequate and reasonable access of physically handicapped persons, including those in wheelchairs, across curbs.
- E. Sidewalks and pedestrian paths away from streets shall be adequately lighted.
- F. The grades and paving of sidewalks and pedestrian paths shall be continuous across driveways. Where heavy traffic volume is expected, a special paving treatment may be required by the Board of Supervisors. Small jogs in the alignment shall be avoided.
- G. Sidewalks and pedestrian paths shall be laterally pitched at a slope of not less than one fourth (1/4) inch per foot to provide for adequate surface drainage. The concentration of surface waters shall be prevented from passing on or across sidewalks. The design sidewalks shall not cause surface waters to pocket.

H. Sidewalks and pedestrian paths shall not exceed a grade of seven percent (7%). Steps or a combination of steps and ramps shall be utilized to maintain the maximum grades, where necessary. Where sidewalk grades exceed five percent (5%), a non-slip surface texture shall be used.

I. Sidewalks and pedestrian paths shall be of a hard surface composition if heavy pedestrian or bicycle traffic will be served and shall be constructed according to township specifications. An occasionally utilized footpath may use gravel, pine bark chips, or other material approved by the Board of Supervisors.

J. Sidewalks adjacent to angle parking areas shall be set back a minimum of five (5) feet to prevent car overhang from restricting pedestrian movement along the sidewalk.

K. Sidewalk Construction Requirements:

1. All sidewalks shall be constructed of Type 1 Class A concrete
2. Sidewalks shall be a uniform depth of four (4) inches, except where crossed by driveways, where the depth shall be six (6) inches for residential driveways, and eight (8) inches for commercial driveways.
3. Contraction joints shall be spaced no more than five (5) feet apart.
4. A layer of crushed stone with a minimum depth of four (4) inches shall form the sub-base of all sidewalks.
5. The forms used shall be made of metal, and shall be smooth, straight, and free from warp.

### **Section 507: Street Trees**

A. Within any major land development or major subdivision, street trees shall be planted along all streets where suitable street trees do not exist.

B. Large street trees shall be planted at intervals of not more than forty-five (45) feet, and small street trees at intervals of not more than thirty (30) feet along both sides of new streets and along one (1) or both sides of an existing street within the proposed subdivision or land development. An equivalent number may be planted in an informal arrangement, subject to the approval of the Board of Supervisors.

C. Street trees shall not be planted opposite each other, but shall alternate.

D. At intersections, trees shall not be located within the clear sight triangle.

E. Street trees shall be planted in the right-of-way, within two (2) feet of the street line, rather than on lots.

F. Street trees shall be of nursery stock. They shall be of symmetrical growth, free of insects, pests and disease, suitable for street use, and in conformity with the standards of the American Association of Nurserymen.

G. The minimum tree caliper shall be two and one-half (2-1/2) inches.

### **Section 508: Crosswalks**

A. Interior crosswalks may be required wherever necessary to facilitate pedestrian circulation and to give access to community facilities in blocks of over one thousand (1,000) feet in length.

B. Such crosswalks shall have an easement width of not less than twenty (20) feet and a paved walk of not less than four (4) feet. They shall be clearly marked by bollards, paving material, signing, lights or similar provisions to ensure their visibility to motorists.

### **Section 509: Street Signs**

A. The developer shall erect, at the developer's expense, at every street intersection a street sign or signs meeting township approval, having thereon the names of the intersecting streets. At intersections where streets cross, there shall be at least two (2) such street signs and at the intersections where one (1) street ends or joins with another street, there shall be at least one (1) such street sign.

B. Street signs are to be erected when the first dwelling on the street is occupied. Temporary street signs may be erected on the approval of the township but shall be made permanent before final offer for the dedication of roads is made.

C. The developer shall provide regulatory signs and traffic signalization as may be recommended: in a traffic impact study, by the Township Engineer, and/or required by the Board of Supervisors.

### **Section 510: Street Lights**

A. Where required by the Board of Supervisors, the developer shall install or cause to be installed at the developer's expense metal or fiberglass pole street lights serviced by underground conduit in accordance with a plan to be prepared by the developer's engineer and approved by the Board of Supervisors and by the local electricity provider.

B. The requirement of metal or fiberglass poles may be waived in such instances as approved by the Board of Supervisors due to the existence of wooden poles already in place. Provision shall be made for energizing said lighting after fifty percent (50%) or more of the dwellings in a given subdivision or land development, or section of a subdivision or land development, have been occupied.

C. The developer shall be responsible for all costs involved in lighting the streets until such time that the streets are accepted or condemned as public streets by the township.

## **Section 511: Landscaping Requirements**

A. Where specific landscape plans or treatments are required by the Tyrone Township Zoning Ordinance, the requirements established by said Zoning Ordinance shall apply.

B. Where the Tyrone Township Zoning Ordinance does not establish specific landscaping requirements, the following requirements shall apply:

1. All portions of a property not proposed for buildings, structures, driveways, parking lots, or other impervious surfaces shall be landscaped and planted with vegetative cover. In no event will a proposal involving the retention of bare, unvegetated ground be permitted.
2. Where development is proposed on a property that is dissimilar to established uses on surrounding properties, landscaping shall be planted which provides visual buffering between the uses. At a minimum, evergreen plantings placed at a minimum of twenty-five (25) foot intervals shall be required. Applicants are encouraged to offer more creatively designed landscaping alternatives to achieve the same level of required visual buffering.

## **Section 512: Stormwater Management and Surface Run-Off Control**

A. General. The developer shall construct and/or install such drainage structures, on- and off-site, as necessary to:

1. Prevent erosion damage and to satisfactorily carry off or detain and control the rate of release of surface waters.
2. Encourage run-off control measures that percolate the storm water into the ground to aid in the recharge of ground waters.
3. Carry surface water to the nearest adequate street, storm drain, detention basin, natural watercourse or drainage facility.
4. Take surface water from the bottom of vertical grades, to lead water away from springs, and to avoid excessive use of cross gutters at street intersections and elsewhere.
5. Handle the post development peak discharge from the property being subdivided or developed and the existing run-off being contributed from all land at a higher elevation in the same watershed.
6. Maintain the adequacy of the natural stream channels. Accelerated bank erosion shall be prevented by controlling the rate and velocity of run-off discharge to these water courses, so as to avoid increasing the occurrence of stream bank overflow.
7. Preserve the adequacy of existing culverts. Bridges and similar structures shall be preserved by suppressing the new flood peaks created by new land development.

B. Retention of existing watercourses and natural drainage features.

1. Whenever a watercourse, stream, or intermittent stream is located within a development site, it shall remain open in its natural state and location and shall not be piped.
2. The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners.
3. No stormwater run-off or natural drainage shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands.

C. Design criteria - general.

1. All plans and designs for storm water management facilities shall determine the maximum expected discharge and run-off by use of the Soil Cover Complex Method as set forth in the latest edition of Urban Hydrology for Small Watersheds, Technical Release #55 and National Engineering Handbook, Section, Hydrology, as published by the U.S. Department of Agriculture, Soil Conservation Service. The following rainfall intensities for the frequencies shown shall be used for the 24-hour, Type II distribution storm with average antecedent moisture conditions:

- a. 1 year - 2.70 inches
- b. 2 year - 3.30 inches
- c. 5 year - 4.20 inches
- d. 10 year - 5.00 inches
- e. 25 year - 5.80 inches
- f. 50 year - 6.40 inches
- g. 100 year - 7.20 inches

2. All developments shall limit the rate of storm water run-off so that no greater rate of run-off is permitted than that of the site in its natural condition for the same frequency storm. Where farm field or disturbed earth is the existing condition, meadow shall be used as the starting base for such calculations, regardless of the actual condition.

3. The increased run-off which may result from subdivision or land development shall be controlled by permanent run-off measures. All run-off control measures shall be evaluated for their effectiveness to maintain the above standard for all storms with a return period of up to one hundred (100) years. Detention areas shall be designed so that the rate of run-off from

the site, when developed, will neither exceed nor decrease the run-off from the site that existed before development, except where deemed necessary by the Township.

D. Design criteria - detention and retention basins.

1. A flow system with capacity for the twenty-five (25) year storm shall be provided to carry run-off to a detention basin. When the capacity of the storm drain pipe is exceeded, an overflow system shall have sufficient capacity to carry the run-off difference between the one hundred (100) year storm peak flow rate and the capacity of the storm drain pipe system. The storm peaks shall be calculated by the Soil Cover Complex Method.
2. Detention basins shall not be located within floodplains; nor within areas of floodplain soils with the exception that areas of alluvial soils may be utilized if proof is accepted that the area is not subject to flooding.
3. Detention basins shall be designed to facilitate regular maintenance, mowing and periodic desilting and reseeded.
4. Whenever possible, the side slopes and basin shape shall conform to the natural topography. When such design is impracticable, the construction of the basin shall utilize slopes as flat as possible to blend the structure into the terrain.
5. The maximum slope of the earthen detention basin embankments shall be three (3) horizontal to one (1) vertical.
6. The top or tow of any slope shall be located a minimum of five (5) feet from any property line.
7. The minimum top width of the detention basin berm shall be ten (10) feet.
8. Detention basins shall be designed so that they return to normal conditions within twelve (12) hours after the termination of the storm, unless the Township Engineer finds that downstream conditions may warrant other design criteria for storm water release.
9. In order to insure proper drainage on the basin bottom, a minimum grade of two percent (2%) shall be maintained for areas of sheet flow. For channel flow, a minimum grade of one percent (1%) shall be maintained.
10. If permanent ponds are used, the developer shall demonstrate that such ponds are designed to protect the public health and safety.
11. Emergency spillways.
  - a. Emergency overflow facilities shall be provided for detention facilities to handle run-off in excess of design flows.

- b. Whenever possible, the emergency spillway for detention basins shall be constructed on undisturbed ground.
- c. Emergency spillways shall be constructed of reinforced concrete, four (4) inch crushed stone rip-rap or other material approved by the Township Engineer.
- d. All emergency spillways shall be constructed so that the detention basin berm is protected against erosion.
- e. The minimum capacity of all emergency spillways shall be the peak flow rate from the twenty-five (25) year post-development storm.
- f. The construction material for the emergency spillway shall extend along the upstream and downstream berm embankment slopes.
- g. The upstream edge of the emergency spillway shall be a minimum of three (3) feet below the spillway crest elevation.
- h. The downstream slope of the spillway shall, as a minimum, extend to the top of the berm embankment.
- i. The emergency spillway shall not discharge over earthen fill and/or easily eroded material.
- j. The minimum freeboard shall be one (1) foot. Freeboard is the difference between the design flow elevations in the emergency spillway and the top of the settled detention basin embankment.

14. Anti-seep collars.

- a. Anti-seep collars shall be installed around the pipe barrel within the normal saturation zone of the detention basin berms.
- b. The anti-seep collars and their connections to the pipe barrel shall be watertight.
- c. The anti-seep collars shall extend a minimum of two (2) feet beyond the outside of the principal pipe barrel.
- d. The maximum spacing between collars shall be fourteen (14) times the minimum projection of the collar measured perpendicular to the pipe.
- e. A minimum of two (2) anti-seep collars shall be installed on each outlet pipe.

15. Outlet pipes.

- a. All outlet pipes through the basin berm shall be reinforced concrete pipe with watertight joints.
- b. Energy dissipating devices (rip-rap, end sills, etc.) shall be placed at all basin outlets.

16. Perforated risers.

- a. A perforated riser shall be provided at each outlet of all detention basins during construction for sediment control.
- b. The riser shall extend to a maximum elevation of two (2) feet below the crest elevation of the emergency spillway.
- c. The perforated riser shall be designed so that the rate of outflow is controlled by the pipe barrel through the basin berm when the depth of water within the basin exceeds the height of the riser.
- d. Circular perforations with a maximum diameter of one (1) inch shall be spaced eight (8) inches vertically and twelve (12) inches horizontally.
- e. The perforations shall be cleanly cut and shall not be susceptible to enlargement.
- f. If metal risers are used, such metal risers shall be suitably coated to prevent corrosion and wrapped with geotextile fabric to filter sediment.
- g. A trash rack or similar appurtenance shall be provided to prevent debris from entering the riser.
- h. All risers shall have a concrete base attached with a watertight connection.
- i. The base shall be of sufficient weight to prevent flotation of the riser.
- j. An anti-vortex device, consisting of a thin vertical plate normal to the basin berm, shall be provided on the top of the riser.

E. Design criteria - drainage channels and swales.

- 1. All drainage channels shall be designed to prevent erosion of the bed and banks.
- 2. The maximum permissible flow velocity shall not exceed those outlined in Figure 1 (see appendix).
- 3. Suitable stabilization shall be provided where required to prevent erosion of the drainage channels.

4. Any vegetated drainage channel requiring mowing of the vegetation shall have maximum grade of four (4) horizontal to one (1) vertical on those areas to mowed.

5. Because of the critical nature of vegetated drainage channels, the design of all vegetated channels shall, as a minimum, conform to the design procedures outlined by the Adams County Soil Conservation District.

F. Design criteria - stormwater collection and pipe system.

1. Storm sewers, culverts and related installations shall be provided:

a. To permit the unimpeded flow of natural watercourses in such a manner as to protect the natural character of said watercourses and to provide regulated discharge.

b. To insure adequate drainage of all low points along the line of streets.

c. To intercept storm water run-off along streets at intervals reasonably related to the extent and grade of the area drained and to prevent substantial flow of water across intersections.

2. The design discharge from drainage areas contributing to the system may be determined by use of the "Rational Equation" ( $Q = CIA$ ) when the total drainage area does not exceed one hundred (100) acres.

a. The following run-off factors shall be utilized for the rational equation:

Description of Area	Run-off Coefficient (C)
Residential	
2 acre single-family detached lots	0.40
1 acre single-family detached lots	0.46
1/2 acre single-family detached lots	0.50
1/4 acre single-family detached lots	0.56
Two-family and multi-family	0.70
Commercial	0.75
Industrial	0.80
Parks and Cemeteries	0.38
Unimproved	0.35

Where the above table is not applicable, the following factors may be used:

Roofs and all impervious surfaces	0.90
All other surfaces except forest	0.40
Forest	0.30

b. The coefficients in the above tabulations are applicable for storms of twenty-five (25) year frequency and less. The coefficients are based on the assumption that the design storm does not occur when the ground is frozen. Less frequent, higher intensity storms will require the use of higher coefficients.

c. For less frequent storms, the coefficients can be used if they are multiplied by the following factors for the return frequency required.

Storm Frequency (years)	Factors
10 and less	1.0
25	1.1
50	1.2

d. The rainfall intensity "I" curves presented in Figure 3 (see Appendix) shall be used in determining stormwater run-off.

e. Storm frequency.

1. A twenty-five (25) year storm frequency shall be used for the design of all stormwater systems.
2. In all cases where storm drainage is picked up by means of a headwall or inlet structure, and hydraulic inlet or outlet conditions control, the pipe shall be designed as a culvert for a twenty-five (25) year storm.

f. Storm duration.

1. A five (5) minute storm duration shall be used if this duration does not result in a maximum expected discharge that exceeds the capacity of a thirty (30) inch pipe.
2. If a five (5) minute storm duration results in a pipe size exceeding thirty (30) inches, the time of concentration approach shall be used in determining storm duration.
3. If a five (5) minute storm duration results in a pipe size exceeding thirty (30) inches, within any run of pipe, the time of concentration approach may be used for sizing of pipes from that point on by adjusting the time of concentration.

3. Pipes.

a. Pipes shall be sized by use of Manning's Equation with the pipes flowing full. The design shall be based on gravity (non-pressure) flow.

b. The roughness coefficient (n) shall be in compliance with the Pennsylvania Department of Transportation Design Manual, Part 2, as amended.

c. The minimum diameter of all storm drainage pipe shall be eighteen (18) inches or an equivalent thereto. Where headroom is restricted, equivalent pipe arches may be used in lieu of circular pipe.

d. Incremental size changes to storm drainage pipes shall be six (6) inches in diameter.

e. Abrupt changes in direction or slope of storm drainage pipe shall be avoided. where such abrupt changes are required, an inlet or manhole shall be placed at the point of change.

f. The minimum grade of piping shall provide a minimum velocity of two and five-tenths (2.5) feet per second and shall have a minimum slope of one-half of one percent (0.5%).

g. Storm sewers placed within a street right-of-way, parallel to the cartway, and shall be designed as a combination storm sewer and underdrain. When located outside of a right-of-way, they shall be placed within an easement having a width of not less than twenty (20) feet.

h. The top of storm drainage pipes beneath cartways shall be at least six (6) inches below sub-grade elevation except that case iron pipe may be placed within three (3) inches of sub-grade elevation. Outside of cartways, all pipes shall have minimum cover of two (2) feet.

#### 4. Manholes.

a. Manholes shall not be more than three hundred (300) feet apart on sizes of pipe up to twenty-four (24) inches nor more than four hundred fifty (450) feet apart on greater pipe sizes.

b. Inlets may be substituted for manholes, on approval of the Township Engineer, at the same spacing as required for manholes.

c. Manhole covers and frames shall conform to Pennsylvania Department of Transportation Specifications.

#### 5. Inlets.

a. At street intersections, inlets shall be placed in the tangent portion rather than the curved portion of the curbing.

b. When there is a change in pipe size in an inlet, the elevation of the top of the pipes shall be the same or the smaller pipe shall be higher. A minimum drop of two (2) inches shall be provided in the inlet between the lowest inlet pipe invert elevation and the outlet pipe invert elevation.

- c. If the capacity of the shoulder, swale, curb section or depressed median section exceeds the assumed inlet capacities, the inlet capacities shall govern the spacing of inlets.
- d. If the capacity of the shoulder, swale, curb section or depressed median section is less than the inlet capacities, then the shoulder, swale, curb section or depressed section capacity shall govern the spacing of inlets.
- e. Type C inlets.
  - 1. Type C inlets shall be installed in unmountable curbs.
  - 2. In order to achieve greater efficiency, Type C inlets shall be spaced so as to permit five percent (5%) of the gutter flow to bypass the inlet.
  - 3. The capacity of a Type C inlet at a low point of a street's vertical curve may be designed to accept four (4.0) cfs from each direction, or a maximum of eight (8.0) cfs.
  - 4. Inlet capacities shall be based on Figure 4 (see Appendix), "Inlet Capacity & Gutter Flow Curves."
- f. Type M and S inlets.
  - 1. Type S inlets shall be installed in shoulder swale areas with back slopes of six (6) horizontal to one (1) vertical and steeper.
  - 2. Type M inlets shall be installed in swale areas where the back slope is flatter than six (6) horizontal to one (1) vertical and steeper.
  - 3. Inlet capacities shall be based on Figure 2 (see appendix), "Type M and S Inlet Capacities (In Swale)".
  - 4. Where a drainage dike is used the side slope of the dike shall be eight (8) horizontal to one (1) vertical or flatter.
  - 5. The capacity of an inlet at a low point in a swale (sump condition) shall be sixteen (16) cfs maximum.
- g. Inlets shall conform to Pennsylvania Department of Transportation specifications.
- h. Shoulders in cut areas (without swales).
  - 1. Water flowing in the shoulder shall not encroach more than two-thirds (2/3) the shoulder width during a 10-year frequency storm of five (5) minute duration.

2. The maximum velocity, as determined by Manning's Equation, shall not exceed the allowable velocities in Figure 2 (see Appendix) for the specific type of shoulder material.
3. Inlets shall be provided to control the shoulder encroachment and water velocity.
  - i. Swales adjacent to shoulders.
    1. Swales in cut areas shall be designed to prevent the passage of water onto the cartway during a 10-year frequency storm of five (5) minute duration.
    2. The maximum velocity, as determined by Manning's Equation, shall not exceed the allowable velocities in Figure 1 (see Appendix) for the specific type of shoulder material.
  - j. Curbed sections.
    1. The maximum encroachment of water on the cartway shall not exceed two (2) inches in depth at the curb during a 10-year frequency storm of five (5) minute duration.
    2. Inlets shall be provided to control the encroachment of water on the cartway.

**Section 513: Erosion and Sediment Controls – Grading**

A. General provisions and compliance.

1. No changes shall be made in the contour of the land and no grading excavation, removal nor destruction of the topsoil, trees or other vegetative cover of the land shall be commenced, until such time that a plan for minimizing erosion and sedimentation has been:
  - a. Processed and reviewed by the Township Engineer and the Adams County Soil Conservation District; and
  - b. Approved by the Board of Supervisors.
2. The Board of Supervisors, in its consideration of all preliminary subdivision and land development plans, shall condition its approval upon the execution of erosion and sediment control measures as contained in the standards and specifications of the Adams County Soil Conservation District, the local design for the Pennsylvania Department of Environmental Protection, Bureau of Soil and Water Conservation.
3. Final approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the final subdivision or land development plans, and become a part thereof.

4. Final plans for minimizing erosion and sedimentation as approved will be incorporated into the agreement and bond requirements as required in accordance with Section 409 of this Ordinance.

5. No subdivision or land development plan shall be approved unless:

a. There has been an erosion and sedimentation plan approved by the Township Engineer that provides for minimizing erosion and sedimentation and an improvement bond or other acceptable security is deposited with the township in the form of an escrow guaranty which will ensure installation and completion of the required improvements; or

b. There has been a determination by the Board of Supervisors that a plan for minimizing erosion and sedimentation is not necessary. The Board of Supervisors may waive the above requirement for minor subdivisions.

6. The Township Engineer shall review plans submitted with building permits and inspect the development site during the construction of site improvements to insure compliance with the approved plan.

7. The Township Engineer shall review stream channel construction on watersheds with a drainage area in excess of three hundred twenty (320) acres, or in those cases where downstream hazards exist, and shall submit a review of said construction to the Pennsylvania Department of Environmental Protection. Said construction shall be approved by the Department of Environmental Protection prior to final plan approval.

B. General erosion control standards.

1. Measures used to control erosion and reduce sedimentation shall, as a minimum, meet the standards and specifications of the Adams County Soil Conservation District, the local design for the Pennsylvania Department of Environmental Protection, Bureau of Soil and Water Conservation.

2. In cases where the Adams County Soil Conservation District does not have standards and specifications for erosion and sedimentation control, other known and commonly accepted standards and specifications approved by the Township Engineer may be used.

3. The following standards to minimize erosion and sedimentation shall be followed:

a. Stripping vegetation, regrading, or other development shall be undertaken in a manner that will minimize erosion.

b. Development plans shall preserve salient natural features, keep fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water run-off.

c. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.

- d. The disturbed area and the duration of exposure shall be kept to a practical minimum. Disturbed soils shall be stabilized within twenty (20) days.
- e. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
- f. The permanent (final) vegetation and mechanical erosion control and drainage facilities shall be installed as soon as practical.
- g. Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development. where necessary, the rate of surface water run-off shall be mechanically retarded.
- h. Sediment in the water run-off shall be trapped until the disturbed area is stabilized by the used of debris basins, sediment basins, silt traps, or similar measures.
- i. Swales shall be sodded, or jute matting or other similar measures should be utilized to insure proper growth of ground cover.
- j. Tire cleaning areas shall be provided and properly maintained at each point of egress from the development site.

C. General grading standards.

1. All lots, tracts or parcels shall be graded to provide proper drainage away from buildings and dispose of it without pending.
2. All land within a development shall be graded to drain and dispose of surface water without pending, except where pending in detention basins is part of the storm water management plan for the site.
3. Concentration of surface water run-off shall be permitted only in swales, watercourses, or detention basins.
4. Edges of slopes shall be a minimum of five (5) feet from property lines or right-of-way lines in order to permit the normal rounding of edge without encroaching on the abutting property.
5. During grading operations, necessary measures for dust control shall be exercised.

D. Excavations and fills.

1. No excavation or fill shall be made with a face or surface slope steeper than three (3) horizontal to one (1) vertical unless a retaining wall, constructed in accordance with approved standards, is provided to support the face or surface slope of said excavation or fill.

2. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations and the sloping surfaces of fills.
3. Cut and fill shall not endanger adjoining property.
4. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
5. Fills shall not encroach in floodplain areas or wetlands.
6. Fills placed adjacent to floodways shall have suitable protection against erosion during flooding.

E. Responsibility.

1. Each person which makes any surface changes shall be required to:
  - a. Collect on-site surface run-off and control it to a point of discharge into the natural watercourse of the drainage area.
  - b. Adequately handle existing off-site run-off through his development.
  - c. Provide and install all temporary and permanent drainage and erosion control improvements as required by the approved sedimentation and erosion control plan.
2. Whenever sedimentation is caused by stripping of vegetation, regrading or other development, it shall be the responsibility of the person causing such sedimentation to remove it from all affected surfaces, drainage systems and watercourses on- and off-site, and to repair any damage at his expense as quickly as possible following a storm event.
3. Persons doing any work on or across a watercourse, swale, floodplain or right-of-way shall return such areas to their original or equal condition after such activity is completed.
4. No person shall block, impede the flow of, alter, construct any structure, deposit any material or thing, or perform any work which will affect normal or flood flow in any communal watercourse without having obtained prior approval from the Adams County Conservation District and/or Pennsylvania Department of Environmental Protection, whichever is applicable.

**Section 514: Two-Family and Multi-Family Residential Development**

Unless otherwise required by this Ordinance or the Tyrone Township Zoning Ordinance, the following standards shall apply to two-family and multi-family development projects:

- A. Approval of the preliminary plan must be obtained for the entire proposed development. Final approval may be obtained section by section, but such sections shall be specified on the

preliminary plan and must be numbered in the proposed order that they are to be developed. Such order of development must be adhered to, and if changes are required, plans must be resubmitted and processed pursuant to Section 404 or 406 of this Ordinance, as may be appropriate.

#### B. Design standards.

1. The land development shall be designed to be harmonious and efficient in relation to topography, the size and shape of the site, the character of adjoining properties and the type and size of proposed buildings.
2. Buildings shall be well related to the natural topography, existing desirable vegetation, bodies of water, views within and beyond the site, and exposure to the sun and other existing and proposed buildings.
3. Attached dwelling types should incorporate varied designs, architectural modes and setbacks.

#### C. Access and circulation.

1. Access to the dwellings and circulation between buildings and other important project facilities for vehicular and pedestrian traffic shall be comfortable and convenient for the occupants.
2. Access and circulation for fire-fighting and other emergency equipment, moving vans, fuel trucks, garbage collection, deliveries and snow removal shall be planned for efficient operation and convenience.
3. Walking distances from the main entrance of a building or a single-family dwelling unit to a parking area shall be less than one hundred (100) feet. Exceptions to this standard shall be reasonably justified by compensating advantages, such as desirable views and site preservation through adaptation to topography. In no case shall the distance exceed two hundred fifty (250) feet.
4. Access easements having a minimum width of five (5) feet shall be provided on each attached dwelling lot along both sides of all rear lot lines. In instances where the side lot line does not pass through a common wall, an easement having a minimum width of five (5) feet shall also be provided on both sides of each side lot line. Said easements shall remain unobstructed for the use of residents and emergency personnel.

#### D. Grading.

1. Grading shall be designed for buildings, lawns, paved areas and other facilities to assure adequate surface drainage, safe and convenient access to and around the buildings, screening of parking and other service areas and conservation of desirable existing vegetation and natural ground forms.

2. Grading around buildings shall be designed to be in harmony with the natural topography.

E. Streets and driveways.

1. Streets and/or driveways shall be provided on the site where necessary for convenient access to dwelling units, garage compounds, parking areas, service entrances of buildings, collection of refuse and all other necessary services. Internal streets and driveways shall enter public streets at safe locations.

2. Streets and/or driveways shall be planned for convenient circulation suitable for traffic needs and safety.

3. All streets and/or driveways shall be laid out to conform with the design, service, and access standards contained herein for public streets based upon projected average daily traffic.

4. Streets and/or driveways shall be paved and constructed in accordance with township standards.

F. Refuse collection stations.

1. Outdoor collection stations shall be provided for garbage and trash removal when individual collection is not made and indoor storage is not provided.

2. Collection stations shall be located so as to be adequately separated from habitable buildings to avoid being offensive, but at the same time be convenient for both collectors and residents and shall be adequately screened and landscaped.

G. Planting.

1. The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and desirable topographic features.

2. Additional plant material shall be added for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features.

**Section 515: Nonresidential Development**

Unless otherwise required by this Ordinance or the Tyrone Township Zoning Ordinance, the following requirements shall apply to nonresidential development:

A. The platting of individual lots for non-residential uses shall be avoided in favor of a comprehensive design of the land to be used for such purposes.

B. Additional width of streets adjacent to areas proposed for non-residential use may be required as deemed necessary by the Board of Supervisors to assure the free flow of through traffic from vehicles entering or leaving parking loading areas.

C. When two (2) adjacent lots proposed for non-residential uses front on an arterial or major collector street, the applicant may be required to provide common ingress and egress as well as common parking facilities. When three (3) or more adjacent lots are proposed for non-residential uses, the applicant shall be required to provide a service road for common ingress and egress.

D. Alleys or service streets shall be required in commercial and industrial land developments, except where adequate provisions are made for off-street loading.

E. Dead-end alleys shall be avoided; but where this proves impossible, they shall be terminated with a paved turnaround of adequate dimensions as approved by the Board of Supervisors.

F. Streets shall not be connected to local streets intended for predominantly residential traffic.

G. Parking areas shall be located and designed in such a manner that they are visibly secluded from eye level in the surrounding area. Grading to depress the parking area, raised berms, landscaping or fencing are satisfactory methods to create such seclusion.

H. Outdoor collection stations shall be provided for garbage and trash removal when indoor collection is not provided. Collection stations shall be screened from view and landscaped.

#### **Section 516: Easements**

A. Easements with a minimum width of twenty (20) feet shall be provided as necessary for utilities.

B. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.

C. No structure requiring a building permit or plantings, except for lawn, shall be set or put within the area of a utility easement.

D. Where a subdivision or land development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage but not less than fifty (50) feet in width, or as may be required or directed by the Board of Supervisors and/or the Pennsylvania Department of Environmental Protection. The owner shall properly grade and seed slopes and fence any open ditches when it is deemed necessary by the Board of Supervisors.

E. Where stormwater or surface water will be gathered within the subdivision or land development and discharged or drained in volume over lands within or beyond the boundaries of the subdivision or land development, the applicant or owner shall reserve or obtain easements

over all lands affected thereby; which easements shall be adequate for discharge or drainage and for the carrying off of such water, and for the maintenance, repair and reconstruction of the same vehicles, machinery and other equipment for such purposes, and which shall be sufficient width for such passage and work. The owner shall convey, free of charge or cost, such easements to the township upon demand.

F. No right-of-way or easement for any purpose whatsoever shall be recited or described in any deed unless the same has been shown on the approved plan.

### **Section 517: Traffic Impact Studies:**

Where deemed necessary by the Township, the developer shall submit a Traffic Impact Study (TIS) for review. Any TIS shall be prepared in accordance with the following criteria:

A. At a minimum, a TIS will be required for any non-residential project that includes more than twenty thousand (20,000) square feet of floor area under roof, and for any residential project including twenty five (25) or more dwelling units. In addition, the Township Supervisors may require the preparation of a TIS for other projects that may exist one (1) or more of the following characteristics:

1. The project includes significant trip generation estimates.
2. Significant traffic problems exist in the local area.
3. The project will significantly affect the existing level of services of surrounding roads and intersections.
4. The project may affect adjacent neighborhoods or sensitive natural or historic areas.
5. The roadway adjacent to the project has limited capacity or limited potential for improvement.
6. The proposed access for the project may affect nearby drives or intersections.
7. The project may adversely affect existing roadway system problems or deficiencies.

#### **B. General Content**

1. The TIS shall identify the additional level of traffic a proposed development project will have on the local transportation network.
2. The TIS shall identify the roadway improvements needed to mitigate the impact of the additional level of traffic.
3. The TIS shall consider the compatibility of the project with local transportation plans.

4. The TIS shall be prepared in accordance with the standards of the Pennsylvania Department of Transportation and the Institute of Transportation Engineers.

5. The TIS shall provide information regarding the following:

- Roadway Capacity
- Roadway Safety
- Traffic Circulation Patterns
- Traffic Control Needs
- Traffic Impacts of the Surrounding Neighborhood
- Pedestrian and Bicycle Movements
- Service and Delivery Vehicle Access

6. The TIS shall include any engineering studies needed to justify traffic control devices that may be needed in conjunction with a proposed development project.

C. The TIS shall be prepared by a qualified Traffic Engineer. The person preparing the TIS shall have sufficient documented qualifications, training, and experience in traffic engineering to perform the study. The person preparing the TIS shall be a Professional Engineer registered in the Commonwealth of Pennsylvania.

D. The TIS shall, at a minimum, include the following elements:

1. Project Narrative, indicating, at a minimum, the size and nature of the proposed development.
2. The location of all transportation access points.
3. A description of the study area, the existing land use pattern, and transportation facilities including details of the existing roadway network, physical features, traffic control devices, safety hazards, and restricted sight distances.
4. A description of concerns that may be raised through consultation with appropriate local, county, or state officials. Such consultation is required and shall be used to determine whether regional plans or projects exist which may affect the implementation of the proposed project.
5. An analysis of at least three (3) traffic scenarios including, at a minimum, the following
  - a. Existing Conditions.
  - b. Future Conditions without the proposed project.
  - c. Future Conditions with the proposed project.
6. Data supporting the development of each scenario listed above.

#### E. Data Collection – Traffic Counts

The person preparing the TIS shall collect traffic data in support of the TIS. The specific data to be collected and analyzed will vary depending on the nature of the project and traffic conditions in the vicinity of the project. The following guidelines shall be used to determine what type of data shall be collected:

1. For all TISs prepared in accordance with this Ordinance, peak hour traffic volumes shall be evaluated. Peak hours include the peak traffic periods of the study area roadway network and the proposed project. Normally, weekday morning and afternoon peaks shall be considered.
2. At the discretion of the Township, following recommendation by the Township Engineer, additional analysis may be required including, but not necessarily limited to, consideration of mid-day peaks or weekend peaks, total daily traffic volumes including volumes for other non-peak hours, accident history, vehicle mix, signal phasing, operating speeds, vehicle gaps, and pedestrian activity.
3. All data to be used in the preparation of a TIS shall be recent, either collected specifically for the TIS or provided by a verifiable source. If appropriate, adjustments may be applied to the actual counts for monthly or day-of-week variations. If significant monthly or day-of-week variations are noted, the TIS shall consider both “typical” and “worst case” traffic conditions.

#### F. The following methodologies shall be used to develop trip generation projections for the TIS:

1. Future Conditions Without the Proposed Project: The person preparing the TIS shall project future conditions based on an acceptable methodology. Unless otherwise specified by the Township, following recommendation by the Township Engineer, a short-term projection factor, based on the recent pattern of travel growth, shall be applied to existing traffic volumes. Separate factors may be applied to different roadways, for example, based on different functional classifications. The TIS shall incorporate knowledge of other proposed development or roadway improvements affecting travel in the study area into the traffic projections.
2. Future Conditions With the Proposed Project: The person preparing the TIS shall project future traffic as required by Section 517.F.1. above, and include total site generated traffic and additional background traffic related to the proposed project.
3. The TIS shall apply site generated traffic volumes, and additional background traffic volumes related to the proposed project, to the local roadway network using accepted procedures for trip distribution and route assignment.
4. The current edition of the Trip Generation Manual of the Institute of Transportation Engineers shall be used to estimate the potential number of vehicle trips resulting from a

proposed project, unless otherwise required by the Township, following recommendation from the Township Engineer. The Township may require the TIS to evaluate both average anticipated conditions and “worst-case” conditions when and if the

G. The TIS shall analyze traffic impacts resulting from each development scenario, and shall provide recommendations for improvements. At a minimum, this section shall include the following:

1. At a minimum, the person preparing the TIS shall consider roadway levels of service for each development scenario. At intersections, the TIS shall consider level of service for each approach to, and movement through, the intersection. The Township may also require, following recommendation from the Township Engineer, assessment of additional factors related to public safety.
2. Based on impacts associated with the “Future Conditions With the Proposed Project” scenario, the TIS shall provide recommendations for improvements needed to safely and efficiently integrate the project into the regional traffic system. These improvements may include, but not necessarily be limited to, traffic controls such as signals and signs, and roadway improvements such as roadway widening and turning lanes.
3. Unless otherwise specified by the Township Supervisors, following recommendation of the Township Engineer, improvements shall be considered for any roadway segment or intersection where the project will have an adverse impact when compared to the background level-of-service. For new intersections, a minimum level-of-service “C” shall be provided, and the proposed design shall provide, at a minimum for that capacity.

### **Section 518: Recreation, Open Space, and Natural Features**

A. Where deemed essential by the Board of Supervisors, upon consideration of the particular type of development proposed, the Board of Supervisors may require the dedication or reservation of such other areas or sites of a character, extent, and location suitable to the need created by such development for parks and recreation areas.

B. The following standards shall apply to the provisions of parks and recreation areas:

1. Single-family detached developments. In the case of residential developments designed exclusively with single-family detached dwellings, the applicant shall provide a minimum of five hundred (500) square feet per dwelling unit for parks and recreation areas.
2. Single-family cluster developments. In single family cluster developments, the open space and recreation requirements as set forth in the Zoning Ordinance shall be adhered to.
3. Multi-family developments. In multi-family residential developments, the open space and recreation requirements as set forth in the Zoning Ordinance shall be adhered to.

C. Any residential subdivision or land development plan, whether for single-family, single-family cluster, or multi-family, that contains less than thirty (30) dwelling units may be exempted, at the option of the Board of Supervisors.

D. Recreation areas, as required by the Zoning Ordinance, shall be laid out in accordance with the best principles of site design. The recreation areas shall form part of an interconnecting open space system which extends throughout the development. The following criteria shall be utilized to determine whether the recreation areas have been properly designed:

1. Recreation areas shall be readily accessible to all development residents, or in the case of recreation areas dedicated to the township, shall be easily and safely accessible to the general public. At least one (1) side of the recreation area shall abut a street for minimum distance of fifty (50) feet for access of emergency and maintenance vehicles.
2. Recreation areas shall have suitable topography, drainage and soils for use and development of recreational activities.
3. Recreational areas shall not be traversed by streets or utility easements unless said utilities area placed underground and no part of them or their supportive equipment protrudes above ground level.
4. The shape of the recreational area shall be suitable to accommodate those recreation and open space activities appropriate to the location and needs of future residents.

### **Section 519: Varying of Design Standards**

The Board of Supervisors, recognizing that a situation may arise where additional flexibility is warranted, is authorized to alter the design standards specified below. The applicant shall present evidence and demonstrate that the variation requested will result in improving the proposed subdivision or land development which may lead to varying the design of specific streets.

A. Streets. Standards for streets expressed in this Ordinance are intended to provide for the safe and intelligent layout of streets which can be easily maintained at minimum cost. There are several aspects

1. Cartway width. The width of streets has been established to ensure adequate movement of traffic in times of greatest parking loads.
  - a. Where a street is designed so that all units face on local streets and where on-street parking is not anticipated and no safety hazard will be created, the cartway width may be reduced. This reduction is limited to twenty (20) feet on collector streets or twenty (20) feet on residential subcollector streets.
  - b. In the Village (V) or Residential (R) Districts, as defined in the Tyrone Township Zoning Ordinance, for private streets serving less than five (5) dwelling units, street

width may be reduced to eighteen (18) feet. Street width may also be reduced to eighteen (18) feet if the private street is utilized for access to a single-family cluster and there are no residential lots fronting on such private street.

2. Curbs. Curbs are used to channel water to storm sewers, protect pavement edges and keep vehicles off of grassed areas. In certain cases, however, natural drainage should be encouraged. where topography and soils permit, roadside swales, set back a minimum of ten (10) feet from the edge of the cartway, may be substituted for curbs, provided that the alternate design:

- a. Ensures adequate means for the protection of pavement edges.
- b. Handles stormwater in a manner to ensure against erosion or other conditions detrimental to the public health, safety or welfare.
- c. Has the approval of the Township Engineer.

3. Right-of-way widths. Right-of-way widths are intended to provide enough land for streets, sidewalks, driveway aprons, street trees, cut or fill slopes, and utilities. They are intended to provide an additional buffer between dwelling units and streets. Where sidewalks are not run along streets, cartway widths are reduced [see subsection A.(1) above], utilities are located outside of the right-of-way, or dwellings will not front on the streets, a reduction in the widths of rights-of-way may be permitted. In no instance shall a right-of-way width be reduced to less than thirty-three (33) feet.

4. Paving of private streets. If a private street will ultimately service five (5) or less dwelling units and such street is over two hundred fifty (250) feet in length, a gravel or crushed stone surface may be utilized with the approval of the Board of Supervisors. Such private streets shall be subject to all other requirements of Section 501 and shall have a base meeting applicable township specifications to minimize heaving and potholing.

B. Sidewalks. Sidewalks are intended to provide as separate means of movement for pedestrians. Modern design practice encourages the location of sidewalks away from streets. In order for the Board of Supervisors to waive the requirement for sidewalks to be within a street right-of-way, all of the following provisions for relocated sidewalks shall be met:

1. The walks shall be all-weather and easily cleared of snow.
2. They shall be convenient for the most frequent trips, such as children walking to school bus stops.
3. The walks shall remain as private property, and the responsibility for their maintenance shall be clearly established, such as by a homeowners' association.

C. Stormwater Management: Tyrone Township recognizes that innovative stormwater management practices are available which not only control rate of discharge from property, but

volume of discharge from property as well. Tyrone Township encourages the use of such innovative practices where practical in Tyrone Township. Provided the overall level of stormwater management is consistent with the levels as set for in Section 512 of this Ordinance, as determined by the Board of Supervisors and/or the Tyrone Township Engineer, developers are encouraged to use stormwater management practices and methods described in the Pennsylvania Handbook of Best Management Practices for Developing Areas, as may be amended or updated, prepared by the Pennsylvania Association of Conservation Districts, dated Spring, 1998.

## **ARTICLE VI: MOBILE HOME PARKS**

### **Section 600: Purpose:**

The purpose of this Article shall be to provide for the planning and design of mobile home parks in such a manner that will minimize public health and safety hazards; will promote the orderly development and utilization of land; will preserve natural and scenic values, will not create a traffic hazard or otherwise impair the function and amenity of the mobile home park occupants and/or the surrounding neighborhood.

### **Section 601: Permits and Certificate of Registration:**

#### **A. Permits Required:**

It shall be unlawful for any person to maintain, construct, alter, or otherwise extend any mobile home park within the limits of the Township of Tyrone unless he holds a valid certificate of registration issued by the Pennsylvania Department of Environmental Protection in the name of such person, and also a permit issued by the Township of Tyrone.

#### **B. Application to the Pennsylvania Department of Environmental Protection:**

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, Department of Environmental Protection, 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 said Pennsylvania Department of Environmental Protection applications shall be concurrently filed with the Board of Supervisors, and the applicant shall also submit an application to Board of Supervisors, using a form provided by the Township, for a permit to operate a mobile home park in the Township.

#### **D. Renewal Permits:**

Renewal permits shall be issued by the Board of Supervisors, upon the provision of sufficient proof by the applicant, that the mobile home park has continued to meet the standards prescribed by the Department of Environmental Protection and this Ordinance. The permit shall be conspicuously posted in the office or on the premises of the mobile home park at all times. A representative of the Board of Supervisors may inspect a mobile home park at reasonable intervals, and at reasonable times, to determine compliance with this Ordinance.

#### **E. Compliance of Existing Mobile Home Parks:**

Mobile home parks in existence at the effective date of this Ordinance shall comply with the following requirements:

1. Mobile home parks in existence at the effective date of this Ordinance and being duly authorized to operate by the Department of Environmental Protection may continue to operate so long as they otherwise remain in compliance with applicable provisions of this Ordinance, other Township ordinances, or other requirements.
2. 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 Section 602 of this Ordinance.
3. Any subsequent new construction, alteration, or extension of an existing mobile home park shall comply with all applicable provisions of this Ordinance.
4. Any existing mobile home park which, in the opinion of the Board of Supervisors, creates a fire or health hazard shall be required to comply with the applicable provisions of this Ordinance within a reasonable period of time as determined by the Board of Supervisors.

#### **Section 602: Fees**

The Board of Supervisors shall establish a schedule of fees, charges, and expenses, as well as a collection procedure, for the mobile home park land development plan review, initial mobile home park permit fee, annual renewal permit fee, and other matters pertaining to this Article. The Board of Supervisors shall adopt schedule of fees by Resolution, and shall post the schedule of fees, charges, and expenses in the Township office, and may be amended only by the Board of Supervisors. Such schedule of fees, charges, and expenses shall be incorporated into the overall fee schedule established by the Board of Supervisors for this Ordinance.

#### **Section 603: Application for Land Development Plan and Mobile Home Park Permit Requirements**

Whenever any mobile home park proposal is made, and before any permit for the erection of a structure or development of supporting infrastructure in such a mobile home park is issued, the developer shall apply in writing for approval of mobile home park in accordance with the Land Development Plan submission, review, and approval requirements and procedures of Sections 403, 404, 405 and 406 of this Ordinance. The Land Development Plan submission shall require the following:

- A. All information required by Sections 404 and 406, as appropriate, regarding Preliminary and Final Land Development Plans.
- B. The location and legal description of the mobile home park.
- C. Plans and specifications of buildings, improvements, and facilities constructed or to be constructed within the mobile home park.

D. The Land Development Plan shall be clearly and legibly drawn at a scale of not more than one (1) inch to fifty (50) feet nor less than one (1) inch to one hundred (100) feet.

E. The number, location, and size of each mobile home lot referenced to a schedule giving the size of the mobile home unit proposed for each lot.

F. The locations and details of lighting and electrical systems.

#### **Section 604: Site Design Requirements**

All mobile home parks shall be designed in accordance with the following site design requirements:

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

1. No part of any mobile home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the mobile home park.

2. The condition of soil, ground water level, site drainage, and topography shall not create hazards to the property or to the public health, safety, or welfare of the occupants of the mobile home park or to surrounding property owners. The site shall not be exposed to objectionable smoke, dust, noise, odors, or other adverse influences. No portion of the mobile home park site shall be subject to predictable sudden flooding or erosion shall be used for any purpose which could expose persons or property to hazards.

##### **B. Site Drainage Requirements:**

1. The ground surface in all parts of any mobile home park shall be graded or otherwise be equipped to manage storm water in a safe and efficient manner.

2. Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be controlled in a manner approved by the Pennsylvania Department of Environmental Protection.

3. No waste water from any plumbing fixture or sanitary sewer line shall be deposited upon the ground surface in any part of a mobile home park.

##### **C. Soil and Ground Cover Requirements:**

1. Exposed ground surfaces in all parts of any mobile home park shall be protected with a vegetative growth that is capable of preventing soil erosion and the creation of dust during dry weather. This requirement shall apply to all ground surfaces not proposed to be paved or covered by an impervious surface.

2. Mobile home parks shall be kept free of vegetative growth which is poisonous or which may harbor rodents, insects, or other harmful pests.
3. A screening of evergreen plantings shall be established along all street and property boundaries of the mobile home park. At a minimum, the evergreen trees shall be not less than six (6) feet high at the time of planting, and shall be planted at intervals of not less than ten (10) feet nor more than twenty (20) feet.
4. Street trees shall be planted along all streets within the mobile home park. All street trees shall be planted within the planting strip required by Section 507 of this Article. Street trees shall be “staggered” from one side of the street to the other to the maximum degree possible to achieve a “tree canopy” along the street.

D. Dimensional Requirements:

1. The maximum net density of any mobile home park shall be five (5) mobile home units to the acre.
2. The minimum size of each mobile home lot shall be six thousand (6,000) square feet.
3. The minimum width of each mobile home lot shall be sixty (60) feet.
4. All mobile home units shall be located at least fifty (50) feet from any park property boundary line abutting a public road right-of-way. All mobile home units shall be located at least thirty-five feet from all other mobile home park property boundary lines.
5. The minimum distance between any individual mobile home unit, including accessory structures, and the paved surface of any mobile home park street and/or common parking area, or any other common areas including but not necessarily including a recreation areas, shall be at least fifteen (15) feet.
6. All mobile home units shall be separated from other mobile home units, service buildings, and other structures by a minimum distance of thirty (30) feet. Where accessory structures have been constructed on a mobile home lot and/or have been proposed for a mobile home lot, the minimum separation distance shall be measured from said accessory structures.

E. Street System:

1. The street system within a mobile home park shall be designed in accordance with Section 501 and other applicable sections of this Ordinance. The street system shall be privately owned and maintained by the developer. Parking shall be prohibited on streets within the mobile home park. Off-street, overflow parking may be provided and maintained by the developer.
2. The street system shall be illuminated with street lights in accordance with Section 510 of this Ordinance, provided that the illumination system is designed to produce a minimum of

0.1 foot-candle throughout the street system, and that potentially hazardous locations, including but not limited to major street intersections, steps, or stepped ramps shall be illuminated with a minimum of 0.3 foot-candle.

F. Sidewalks:

Sidewalks shall be provided in any mobile home park, and shall meet the following requirements:

1. Common sidewalks shall be provided along both sides of all streets within the mobile home park.
2. Common sidewalks shall have a minimum width of four (4) feet. Common sidewalks shall be located parallel to all mobile home park streets, and shall be designed to provide a four (4) foot planting strip between the common sidewalk and the curb.
3. Individual mobile home park lots shall be connected to the common sidewalk system by an individual sidewalk. Such individual sidewalks shall, at a minimum, connect the mobile home stand to the mobile home lot driveway, or to the common sidewalk system.
4. All individual sidewalks on mobile home lots shall have a minimum width of three (3) feet.

G. Mobile Home Lot Requirements:

1. No mobile home lot shall be located or designed or located in such a manner that the use of the lot may cause or exacerbate either on-site or off-site problems. At a minimum, no mobile home lot, or a portion thereof, may be located in a 100-year floodplain, hydric or alluvial soils as identified by the Soil Survey of Adams County, delineated wetlands, or slopes exceeding fifteen percent (15%).
2. The boundary of each mobile home lot shall be delineated by suitable means. Mobile home lot boundaries at the site shall conform to the mobile home park boundaries shown on the approved Land Development Plan at all times.
3. The mobile home stand shall be designed to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind, or other forces acting on the mobile home. At a minimum, anchors or tie-downs, such as cast-in-place concrete "deadmen," eyelets imbedded in concrete screw augers, or arrow head anchors shall be placed at each corner of the mobile home stand and at intervals of no more than twenty (20) feet shall be provided. Each such device shall be able to sustain a minimum load of four thousand eight hundred (4,800) pounds. The design of the mobile home stand shall be provided in the Land Development Plan submission.

4. Each mobile home lot shall be provided with an improved driveway for convenient access to individual mobile homes. Each driveway shall be designed in accordance with the access driveway requirements of Section 504 of this Ordinance. Each driveway shall be designed to accommodate two (2) off-street parking spaces design in accordance with the applicable parking space design requirements of the Tyrone Township Zoning Ordinance. Such off-street parking spaces shall not include areas of the mobile home lot dedicated to sidewalks or other walkways.

#### H. Recreation Facilities:

Recreation land and facilities shall be provided in all mobile home park in accordance with the requirements of Section 518 of this Ordinance.

### **Section 605: Water Supply and Distribution System:**

#### A. General Requirements:

An adequate supply of water shall be provided for mobile homes, service buildings, and other necessary facilities as required by this Ordinance. Where a public water supply system of satisfactory quantity, quality, and pressure is available, connection shall be made thereto and the public water system supply shall be used exclusively. Where a public water supply system exists that could serve the mobile home park, but where water quantity, quality, or other upgrades would be necessary to accommodate said mobile home park, the developer of the proposed mobile home park shall provide the necessary upgrades to the public water supply system to accommodate the proposed mobile home park. Where connection to a public water supply system is no available, the developer of the proposed mobile home park shall develop a private water supply system in accordance with applicable requirements of the Pennsylvania Department of Environmental Protection or any other authority having jurisdiction over the development of such systems.

B. Source and Volume of Water Supply: The developer of the mobile home park shall demonstrate that the proposed water supply system, whether public or private, complies with the following criteria:

1. The water supply shall be capable of supplying a minimum of one hundred fifty (150) gallons per day per mobile home unit.
2. The well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source. No well casings, pumps, pumping machinery or suction pipes shall be placed in any pit, room, or space extending below ground level nor in any room or space above ground level which is enclosed by walls or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground.
3. Water supply treatment, if necessary, shall be provided by the developer in accordance with applicable requirements of the Pennsylvania Department of Environmental Protection.

4. A Water Supply Feasibility Report shall be provided in accordance with applicable requirements of this Ordinance.

C. Water Storage Facilities:

All water storage reservoirs shall be covered, shall be watertight, and shall be constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers to prevent the contaminated material from entering the water supply. Reservoir overflow pipes shall discharge through an acceptable air gap.

D. Water Distribution System:

1. All water distribution systems associated with a public water supply shall be constructed and maintained in accordance with the requirements of the public water supplier.

2. All privately developed water distribution systems shall be developed in accordance with the following minimum requirements:

a. All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with applicable state and/or local requirements.

b. The water piping system shall not be connected to nonpotable or questionable water supplies and shall be protected against the hazards of backflow or back-siphonage.

c. The water piping system shall be designed and maintained to provide a pressure of not less than twenty (20) pounds and not more than eight (80) pounds per square inch under normal operating conditions, at service buildings, and other locations requiring potable water supply.

d. A fire hydrant system shall be provided and shall permit the operation of a minimum of two one and one-half (1 ½) inch hose streams. Each of two nozzles, held four feet above the ground, shall deliver at least seventy-five (75) gallons of water per minute at a flowing pressure of at least twenty (20) pounds per square inch at the highest elevation point of the mobile home park. Fire hydrants shall be located within five hundred (500) feet of any mobile home, service building, or other structure in the park.

e. Water mains, if installed parallel to sewer lines, shall be separated by at least ten (10) horizontal feet from any sewer line, storm sewer, or sewer manhole.

E. Individual Water-Riser Pipes and Connections:

1. 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 to ensure the shortest water connection possible and decrease susceptibility to water pipe freezing.

2. The water-riser pipe shall have a minimum inside diameter of three-quarters ( $\frac{3}{4}$ ) inches and terminate at least four (4) inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the mobile home lot.
3. Adequate provisions shall be made to prevent the freezing of water service lines, valves, and riser-pipes, and to protect risers from heaving actions of the ground during freezing weather. Surface drainage shall be diverted from the location of riser-pipes.
4. A shut-off valve below the frost line shall be provided near the water-riser pipe on each mobile home lot. Underground stop and waste valves are prohibited.

**Section 606: Sewage Collection and Disposal:**

The sewage collection and disposal system shall meet the following requirements:

- A. An adequate sewage collection and disposal system shall be provided for mobile homes, service buildings, and other necessary facilities as required by this Ordinance. Where a public sewage collection and disposal system of satisfactory design and capacity is available, connection shall be made thereto and the public sewage collection and disposal system supply shall be used exclusively. Where a public sewage collection and disposal system exists that could serve the mobile home park, but where capacity, design, or other upgrades would be necessary to accommodate said mobile home park, the developer of the proposed mobile home park shall provide the necessary upgrades to the public sewage collection and disposal system to accommodate the proposed mobile home park. Where connection to a public sewage collection and disposal system is not available, the developer of the proposed mobile home park shall develop a private sewage collection and disposal system in accordance with applicable requirements of the Pennsylvania Department of Environmental Protection or any other authority having jurisdiction over the development of such systems.
- B. All sewage collection and disposal systems associated with a public water supply shall be constructed and maintained in accordance with the requirements of the public water supplier.
- C. All privately developed sewage collection and disposal systems shall be developed in accordance with the following minimum requirements:
  1. Sewer lines shall be located in trenches of sufficient depth to prevent breakage from traffic or other movements and shall be separated from the water system supply lines by a minimum of ten (10) feet. Sewer lines shall be installed with a grade which will ensure a velocity of at least two (2) feet per second when flowing full. The system shall be designed to accommodate a minimum flow of one hundred fifty (150) gallons per day per mobile home lot. All sewer lines shall be constructed of materials approved by the Township Engineer, shall be adequately vented, and shall use watertight joints.
  2. Each mobile home park stand shall be provided with a four (4) inch diameter riser pipe. The sewer riser pipe shall be located in a vertical line with the mobile home drain outlet.

3. The mobile home sewer connection shall have a nominal inside diameter of three (3) inches, and the slope of any portion thereof shall be at least one-fourth (1/4) inch per foot. The sewer connection shall consist of one pipe line only without any branch fittings. All joints shall be watertight.
4. All materials used in the construction of mobile home sewer connections shall be semi-rigid, corrosive resistant, non-absorbent, and durable. The inner surface shall be smooth.
5. Provisions shall be made for adequately sealing the sewer riser pipe when a mobile home does not occupy the mobile home lot. Surface drainage shall be diverted away from the sewer riser pipe. The rim of the sewer riser pipe shall extend at least four (4) inches above ground elevation.
6. All proposed sewage disposal facilities shall be approved by the Department of Environmental Protection prior to construction. Effluent from sewage treatment facilities shall be discharged only as permitted by the Department of Environmental Protection. The developer of a proposed mobile home park shall submit information required by Section \_\_\_ of this Ordinance with the required Land Development Plan to demonstrate compliance with this Section.

**Section 607: Solid Waste Disposal System:**

Solid waste disposal systems shall meet the following minimum requirements:

- A. The storage, collection, and disposal of refuse shall be conducted in such a manner to prevent health hazards, rodent harborage, insect breeding area, accidents, fire hazards, and air pollution.
- B. Solid waste collection stands shall be provided for all waste containers. Such stands shall be designed to prevent waste containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning.
- C. Refuse shall be stored in flytight, watertight, rodent-proof containers. Refuse containers shall be provided such that no individual mobile home is located more than one hundred fifty (150) feet from a refuse container. Refuse containers shall be provided in sufficient number and capacity to safely store all refuse.
- D. On-premises burning of paper, boxes, garbage, leaves, or other disposable material or waste is prohibited.
- E. Solid waste or refuse shall be collected at least one (1) time per week, or as may be required by any Tyrone Township agreement or contract for municipal waste disposal. The developer of the mobile home park shall comply with any Township, County, or State requirements or agreements regarding solid waste collection, as may be effective and applicable.

**Section 608: Electrical Distribution System:**

A. General Requirements:

Every mobile home park shall contain an electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances. Such system shall be installed and maintained in accordance with the local electric power company's specifications and approvals regulating such systems.

B. Power Distribution Lines:

All electrical power distribution lines shall be located underground in accordance with the local power company's design and construction requirements. All direct burial conductors or cable shall be buried at least eighteen (18) inches below the ground surface and shall be insulated and specially designed for that purpose. Such conductors shall not be located less than one (1) foot radial distance from any water, sewer, gas, communication, or other transmission line.

C. Individual Electrical Connections:

1. Each lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.
2. Mobile homes shall be connected to the outlet receptacles by an approved power supply assembly and permanent wiring method.
3. All exposed, non-current carrying metal parts of a mobile home, and all other equipment, shall be grounded by means of a grounding conductor run with branch circuit conductors other method of grounded metallic wiring as may be approved by the Township Engineer. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

**Section 609: Gas Distribution System:**

Gas supply systems, where available for a mobile home park, shall comply with the provisions of any State regulations governing the equipment, installation, volume of supply, shut-off valves, connectors, mechanical protection, and location of equipment.

**Section 610: Fuel Oil Distribution Systems:**

Fuel oil distribution systems shall meet the following minimum requirements:

- A. Distribution systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Piping installed below ground shall have a minimum earth cover of eighteen (18) inches.

- B. Piping from outside fuel storage tanks or cylinders to mobile homes shall be permanently installed and securely fastened in place.
- C. Fuel oil storage tanks or cylinders shall not be located inside of beneath any mobile home or accessory structure, or less than five (5) feet from any mobile home exit.
- D. Every tank shall be vented by a vent not less than one and one-quarter inches (1¼") iron pipe size, so designed and installed to prevent entrance of rain or debris.
- E. A shutoff valve located immediately adjacent to the gravity feed connection of a tank shall be installed in the supply line to the mobile home.
- F. Fuel oil connectors from the tank to the mobile home shall be brass or copper tubing or approved flexible metal hose, not smaller than three-eighths inch (3/8") iron pipe size or tubing, and shall be protected from physical damage. Aluminum tubing shall not be used.
- G. Valves and connectors shall be listed standard fittings maintained liquid-tight to prevent spillage of fuel oil to the ground.

#### **Section 611: Fuel Supply and Storage**

- A. Liquefied petroleum gas containers intended to provide heating fuel to a mobile home and installed on a mobile home lot shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than twenty-five (25) or more than two hundred fifty (250) pounds LP-Gas capacity.
- B. No liquefied petroleum gas vessel intended to provide heating fuel to a mobile home shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure.
- C. All liquefied petroleum gas containers intended to provide heating fuel to a mobile home shall be securely fastened in place and shall not be located inside or beneath any mobile home or less than five (5) feet from any mobile home.

#### **Section 612: Telephone and Television**

Telephone and television service, when provided, shall meet the following requirements:

- A. When telephone service to mobile home stands is provided, the distribution systems shall be installed underground.
- B. When central television antenna or cable television systems are to be installed as part of the property to be covered by mortgage insurance, a warranty shall be obtained to assure satisfactory service. The distribution system to mobile home stands shall be installed underground, and in general accord with the placement of the electrical distribution system.

## Section 613: Service Building and Community Facilities

The following requirements shall apply to service buildings, recreation buildings, and other community service buildings including, but not limited to, management offices, repair shops, storage areas, sanitary facilities, laundry facilities, and indoor recreation areas:

A. Community Sanitary Facilities: Every mobile home park shall be provided with the following emergency sanitary facilities at the ratio of one (1) flush toilet and one (1) lavatory for every one hundred (100) lots, or fraction thereof. The building containing such emergency sanitary facilities shall be accessible to all mobile home occupants within the mobile home park.

B. Permanent Buildings: Any permanent buildings shall meet the following requirements:

1. All permanent buildings shall be properly protected from damage by ordinary uses and from decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such material and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

2. Rooms containing sanitary or laundry facilities shall meet the following requirements:

a. Walls between male and female sanitary facilities shall have sound resistant walls to the ceiling. Walls and partitions around showers, bathtubs, lavatories, and other plumbing fixtures shall be constructed of dense, non-absorbent, waterproof material or covered with moisture resistant material.

b. Each room shall 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 percent (10%) of the floor area served by them.

c. At least one (1) window in each room shall be constructed to be easily opened to allow for ventilation. In the alternative, each room shall include a mechanical device which will adequately ventilate the room.

d. Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. Any room with toilet or shower fixtures shall be screened to prevent direct view of the interior when exterior doors are open.

e. The following illumination levels are required:

General Areas – Five (5) footcandles.

Laundry Room Work Areas – Forty (40) footcandles.

Bathrooms, in Front of Mirrors – Forty (40) footcandles.

f. Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower, and laundry fixture, and cold water shall be furnished to every water closet and urinal.

## **Section 614: Fire Protection**

All mobile home parks shall meet the following minimum requirements with regard to fire protection:

- A. Mobile home parks and each lot shall be kept free of litter, rubbish, and other flammable materials.
- B. Portable fire extinguishers rated for classes B and C shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. The UL or Factory Mutual rating shall be not less than six (6).
- C. Fires shall be made only in stoves, incinerators, and other equipment intended for such purposes.
- D. Fire hydrants shall be installed throughout the mobile home park in accordance with the standards established in Section 605.D.2.d of this Ordinance.

## **Section 615: Insect and Rodent Control**

All mobile home parks shall meet the following minimum requirements with regard to insect and rodent control:

- A. 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 conform with the requirements of the Pennsylvania Department of Environmental Protection.
- B. The mobile home park shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.
- C. Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe, and other building material shall be stored at least one (1) foot above the ground during construction periods, after which all such materials shall be removed from open areas of the park.
- D. Where the potential for insect and rodent infestation exists all exterior opening in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
- E. The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. The park shall be so maintained as to prevent the growth or ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

## **Section 616: Management and Supervision**

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. Further, the person to whom the mobile home park permit is issued shall:

- A. Supervise the placement of each mobile home on the mobile home stand. Such supervision shall include ensuring the stability of the mobile home and the installation of all utility connections.
- B. Provide the Township Supervisors and their representatives free access to all mobile home lots, service buildings, and other community service facilities for the purpose of inspections.
- C. Maintain a register containing the names and addresses of all mobile home park occupants. Such register shall be available to any authorized person inspecting the mobile home park.
- D. Notify the Pennsylvania Department of Environmental Protection immediately of any suspected communicable or contagious disease within the mobile home park.
- E. Notify the park residents of all applicable provisions of this Ordinance and inform the residents 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, skirtings, awnings, and accessory structures, the periodic storage of garbage, and the maintenance of fire extinguishers.

#### **Section 617: Revocation of Permit**

- A. Whenever, upon inspection of any mobile home park, the Township Supervisors determine 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 Supervisors or their representatives shall give notice in writing to the person to whom the permit to operate the mobile home park 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.
- B. At the end of such period, such mobile home park shall be re-inspected and, if such conditions or practices have not been corrected, the Township Supervisors shall suspend the permit and give notice in writing of such suspension to the person to whom the permit to operate the mobile home park was issued.
- C. Whenever the Township Supervisors find that an emergency exists which requires immediate action to protect the public health, the Supervisors may, without notice or hearing, issue an order reciting the existence of such an emergency and require that such action be taken as the Supervisors may deem necessary to meet the emergency. Such action may include, but may not necessarily be limited to, the suspension of the permit to operate the mobile home park. 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 VII: ADMINISTRATION**

### **Section 700: Enforcement Remedies:**

A. Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgement of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgement 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 judgement, the Township may enforce the judgement 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 (1) such violation, until the fifth (5<sup>th</sup>) 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 judgement pending a final adjudication of the violation and judgement

C. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

### **Section 701: Preventive Remedies:**

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

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 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 702: Fees**

The Board of Supervisors shall establish a schedule of fees, charges, and expenses, as well as a collection procedure, for the review of subdivision and land development plans, and other matters pertaining to this Ordinance. The Board of Supervisors shall adopt schedule of fees by Resolution, and shall post the schedule of fees, charges, and expenses in the Township office, and may be amended only by the Board of Supervisors. Such schedule of fees, charges, and expenses shall be incorporated into the overall fee schedule established by the Board of Supervisors for this Ordinance.

## **ARTICLE VIII: LEGAL PROVISIONS**

### **Section 800: Severability**

If any article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Subdivision and Land Development Ordinance is declared for any reason to be illegal, unconstitutional, or invalid by any Court or competent jurisdiction, such decision shall not affect or impair the validity of the Subdivision and Land Development Ordinance as a whole, or any other article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the Subdivision and Land Development Ordinance. The Board of Supervisors hereby declares that it would have adopted the Subdivision and Land Development Ordinance and each article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase and work thereof, irrespective of the fact that any one or more of the articles, sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional, or invalid.

### **Section 801: Repealer**

All Township of Tyrone Ordinances or parts thereof in conflict with this Subdivision and Land Development Ordinance or inconsistent with the provision of this Ordinance are hereby repealed to the extent necessary give this Ordinance full force and effect.

**Section 802: Effective Date**

This Subdivision and Land Development Ordinance shall take effect immediately upon adoption and publication, according to law, by the Board of Supervisors of Tyrone Township, County of Adams, Commonwealth of Pennsylvania.

Enacted and Ordained this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Board of Supervisors  
Tyrone Township  
Adams County, Pennsylvania

Attest:

\_\_\_\_\_  
Jeanne Motter, Secretary  
Tyrone Township

By: \_\_\_\_\_  
Galen Smith Chairman

\_\_\_\_\_  
Edward Weigle, Supervisor

\_\_\_\_\_  
William Starry, Supervisor

APPENDIX

The Division and Land Development Ordinance shall not be immediately applicable to the subject area until it is approved by the Board of Supervisors of the County of Nevada. The Board of Supervisors shall have the authority to suspend the application of the Ordinance to any area.

Board of Supervisors  
County of Nevada  
Adoptive County Ordinance

Section 22.010

Section 22.020

Section 22.030

FIGURE 1

ALLOWABLE WATER VELOCITIES

Permissible velocities for channels lined with vegetation.  
The values apply to average, uniform stands of each type of cover.

<u>Cover</u>	<u>Slope Range (Percent)</u>	<u>Permissible Velocity (feet per second)</u>	
		<u>Erosion resistant soils</u>	<u>Easily eroded soils</u>
Bermuda grass	0-5	8	6
	5-10	7	5
	over 10	6	4
Buffalo grass, Kentucky bluegrass, Smooth brome, or Blue grama	0-5	7	5
	5-10	6	4
	over 10	5	3
Grass mixture	0-5	5	4
	5-10	4	3
Lespedeza sireceac, Weeping lovegrass, Yellow bluestemc, Kudzuc, Alfalfac, or Crabgrassc	0-5	3.5	2.5
Common lespedeza d or Sudangrassd	0-5	3.5	2.5

FIGURE 2

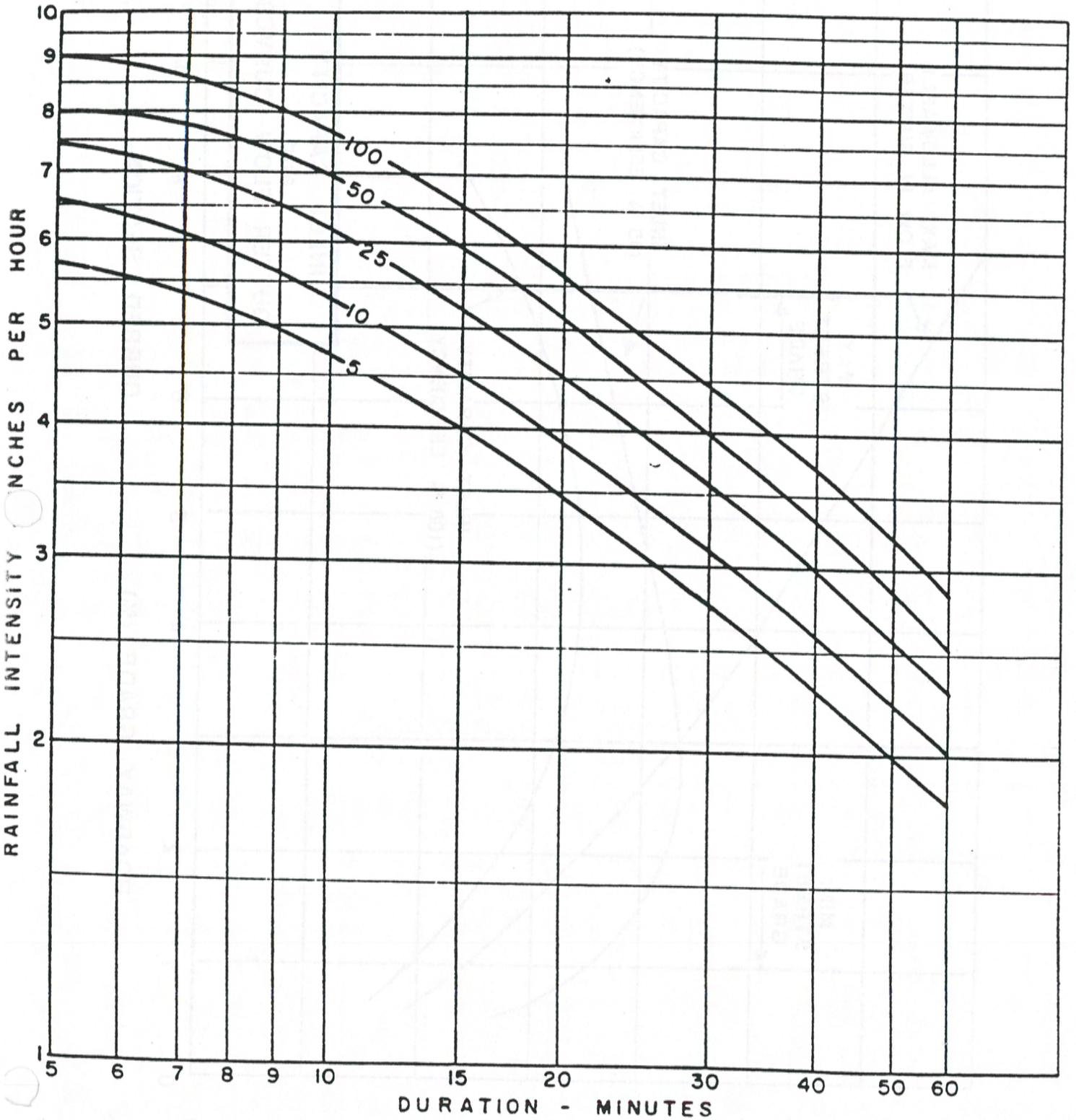
TYPE M OR S INLET CAPACITIES (IN SWALE)

Grade	BACK SLOPE				
	2:1	4:1	6:1	12:1	Dike
1.0	3.2	3.6	3.9	4.1	9.1
2.0	3.5	3.5	3.5	3.7	8.3
3.0	3.5	2.8	3.5	3.5	7.4
4.0	1.6	2.0	3.4	3.2	6.4
5.0	1.6	2.0	3.5	3.0	6.3
6.0	1.6	2.0	3.3	2.8	6.1
7.0	1.5	2.0	3.0	2.6	6.0
8.0	1.5	2.0	2.8	2.4	5.8

# SUBDIVISION AND LAND DEVELOPMENT

FIGURE 3

RAINFALL - INTENSITY - DURATION - FREQUENCY CURVES

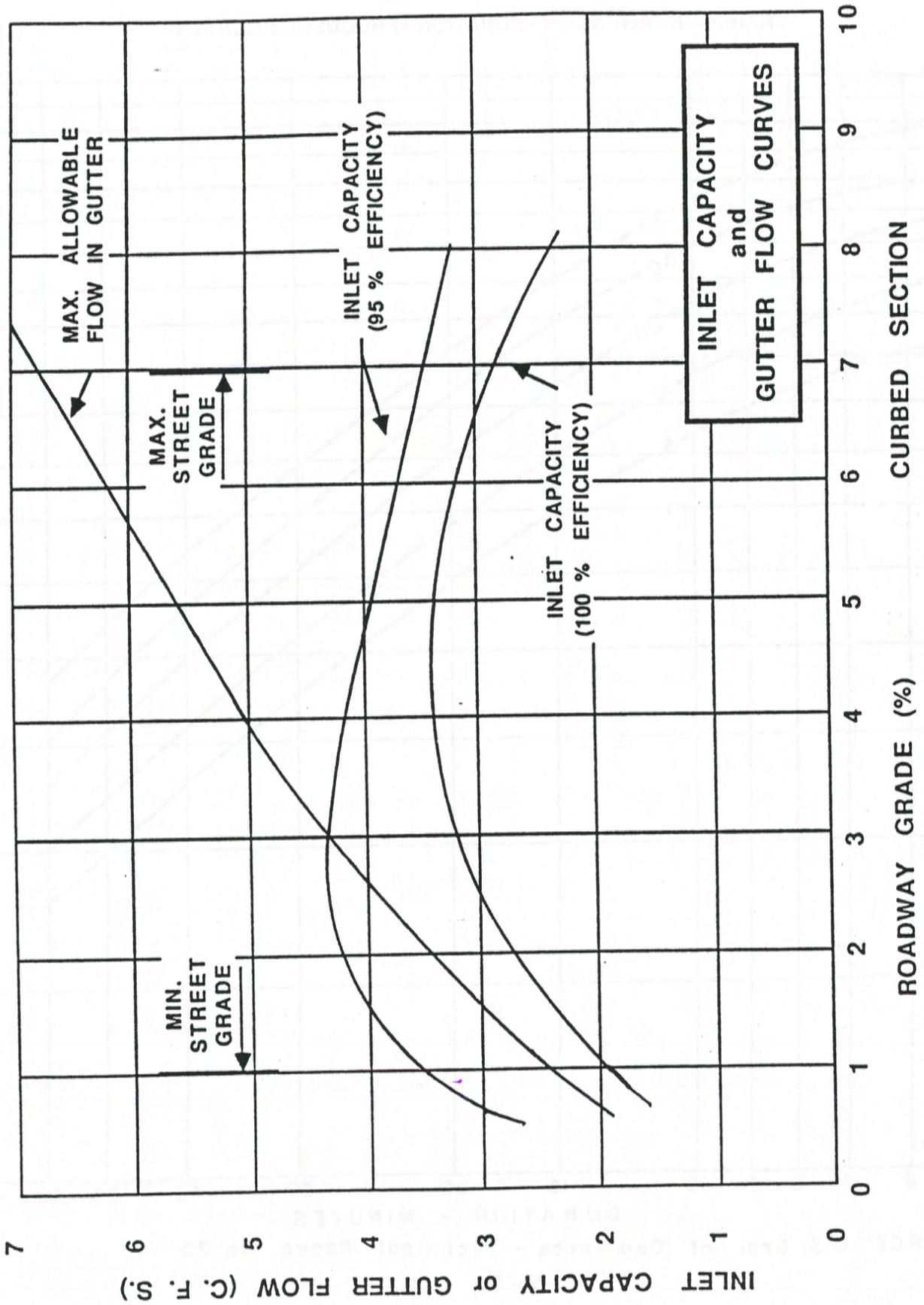


SOURCE: U.S. Dept. of Commerce - Technical Paper No. 25

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# SUBDIVISION AND LAND DEVELOPMENT

FIGURE 4



**ORDINANCE NO. 2011-1**

**AN ORDINANCE AMENDING THE TYRONE TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE BY AMENDING SECTIONS 501 and 504**

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Tyrone Township, Adams County, Pennsylvania, and IT IS HEREBY ENACTED AND ORDAINED, as follows:

**SECTION I**

Article V, Section 501.H.4 shall be amended to read as follows:

All streets intersecting a state road (US, PA, or SR) shall be subject to the approval of the Pennsylvania Department of Transportation (PennDOT). The Developer shall furnish evidence of such approval in the form of a PennDOT Highway Occupancy Permit, or other written form. The final plan shall depict the physical intersection design authorized by said permit.

**SECTION II**

Article V, Section 504 shall be amended to include a new section as follows:

C. Where a new intersection with or access to a state highway is proposed, the final plan shall identify the PennDOT Highway Occupancy Permit Number. The final plan shall depict the physical intersection design authorized by said permit.

**SECTION III**

The revision, modification, and amendment herein provided shall not be construed to in any manner conflict or abrogate the provisions of the Tyrone Township Subdivision and Land Development Ordinance other than as herein provided.

**SECTION IV**

All ordinances or portions of ordinances inconsistent herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**SECTION V**

The provision of this Ordinance are severable. If any sentence, clause, or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Tyrone Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section not been included herein.

SECTION VI

This Ordinance shall be effective five (5) days from the date of its adoption.

ENACTED AND ORDAINED the 25th day of May, 2011.

ATTEST:

Donna R. Dixon  
Secretary

TYRONE TOWNSHIP  
ADAMS COUNTY, PENNSYLVANIA

By: Galen Smith  
Galen Smith, Chairman

**CERTIFICATION**

**COMMONWEALTH OF PENNSYLVANIA** :  
: **SS**  
**COUNTY OF YORK** :

**ON THIS**, the 31<sup>st</sup> day of MAY, 2011, I certify and attest that the attached Ordinance is a true, correct and complete copy of the original enacted Ordinance.

**IN WITNESS WHEREOF**, I hereunto set my hand and official seal.

Timothy J. Shultis (SEAL)

**Notary Public**

**MY COMMISSION EXPIRES:**

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Timothy J. Shultis, Notary Public  
Hanover Boro, York County  
My Commission Expires Feb. 17, 2013  
Member, Pennsylvania Association of Notaries