

ARTICLE I: PURPOSES, INTERPRETATION, SHORT TITLE, AND STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

SECTION 100: Purposes

This Ordinance is enacted to ensure that subdivision and land development within Hamiltonban Township results in sites suitable for building purposes and for human habitation, and to provide for the harmonious development of Hamiltonban Township, the coordination of existing streets with proposed streets, adequate open space for traffic, recreation, light and air, and proper distribution of population, thereby creating conditions favorable to the health, safety, and general welfare of the citizens of Hamiltonban Township.

SECTION 101: Interpretation

The provisions of this Ordinance shall be held to be minimum requirements to meet the above stated purposes, where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this Ordinance shall prevail. Where the provisions of any statute, other ordinance, or regulations impose greater restrictions than those of this Ordinance, the provisions of such statute, other ordinance, or regulation shall prevail.

SECTION 102: Short Title

This Ordinance may be cited as "The Hamiltonban Township Subdivision and Land Development Ordinance of 2012".

SECTION 103: Statement of Community Development Objectives

This Ordinance is adopted in the interest of protecting and promoting the public health, safety, and general welfare, and shall be deemed to include the following related and specific community development objectives, among others, as may be stated in the 1991 Update (Phase 1 and Phase 2) and the 2008 Update of the Hamiltonban Township, Adams County, Pennsylvania Comprehensive Plan, the contents of which are hereby ratified, approved, re-adopted, and incorporated herein by reference as fully as those set forth at length herein, by the Hamiltonban Township Board of Supervisors.

A. To guide and to regulate the orderly growth, development, and re-development of Hamiltonban Township, in accordance with the above Comprehensive Plan of long-term objectives, principles and standards deemed beneficial to the interests and welfare of the citizens of the Township.

- B. To protect the established character and the social and economic well-being of both private and public property.
- C. To promote, in the public interest, the utilization of land for the purposes for which it is most appropriate, and to provide maximum protection of residential areas.
- D. To secure safety from floods, water pollution and other dangers, and to provide adequate light, air, and convenience of access.
- E. To encourage and facilitate the provision of adequate and efficient public facilities, service and utilities.
- F. To lessen and, where possible, to prevent traffic congestion on public streets, roads, highways, so as to promote efficient and safe circulation of vehicles and pedestrians.
- G. To conserve the value of buildings and to enhance the value of land throughout Hamiltonban Township.
- H. To preserve the agricultural, rural, and historical qualities of of Hamiltonban Township.

SECTION I04: Drafting Guidelines

This Ordinance has been drafted and enacted after consideration and incorporation of the guidelines set forth in the Pennsylvania Municipalities Planning Code, as well as the procedural safeguards required by the common law of the Commonwealth of Pennsylvania.

ARTICLE II: DEFINITIONS

SECTION 200: Definitions

As used in this Ordinance words in the singular include the plural, and those in the plural include the singular. The word "person" includes corporation, unincorporated association and partnership, as well as an individual. The word "building" includes the meaning of "structure" and shall be construed as if followed by the phrase "or part thereof." The following terms as used in this Ordinance shall have the meanings indicated below unless the context clearly indicates otherwise:

ACCESS DRIVE – A paved surface, other than a street, but including driveways, which provides vehicular access from a street or private road to a lot.

ACCELERATED EROSION – The removal of surface materials by the action of natural elements caused by man's manipulation of the landscape.

AGRICULTURAL OPERATION – An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

ANIMAL EQUIVALENT UNIT (AEU) – One thousand (1,000) pounds live weight of livestock or poultry, regardless of the actual number of individual animals comprising the unit, annualized to take into account the amount of time that the animals are on the operation for a given year.

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

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

APPOINTING AUTHORITY – The Board of Supervisors of Hamiltonban Township, Adams County, Pennsylvania.

AS-BUILT DRAWING – A plan prepared and certified by a registered engineer or surveyor illustrating the physical location, dimensions and topographic features of improvements in relation to property boundaries, other features and improvements and the specifications of any

approved development plan. As-built drawings shall be prepared at a scale of not less than one inch equals fifty feet.

BEST MANAGEMENT PRACTICE (BMP) – Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of this Ordinance and the Adams County Stormwater Management Plan of 2011.

BLOCK – An area bounded by streets.

BOARD – The Hamiltonban Township Board of Supervisors.

CARTWAY – The portion of a street intended for vehicular use.

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

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

CONCENTRATED ANIMAL OPERATION (CAO) – An agricultural operation with more than two animal equivalent units per acre of land suitable for manure application and owned or managed by a farmer.

CONSISTENCY – An agreement or correspondence between matters being compared which denotes a reasonable, rational, similar connection or relationship.

CROSSWALK – A right-of-way for pedestrian travel across or within a block delineated in accordance with the most recent version of the Manual on Uniform Traffic Control Devices as published by the U.S. Department of Transportation.

CUL-DE-SAC – A residential street with access closed at one end and with a vehicle turn-around at the closed end.

DECISION – A final adjudication of any board or other body granted jurisdiction under this Ordinance or the Pennsylvania Municipalities Planning Code, as amended, to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations; all decision shall be appealable to the Court of Common Pleas of the County and Judicial District wherein the Township lies.

DETERMINATION – An action by an officer, body or agency charged with the administration of the present ordinance or applications thereunder.

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

DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT – Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

DEVELOPMENT PLAN – The written and graphic documents describing a development, a plan of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities.

DRAINAGE – The flow of water or liquid waste and the methods of directing such flow.

DRIVEWAY – A private access drive providing access to single lot, building, dwelling or garage.

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

EASEMENT – A right granted for the use of private land for certain public, quasi-public or private purposes; also the land to which such right pertains.

ENERGY DISSIPATOR – A device used to slow the velocity of storm water, particularly at points of concentrated discharge such as pipe outlets.

ENGINEER, TOWNSHIP – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Hamiltonban Township Board of Supervisors or the Hamiltonban Township Planning and Zoning Commission.

ENGINEER, REGISTERED – A person registered as a Professional Engineer by the Commonwealth of Pennsylvania.

EXCAVATION – Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting therefrom.

FLAG LOT – A lot that is connected to a street by a strip of land less than the required minimum lot width as specified in the Township Zoning Ordinance. Also known as a panhandle lot.

FLOODPLAIN – Any land area susceptible to inundation by water from any natural source or delineated by applicable FEMA maps and studies as being a special flood hazard area.

FLOODWAY – The channel of the watercourse and portions of the adjoining floodplain which are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by the Federal Emergency Management Agency (FEMA). In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the watercourse a distance of fifty (50) feet from the top of the bank of the watercourse.

FREEBOARD – The difference between the design flow elevation in the emergency spillway and the top of the settled embankment.

FRONTAGE – The linear measurement taken along a property’s common boundary with an adjoining street right-of-way.

GOVERNING BODY – The Hamiltonban Township Board of Supervisors.

LAND DEVELOPMENT – Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. 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.
- B. A subdivision of land.
- C. Concentrated animal operations.
- D. Earthmoving activities in excess of one (1) acre.
- E. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building, shall not constitute a “land development” as defined, unless otherwise specified herein.

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

purposes of this Ordinance; provided however, that no person shall be entitled to act in the capacity of a landowner absent without the prior written consent of the legal owner so to act.

LOT – A designated parcel, tract or area of land established by a plan or otherwise as permitted by law and to be used, developed or built upon as a unit. For the purposes of this Ordinance, any property recorded and consolidated under one deed as a single tract of land with a single set of meets and bounds shall be considered one lot. Separate tracts of land with separate meets and bounds already in existence and recorded in a single deed shall be considered separate lots.

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

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

MOBILE HOME PARK – A parcel or contiguous parcels of land which has/have been so designed and improved that it/they contain(s) two (2) or more mobile home lots for the placement thereon of mobile homes.

MUNICIPALITY – The Township of Hamiltonban, Adams County, Pennsylvania.

PLAN – The map or layout of a subdivision or land development, whether preliminary or final.

PLAN, LOT ADDITION – A subdivision plan with the sole purpose of facilitating the transfer of a portion of one property to another adjoining property.

PLAN, MAJOR SUBDIVISION – Any nonresidential subdivision, and any residential subdivision plan proposing the creation of more than (5) residential lots or dwelling units, or any residential subdivision which requires the construction of public-serving infrastructure such as, but not limited to, new streets, stormwater management facilities, central sewer and water lines and facilities, or similar infrastructure.

PLAN, MAJOR LAND DEVELOPMENT – A land development involving the construction of twenty-thousand (20,000) square feet or more of building coverage, or any land development which requires the construction of public-serving infrastructure such as, but not limited to, new streets, stormwater management facilities, central sewer and water lines and facilities, or similar infrastructure.

PLAN, MINOR SUBDIVISION – A residential subdivision plan proposing the creation of five (5) or fewer residential lots or dwelling units and which does not require the construction of

public-serving infrastructure such as, but not limited to, new streets, stormwater management facilities, central sewer and water lines and facilities, or similar infrastructure.

PLAN, MINOR LAND DEVELOPMENT – A land development involving the construction of less than twenty-thousand (20,000) square feet of building coverage, and which does not require the construction of public-serving infrastructure such as, but not limited to, new streets, stormwater management facilities, central sewer and water lines and facilities, or similar infrastructure.

PLANNING AGENCY – A planning commission, planning department, or a planning committee of the governing body or the County, specifically, the Hamiltonban Township Planning and Zoning Commission, the Adams County Planning Commission, and/or the Adams County Office of Planning and Development.

PLANTING STRIP – The vegetated portion of a street right-of-way between the pavement or sidewalk and the property line.

PRESERVATION OR PROTECTION – When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

PUBLIC GROUNDS – includes:

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

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

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

PUBLIC SEWER – A sanitary sewer system owned and operated by a municipal agency, or a public company controlled by the Pennsylvania Public Utility Commission, or a Home Owners Association registered to do business in the Commonwealth of Pennsylvania.

PUBLIC WATER – A water system owned and operated by a municipal agency, or a public company controlled by the Pennsylvania Public Utility Commission, or a Home Owners Association registered to do business in the Commonwealth of Pennsylvania.

REPORT – Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the board, body, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RESERVE STRIP – A parcel of land in separate ownership separating a street or road from adjacent properties or from another street or road.

RIGHT-OF-WAY – A public or private area, usually configured as a narrow strip of land, that allows for the passage of people, goods, or services. Includes public or private passageways such as roads, bike paths, pedestrian walkways, railroads, utilities, electricity and fuel transmission, and similar features.

ROAD – See “Street.”

SEDIMENT BASIN – A temporary dam, depression or other similar barrier constructed across a waterway or at other suitable locations to intercept the runoff and trap and retain the sediment.

SHOULDER – The portion of the street, contiguous to cartway, for the accommodation of stopped vehicles, for emergency parking, and for lateral support of base and surface courses of the pavement.

SIGHT DISTANCE – The required 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 ten (10) feet from the edge of cartway, three and one-half (3 1/2) feet high, to a point three and one half (3 ½) feet above the road surface.

SOIL STABILIZATION – Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.

STEEP SLOPES – Slope shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent. The steep slope regulation set forth in this Ordinance shall apply where any applicable steep slope area, as set forth below, extends over three (3) or more contiguous two (2) foot contour intervals and where said area of steep slope exceeds one thousand (1,000) square feet in any single contiguous area. All slope measurements shall be determined by a topographic survey signed and sealed by a Pennsylvania registered surveyor or engineer. For the purposes of this Ordinance, steep slopes are defined as either of the following categories: Moderate Slopes are those areas of land where the grade is 15% to 25%. Steep Slopes are those areas where the grade exceeds 25%.

STORMWATER DETENTION BASIN – A structure designed to retard stormwater runoff by temporarily releasing the runoff at a predetermined rate.

STORMWATER MANAGEMENT – A program of controls and measures designed to regulate the quality and quantity of stormwater runoff from a development, while promoting the protection and conservation of groundwater and groundwater recharge.

STORMWATER RETENTION BASIN – An impoundment in which stormwater is stored and not released to surface waters of the Commonwealth.

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

ALLEY / SERVICE DRIVE – A street, whether or not legally dedicated, intended and used primarily for vehicular access to the rear or side of properties that abut a street of higher classification, and not intended for the purpose of through vehicle traffic.

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

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

MINOR – Streets which primarily serve to local streets with major collector streets and arterial streets.

PRIVATE LANES – Streets, either existing or proposed, that are constructed, owned, and maintained by an entity other than the Township but in accordance with the applicable provisions of this Ordinance.

STRUCTURE – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. For the purposes of this Ordinance, this term excludes stormwater management retention / detention basins and related inlet and / or outlet devices, sidewalks, driveways leading directly to a public street, public utility lines and appurtenances, sandboxes, decorative fountains, swing sets, birdhouses, birdfeeders, mailboxes, and any other similar nonpermanent improvements.

SUBDIVIDER – A person, partnership, corporation or unincorporated association owning land in the municipality or the agent of said person, partnership, corporation, or unincorporated association, for which owner or agent a land subdivision application is filed and processed under the provisions of this Ordinance.

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

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

SWALE – A natural or man-made, low-lying stretch of vegetated land which gathers or carries surface water runoff.

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

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

WATERCOURSE – A permanent stream, intermittent stream, river, brook, creek, channel or ditch for water, whether natural or man-made.

WATERS OF THE COMMONWEALTH – Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth.

WATER SURVEY – An inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Township.

WETLANDS – Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas, and shall be identified using the method of the following that delineates the greatest area of wetlands.

The United States Army Corps of Engineers Technical Report Y87-1, Corps of Engineers Wetlands Delineation Manual;

The United States Environmental Protection Area Wetlands Delineation Manual, Volume I, Rational, Wetland Parameters, and Overview of Jurisdictional Approach, Volume II, Field Methodology, as most recently updated or modified; or

The Pennsylvania Department of Environmental Protection's Resources Identification and Delineation, Chapter 105 Dam Safety and Waterways Management Rules and Regulations, as most recently updated or modified

**ARTICLE III: CONTROL OF SUBDIVISION, RECORDING OF PLANS,
DEDICATIONS OF PROPERTY AND IMPROVEMENTS**

SECTION 300: Control of Subdivision and Land Development

A. From and after the effective date of this Ordinance, no subdivision or land development of any lot, tract, or parcel of land, within the Township shall be made, and no street, sanitary sewer, storm sewer, water main or other facility in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, nor shall any land development be effected, except in strict accordance with the provisions of this Ordinance and the Township Zoning Ordinance.

B. No proposed lot in a subdivision may be sold, no permit to erect, alter or repair any proposed building upon land in a subdivision or land development may be issued, and no proposed building may be erected in a subdivision or land development unless and until a plan for the subdivision or land development has been approved by the Hamiltonban Township Board of Supervisors and recorded, and until the improvements required by the Hamiltonban Township Board of Supervisors in connection the subdivision or land development have either been constructed in strict accordance with the standards and specifications of the Township or guaranteed as provided in Article VII of this Ordinance. All streets, whether public or private, in and bordering a subdivision or land development shall be coordinated, and be of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic, and facilitate fire protection. The land where buildings are proposed to be constructed shall be of such character that it can be used for building purposes without danger to health, or peril from fire, flood, or other hazards.

C. Where, owing to special conditions, the literal enforcement of the provisions of this Ordinance will exact undue hardship because of peculiar conditions pertaining to the land in question, the Board may grant a modification or modifications of the requirements of this Ordinance, provided that such modification or modifications will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed. Modifications requests shall be subject to the following requirements.

1. All requests for a modification or modifications of the requirements of one (1) or more of the provisions of this Ordinance shall be in writing and shall accompany and be a part of the initial application for development.
2. The request shall state in full the grounds and facts of reasonableness or hardship on which the request is based, the provision or provisions of this Ordinance involved, and the minimum modification necessary.
3. All requests for modification shall be referred to the Planning and Zoning Commission for advisory comments. The Planning and Zoning Commission shall be

afforded the opportunity to review and provide advisory comment regarding the modification to the Board.

4. The Board shall render a decision regarding each modification request within the context of the overall review process of the subdivision or land development plan with which the modification request is associated. The Board shall keep a written record of all action on all requests for modifications.

5. In addition to the above standards, any such modification within a Conservation Design development shall be subject to the following additional criteria:

a. The design and modifications shall be in harmony with the purposes and the land-use standards contained in this article.

b. The design and modifications shall generally enhance the development plan, the central core area, the streetscapes, and the neighborhoods, or at least not be any less desirable than the plan that could be created in conformance with this article.

c. The design and modifications shall not produce lots or street systems that would be impractical or detract from the appearance of the District, and shall not adversely affect emergency vehicle access or deprive adjoining noncommercial properties of adequate light and air.

d. Increased residential density or intensification of nonresidential uses shall be offset by corresponding special efforts by the applicant to improve the appearance of the development through enhanced architectural and landscaping efforts.

e. The applicant shall demonstrate that the proposed modifications will produce equal or better results, from the Township's perspective, and represent the minimum modification necessary.

6. If the Board determines that the applicant has met his/her burden, it may grant a modification of the requirements of this article. In granting modifications, the Board may impose such conditions as will, in its judgment, secure the objectives and purposes of this article.

SECTION 301: Recording of Final Plans and Dedication of Property and Improvements

Upon approval of a final plan, the plan shall, within ninety (90) days of such final approval, be recorded in the Office of the Recorder of Deeds of Adams County; and the streets, parks, and other public improvements shown thereon shall then be considered to be a part of the Official Plan of the Township. Offers of dedication of such public improvements to the Township may

be made on the plans by formal notification thereof, or the applicant may note on the plans that such improvements have not been offered for dedication to the Township. Every street, park, or other improvement shown on a recorded subdivision plan 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 ordinance or resolution duly adopted by the Township and, if required by law, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, or until it has been condemned for use as a public street, park, or other improvement. The responsibility of recording the final plan is that of the developer. Following the recording, the developer shall provide proof of the recording in the form of a copy of the County receipt to the Township Secretary for the Township records.

ARTICLE IV: GENERAL PROCEDURE AND JURISDICTION

SECTION 400: Plan Approving Authority

All plans shall be subject to approval, modification or rejection by the Board of Township Supervisors; in the event such a plan is disapproved, the reasons therefore shall be set forth in writing and given to the applicant, in accordance with the provisions of Section 508 (53 P.S. 10508) of the "Pennsylvania Municipalities Planning Code", as amended. Prior to action by the Board of Township Supervisors, all plans shall be referred to the Township Planning and Zoning Commission for its review and recommendations.

SECTION 401: Submittal of Plans

The applicant shall submit preliminary and final copies of plans along with any supporting documentation to the Township Secretary, together with the minimum Township fees required in Section 405 of this Article. Upon receipt of any application and a determination that said application is complete, the Township Secretary shall distribute the required number of copies to the Township agencies concerned as provided for in Articles VI and VII of this Ordinance. Applications will not be considered complete and plans will not be reviewed until such time as all zoning approvals (including, but not necessarily limited to, conditional use, special exception, text or map amendment, and / or variance approval) and all modifications of requirements have been obtained from the necessary Township agencies. All plans shall be acted upon by the Township Supervisors no later than ninety (90) days following the date of the first Planning and Zoning Commission meeting at which the application is considered. The applicant shall forward a copy of the application to the Adams County Office of Planning and Development (ACOPD) and the Adams County Conservation District for review and report together with the required County review and report fees. The Township Secretary shall provide the applicant with the required ACOPD Municipal Request for Review form. The Township shall not approve any application until the ACOPD report is received or until the expiration of thirty (30) days from the date the application was received by the ACOPD. The Township shall also require approval by the Adams County Conservation District prior to the approval of any application involving earthmoving activity. It is recommended that applicants provide a sketch plan to the Township Planning and Zoning Commission for discussion purposes in accordance with Article V of this Ordinance prior to filing a formal plan with the Township. A sketch plan shall not be considered a formal application to the Township and shall not be subject to any time limitations or Township action such as those accorded a Preliminary or Final Plan. If the applicant makes substantial revisions, as determined by the Township Board of Supervisors upon recommendation of the Township Planning and Zoning Commission, in any plan after it has been approved in preliminary form; such revised plan shall be treated as a preliminary plan when submitted.

SECTION 402: Review of Plans

Plans shall be reviewed by the Township Planning and Zoning Commission at its first regular meeting following the date of submittal, providing that such plans are submitted as part of a complete application (as defined in Sections 401, 600 and 700 of This Ordinance) to the Township Secretary at least twenty-one (21) days prior to but not including the day of the meeting. Meetings of the Planning and Zoning Commission at which plans are reviewed shall be open to the public. Applicants may be given reasonable notice of the time and place at which their plans are to be reviewed.

SECTION 403: Approval of Plans; Hearing

All plans shall be acted upon by the Township Supervisors no later than ninety (90) days following the date of the first Planning and Zoning Commission meeting at which the application is considered. Approval of preliminary plans by the Board of Township Supervisors shall be considered approval of the arrangement and dimensions of streets, lots, and other features shown on the plans and may be conditioned upon specific changes to be incorporated in the final plans. The Board's approval of the final plans shall be given only after the requirements and conditions indicated on or in connection with the preliminary plans have been met; and said approval shall constitute final Township approval for the purpose of recording the plans in the Office of the Recorder of Deeds of Adams County, Pennsylvania. Before acting on any plan, the Board of Township Supervisors may arrange for a public hearing thereon after giving such notice as it may deem necessary and desirable in each case.

SECTION 404: Plan Classifications

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

A. Lot Addition Plans: Lot Addition Plans are subject only to the Final Plans requirements of Article VII of this Ordinance, regardless of the existing or proposed use of the properties in question. Said Plans shall be prepared in accordance with Section 700.A and shall be reviewed in accordance with Section 701.

B. Minor Subdivision Plans/Minor Land Development Plans: Minor Subdivision Plans and Minor Land Development Plans are subject only to the Final Plans requirements of Article VII of this Ordinance. Said Plans shall be prepared in accordance with Sections 700.B and 700.C, and shall be reviewed in accordance with Section 701.

C. Major Subdivision Plans and Major Land Development Plans are subject to the Preliminary Plans and Final Plans requirements of Articles VI and VII of this Ordinance. All submissions subject to the Conservation by Design requirements of this Ordinance are hereby included in the Major Subdivision Plan/Major Land Development Plan classification. Said Plans

shall be prepared in accordance with Sections 600, 700.D, and 700.E and shall be reviewed in accordance with Sections 601 and 701.

SECTION 405: Fees

A. Filing fees shall be paid by the applicant to the Township Secretary at the time of filing of any application. Such fees shall be as established most recently by the Board of Supervisors by resolution.

B. Subject to the provisions of this Section 405, concerning the applicant's payment of review and report fees, no final approval of any application will be granted by the Township unless and until the applicant reimburses the Township for the cost and expense of the following professional services incurred by the Township, or any agency, Commission or Board thereof, in connection with the review and approval of any plan or application, or the inspection of public improvements.

1. Engineering Services.
2. Legal Services.
3. Stenographer's Fees.
4. Sewage Enforcement Officer's Fees.
5. Escrow Fees.

All of the fees for which the Township seeks reimbursement shall be certified by the Township Secretary to the applicant at the time when the Township is in a position to finally approve any application or plan. Such review fees may include reasonable and necessary charges by the Township's professional consultants, engineer or attorney, for review and report thereon to the Township. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township's professional consultants, engineer or attorney for similar service in the community, but in no event shall such review fees exceed the rate or cost charged by the Township's professional consultants, engineer or attorney to the Township when fees are not reimbursed or otherwise imposed on applicants.

In the event the applicant disputes the amount of any such review fees, the applicant shall, within fourteen (14) days of the billing date, notify the Township Secretary that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees. If, within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the Township and applicant shall jointly, by mutual agreement, appoint another professional engineer licensed as such by the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary. The professional engineer so appointed shall hear such

evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately. 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 Adams County shall appoint such engineer, who, in that case shall be neither the municipal 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. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand dollars (\$1,000.00) or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay one-half (1/2) of the fee of the appointed professional engineer.

C. All of the above fees, requirements, and arrangements shall be subject to revision, modification and amendment, from time to time, by the Hamiltonban Township Board of Supervisors, by Fee Resolution, duly adopted by a majority vote of the said Board of Supervisors at a public meeting duly convened in accordance with law.

SECTION 406: As Built Plans

A. The applicant shall submit an as-built plan after final plan approval and upon completion of all required improvements. Plan shall be prepared, signed and sealed by a registered professional engineer or surveyor.

B. The as-built plan shall be provided on a reproducible media and drawn to the same scale as the approved final plan. The as-built plan shall be reviewed and approved by the Township Engineer. One electronic or digital copy of the as-built plan shall be provided in a format that the Township has approved and can be utilized for future roadwork, utility improvements, exhibits, etc. In addition one electronic or digital copy of the as-built plan shall be provided for the Township Engineer. A total of two (2) copies shall be submitted, one (1) for Township's files and one (1) for the Township Engineer.

C. As-built plan shall indicate the actual location, dimensions and/or elevations of all completed improvements, including but not limited to:

1. Monuments and markers.
2. The location of the cartway and curb, for both sides of each street.
3. Sanitary sewer main, manholes, rim and invert elevations and culverts.

4. Storm sewers, inlets, rim and invert elevations, laterals and stormwater management facilities.
5. Water mains, service lines, valves, and fire hydrants.
6. Streetlights.
7. Landscaping and screen planting.
8. Berms.
9. Permanent sedimentation, erosion control and stormwater management structures with as-built storage volume and outlet structure elevations and as-built elevations for all detention/retention basins or other storage structures.
10. All easements and rights-of-way.
11. All buried utilities, gas, electric, cable, water, sewer, etc.
12. Benchmark location, description, elevation and datum to which the elevation is referenced.

D. Prior to the final release of security funds being withheld, the as-built plan shall be submitted in complete and accurate form.

E. Completion of as-built drawings in accordance with this section shall not relieve the applicant from its responsibility as may be required by the applicable municipal authority.

ARTICLE V: **PRE-APPLICATION CONSULTATION**

SECTION 500: Pre-Application Consultations

A. Consultation with Planning and Zoning Commission: Before proceeding with an application, or with steps to acquire land, subdivide or effect a land development, all applicants should be familiar with the provisions of this Ordinance and the Township Zoning Ordinance, and are encouraged to consult with the Hamiltonban Township Planning and Zoning Commission concerning the following factors:

1. The suitability of the site for development, including consistency with all Township Ordinances.
2. The demand for a development of the type proposed in the particular location proposed.
3. The accessibility of the site.
4. The availability of public facilities (schools, parks, water, sanitary and storm sewerage, etc.) and public services (police, fire, refuse disposal, etc.)
5. The effect of the subdivision or development or any contemplated improvements on the proposals of any Comprehensive Plan.
6. The potential impact of the subdivision or development on identified environmental features, natural areas, wetlands, prime agricultural land, or cultural resources.
7. Sewage facilities requirements of the Pennsylvania Department of Environmental Protection.
8. Erosion and sedimentation control plans and permits, as required by the Pennsylvania Department of Environmental Protection and administered by the Adams County Conservation District.
9. The need for and content of any Traffic Impact Study as may be required by Section 906 of this Ordinance.
10. The need for and content of any Water Impact Study as may be required by Section 907 of this Ordinance.

B. Pre-Application Meeting(s) – Conservation by Design Projects: A pre-application meeting(s) is(are) required between the applicant, the site designer, and the Township staff and any Township consultants, to introduce the applicant to the Township's zoning and subdivision

regulations and procedures, to discuss the applicant's objectives, and to jointly conduct a site design exercise. The following information shall be provided and the following processes shall be conducted during the Pre-Application Meeting(s).

1. Information to be Provided: The applicant shall provide the following information at the Pre-Application Meeting(s).

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

b. Existing Resources and Site Analysis Plan (ERSAP): An Existing Resources and Site Analysis Plan (ERSAP) provides the applicant and the Township with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred (500) feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs.

The Township and applicant shall jointly review the ERSAP to cooperatively assess the natural, historic, cultural, agricultural and/or related resources on the property, and to begin to jointly prioritize areas of the site that should be conserved. Unless otherwise specified by Township staff, the ERSAP shall be prepared at the scale of 1" = 100' or 1" = 200', whichever would fit best on a single standard size sheet (24" x 36").

The following information shall be included in this Plan.

(1) A vertical aerial photograph with the site boundaries clearly marked.

(2) Topography, the contour lines of which shall be at two-foot intervals. Slopes between twenty percent (20%) and thirty-five percent (35%) and slopes exceeding thirty-five percent (35%) shall be clearly

indicated. Topography shall be obtained from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.

(3) The location of any ponds, streams, ditches, drains, natural drainage swales, 100-year floodplains, and wetlands.

(4) Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland, and individual trees with a caliper in excess of fifteen (15) inches.

(5) Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published Adams County Soils Survey, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).

(6) Ridge lines and watershed boundaries.

(7) Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.

(8) All existing man-made features including but not limited to streets, driveways, farm roads, wood roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.

(9) Locations of all historically significant sites or structures on the tract, including but not limited to cellarholes, stone walls, earthworks, barns and graves.

(10) Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).

(11) All easements and other encumbrances of property which are or have been filed of record with the Recorder of Deeds of Adams County shall be shown on the plan.

(12) Total acreage of the tract, and the acreage of all primary constraints and corresponding percentage of the total tract acreage.

2. Pre-Application Meeting(s) Activities: The following activities shall be conducted jointly by the applicant and the Township at the Pre-Application Meeting(s).

a. Site Inspection: A site inspection allows the applicant and the Township to jointly field evaluate the information provided on the Site Context Map and the ERSAP. The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated greenway lands and potential locations for proposed buildings and street alignments.

b. Four-Step Design Exercise: The Four-Step Design exercise represents the core of the Conservation by Design development design process. The applicant and the Township shall conduct this exercise jointly, following the Site Inspection. This ensures coordination in site design between the applicant and the Township at an early stage in the design process, and allows each party to present and incorporate its design priorities. The applicant and Township shall conduct a Four-Step Design exercise with the following components.

(1) Step 1 – Delineation of Greenway Lands

(a) The minimum percentage and acreage of required greenway lands shall be calculated in accordance with the provisions of this Article and of the Zoning Ordinance. Greenway lands shall include all Primary Conservation Areas and those parts of the remaining buildable lands with the highest resource significance, as described below and in Sections 801.A and 801.B.

(b) Proposed greenway lands shall be designated using the Existing Resources and Site Analysis Plan (ERSAP) as a base map and complying with Sections 1403 and 1405 of the Zoning Ordinance and Sections 801.A, 801.B and 908 herein, dealing with Resource Conservation and Greenway Delineation Standards. The Township's Map of Potential Conservation Lands in its Open Space Plan (Plates 1, 2, 3 and 4) shall also be referenced and considered. The applicant shall reproduce Plates 1 through 4 on mylar sheets at the same scale as the ERSAP to enable the applicant and Township to incorporate the recommendations of the Open Space Plan into the design exercise.

Greenway Lands shall be coordinated with greenway lands on adjacent tracts that have been developed or may be developed. Primary Conservation Areas shall be delineated comprising floodplains, wetlands and step slopes over twenty-five percent

(25%). The area and percent of total area for both Primary and Secondary Conservation Areas shall be noted.

(c) In delineating Secondary Conservation Areas, natural and cultural resources on the tract shall be prioritized in terms of highest to least suitability for inclusion in the proposed Greenway Lands, in accordance with Sections 801.A and 801.B herein.

(d) On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resource areas on adjoining and neighboring properties, Secondary Conservation Areas shall be delineated to meet at least the minimum area percentage requirements for greenway lands and in a manner clearly indicating their boundaries as well as the types of resources included within them.

(2) Step 2 – Location of House Sites: Potential house sites shall be tentatively located, using the proposed Greenway Lands as a base along with other relevant data from the Existing Resources and Site Analysis Plan (ERSAP) such as topography and soils. House sites shall not be located closer than one hundred (100) feet from Primary Conservation Areas and twenty-five (25) feet from Secondary Conservation Areas. Potential negative impacts of residential development on conservation areas shall be taken into consideration when locating house sites. The potential positive benefits of such locations to provide attractive views and visual settings for residences shall also be taken into account.

(3) Step 3 – Alignment of Streets and Trails: Once house sites are located, a street plan shall be designed to provide vehicular access to each house. Impacts of the street plan on proposed greenway lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding twenty-five percent (25%). Street connections shall be designed to minimize the number of new cul-de-sacs to be maintained by the Township and to facilitate access to and from homes in different parts of the tract (and adjoining parcels).

(4) Step 4 – Drawing Lot Lines: Upon completion of the preceding three steps, lot lines shall be drawn to delineate the boundaries of individual residential lots.

3. Impact of Pre-Application Meeting(s): The Pre-Application Meeting(s) is(are) intended to share information and goals regarding the development of the subject parcel within the Conservation by Design context. It shall be understood by all parties that the Pre-Application Meeting(s) is(are) informational in nature only, and that no formal

decision by Township officials (either the Township Supervisors or the Township Planning and Zoning Commission) will be required at the conclusion of said Meeting(s). The Township hereby acknowledges that the development and conservation design concepts resulting from the Pre-Application Meeting(s) are advisory in nature and may need to be adjusted upon the submission of Preliminary and Final Plans for the development to reflect design and engineering requirements of this Ordinance and the Township Zoning Ordinance.

SECTION 501: Sketch Plan Submission

A. For development not involving the Conservation by Design process, it is strongly recommended that the applicant prepare a sketch plan of his proposed subdivision or land development. The sketch plan should be considered during the Consultation with the Planning and Zoning Commission as discussed in Section 500.A of this Ordinance.

B. For development involving the Conservation by Design process, it is strongly recommended that the applicant submit a sketch plan of the proposed development. The sketch plan submission should include the Site Context Map, the ERSAP, sheets reflecting the Four-Step Design exercise conducted at the Pre-Application Meeting(s), and the resulting conceptual layout of the proposed development. If the conceptual layout of the proposed development varies from the suggested lot layout derived from the Four-Step Design exercise, the applicant should be prepared to discuss with the Planning and Zoning Commission why such variation will be necessary. If available, the Preliminary Resource Impact and Conservation Plan described in Section 600.B.12.c may also be submitted at the sketch plan stage for discussion purposes.

C. The submission of a Sketch Plan shall not, under any circumstances, be construed as a Preliminary Plan application. Thus, the legal time limits for action on the application by the Township shall not be applicable unless and until an actual Preliminary Plan application which conforms to the requirements of this Ordinance is submitted.

SECTION 502: Overall Master Plan Submission

When the total of all lots subdivided from a parcel or tract of land exceeds five (5) lots since August 1, 2002, the developer shall submit to the Township an Overall Master Plan of the subject property before any further subdivision or land development shall be approved by the Township. The Overall Master Plan will be used by the Township for evaluation of subsequent subdivision submittals by the applicant. When on recommendation of the Planning and Zoning Commission and action by the Board of Supervisors it is deemed that further subdivision or development departs substantially from the concepts presented in the Overall Master Plan, a revised Overall Master Plan shall be required prior to the approval of any future subdivision or development plan for the subject property. The Overall Master Plan may be submitted with a Sketch Plan submitted in accordance with Section 501. However, at a minimum, the Overall

Master Plan shall be submitted as a component of the initial mandatory submission for the development, whether such initial submission is a Preliminary Plan submission in accordance with Article VI of this Ordinance or a Final Plan submission in accordance with Article VII of this Ordinance.

The Overall Master Plan shall illustrate the following features in general terms without the necessity of detailed engineering design.

- A. The property boundaries of the host parcel and of all lots previously subdivided from the property since August 1, 2002.
- B. Lot layout with considerations for sewer, water, access and circulation, and stormwater management.
- C. Location of significant topographic features such as watercourses, swales, rock outcroppings, floodplain, wetlands, sinkholes, tree masses, existing buildings and other major improvements.
- D. Indication of the proposed use or uses of the property.
- E. The Overall Master Plan shall be drafted at a scale not smaller than one inch equals two hundred (200) feet.

ARTICLE VI: PRELIMINARY PLANS

SECTION 600: Preliminary Plan Requirements

A. Required Information: The following materials and information shall be submitted with an application for review and approval of a Major Preliminary Land Development Plan and/or a Major Preliminary Subdivision Plan. In addition, for Conservation by Design development submissions, such development shall comply with the design requirements of Article VIII of this Ordinance (and, in particular, the Greenway Land design standards of Sections 800 and 801) as well as the standards of Conservation Design Overlay District standards of Article XIV of the Hamiltonban Township Zoning Ordinance.

1. Eight (8) copies of the Major Preliminary Land Development Plan and/or Major Preliminary Subdivision Plan shall be submitted and shall be drawn to a scale not smaller than one hundred (100) feet to the inch.
2. Name of the proposed subdivision or land development.
3. A key map, if the plan is prepared in two (2) or more sections, drawn at a scale that enables the entire development to be legibly read on one (1) sheet.
4. A sheet index that identifies each sheet in the plan set according to the information (for example, existing conditions, demolition plan, site plan, grading plan, utility plan, soil erosion and sedimentation control plan, stormwater management plan) presented on each sheet.
5. The limits and dimensions of the tract(s) to be subdivided or developed and the proposed name or identifying title of the subdivision or land development, the date (along with the date[s] of all plan revisions), a written and a graphic scale, a north point, and the tract's(s)' present deed reference(s) by Book(s) and Page(s).
6. The tax map and parcel number assigned to the property by the Adams County Tax Assessment Office.
7. The total acreage of the existing property, expressed as both net and gross lot area. A lot area summary table shall be included that provides a summary of the individual net and gross lot areas for the pre and post subdivision condition.
8. Dimensions for the entire property boundary shall be in feet and decimals. Bearings shall be in degrees, minutes, and seconds. Lot lines, street right-of-way lines, and easement lines shall be show with distance and bearings. The description shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet. If it is the intention of the landowner to retain a single lot with a lot area in excess of ten (10) acres,

the boundary of that lot may be identified as a deed plotting and may be drawn at any legible scale.

9. The applicable zoning district, any zoning district lines, applicable dimensional requirements, details of any requested zoning amendments, the date of approval and any conditions of approval for variances, conditional uses, or special exception in accordance with the Hamiltonban Township Zoning Ordinance. Any modifications of the requirements of this Ordinance.

10. Existing streets, both public and private, including the name, widths of the right-of-way and cartway, and restrictions and/or conditions relating to private roads, the location, alignment, width and tentative names of all proposed streets, both public and private, and street rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate street connections and facilities to adjoining development or undeveloped areas.

11. The location and dimensions of existing property lines, buildings, railroads, easements, rights-of-way and land reserved for public purposes, streams and wetlands, and the location, courses and dimensions of existing sanitary and storm sewer and water facilities.

12. The location and dimensions of proposed easements, buildings, property lines, building setbacks, rights-of-way and land reserved for public purposes, and the location, courses and dimensions of proposed sanitary and storm sewer and water facilities. Also, for Conservation by Design development submissions, the location of the proposed Greenway Lands shall also be shown.

13. Existing / proposed property corner markers shall be identified on the plan in terms of the size, type, and status of placement.

14. Existing topographic contours at not more than a two (2) foot vertical interval for land with an average natural slope of ten percent (10%) or less, and a five (5) vertical interval for land with an average natural slope exceeding ten percent (10%). The location and elevation of the benchmark(s) to which contour elevations refer. The Planning and Zoning Commission may also require supplemental plans showing proposed final contour.

15. The name, address and telephone number of the owner and developer, the name, seal and signature, address and telephone number of the engineer, landscape architect or surveyor who prepared the plan, and the names and deed references by Book and Page Number of the owners of adjoining tracts.

16. A location map taken from the applicable USGS quadrangle at a scale of not less than 1" = 2,000' showing the proposed subdivision or land development in relation to adjacent properties and existing streets in that vicinity of the Township.

17. Existing and proposed uses of the subject property and existing uses of all adjacent properties, existing buildings, wells and septic systems on adjacent lots within 100 feet of the subject property.
18. Signed certification statement by a registered surveyor or registered engineer certifying to the accuracy of the survey and plan.
19. Signed and notarized statement certifying that the undersigned applicant has legal or equitable title in the land shown on the respective plan, and a dedicatory statement to the Township for proposed Township streets, public utility easements and/or lines, or other proposed Township improvements.
20. A complete outline of existing deed restrictions or covenants applicable to the subject property.
21. An outline of any proposed deed restrictions or covenants.
22. When a plan proposes development of a property in phases, a supplementary plan shall be provided indicating the ultimate development and the individual phases. The applicant shall also provide a schedule indicating the timing of the phases. Said schedule shall be updated annually with the Township following Preliminary Plan approval. Said schedule shall also comply with the development phasing requirements of Section 910 of this Ordinance.
23. A listing of all required Federal, State and local reviews, permits and/or approvals and the agencies involved.
24. The location of all parcels of land to be dedicated to the Township to achieve the requirements of this Ordinance with regard to parks and recreation land dedication. If the applicant chooses to pay a recreation fee in lieu of dedicating parks and recreation land, or proposes a combination of parks and recreation land dedication and payment of recreation fees, the total amount of the recreation fee to be paid shall be calculated in accordance with the provisions of this Ordinance and listed on the Plan.
25. No plan which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be finally approved unless the plan contains the following notice: "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. Access to the State Highway shall be only as authorized by a Highway Occupancy Permit" (see 53 P.S. Section 10508 (6), as amended.).
26. Any other information deemed by the Board of Supervisors to be necessary to determine conformity of the plan with the intent and regulations of this Ordinance.

27. If land to be subdivided/developed lies partly in or abuts another municipality, the applicant shall submit information concerning the location and conceptual design of streets, layout and size of lots and provisions of public improvements on land subject to his control within the adjoining municipalities. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of approval of this information by appropriate officials of the adjoining municipalities also shall be submitted.

28. Recommendation and approval blocks for the Chairman and Vice Chairman of the Planning and Zoning Commission, the Chairman and Vice Chairman of the Board of Supervisors as well as a signature line for the Township Secretary to Attest, and the Adams County Office of Planning and Development shall be provided.

29. Draft Community Association Document, where such an association will be required to own and manage lands and/or public serving facilities such as roads and stormwater management facilities. Such document shall demonstrate that said associations ownership and management of lands and/or public serving facilities shall be in accordance with applicable Township regulations. For Conservation by Design development projects, any Community Association Document shall specifically meet the content requirements of Section 1408.B.3 of the Hamiltonban Township Zoning Ordinance. All Draft Community Association Documents shall be reviewed by the Township Solicitor

30. Documentation that the submission complies with the Planning and Design Standards established in Section 908 of this Ordinance. For Conservation by Design development projects, this documentation shall be incorporated into the Preliminary Resource Impact and Conservation Plan submission required by Section 600.B.12.c of this Ordinance.

31. Landscaping Plan, prepared in accordance with the Landscaping and Screening requirements of Section 315 of the Hamiltonban Township Zoning Ordinance.

B. Supplementary Information: The following supplementary materials and information shall be submitted with an application for review and approval of a Major Preliminary Land Development Plan and/or a Major Preliminary Subdivision Plan where applicable and where determined by the Township Planning and Zoning Commission and/or Township Supervisors to be necessary. Required supplementary materials shall be provided with all copies of the submission unless otherwise noted below.

1. Cross-section drawings for all proposed public streets and private streets, showing rights-of-way, cartway widths, location of sidewalks, curbs, and planting strips. The cross-section drawings shall provide details regarding pavement thickness, crowning, and construction materials.

2. Profile drawings of all proposed streets showing existing and proposed grades. Profile drawings shall maintain a ratio of 1:10 vertical to horizontal. Profile drawings shall include both a vertical and horizontal alignment on the same sheet along with all proposed infrastructure.
3. Plans and profiles of proposed sanitary and storm sewer systems, water distribution systems and any other pertinent utilities. Such plans shall include tract boundaries, lot lines, existing and proposed streets, grades, elevations, pipe sizes and the location of valves, manholes, inlets and fire hydrants.
4. Sewage planning documentation pursuant to the rules and regulations of the Pennsylvania Department of Environmental Protection. Such documentation shall be prepared in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection. When deemed necessary, sewage facilities planning modules shall include, but shall not be limited to, the following information:
 - a. A plot plan indicating within the site the location of existing and proposed buildings, lot lines, sewage or sewerage systems, all sources of water supply such as wells, springs, ponds, streams, and other bodies of water, rights-of-way, streets, roadways, highways, and access routes.
 - b. Location and results of preliminary soil percolation tests, including all failed test sites or pits as well as those approved and including an approved alternate site for each lot requiring a sand mound system. All approved sites shall be clearly distinguished from unapproved sites. Tests shall be conducted by a Pennsylvania Department of Environmental Protection certified Sewage Enforcement Officer approved by the Township, in accordance with the Rules and Regulations of the Pennsylvania Department of Environmental Protection. Such soil percolation tests shall be required in conjunction with all preliminary plan applications, unless waived in advance in writing by the Township and the Department of Environmental Protection.
 - c. Information relating to the type of water supply and sewage supply provided or to be provided, including soil conditions and limitations for on-lot sewage disposal if applicable.
 - d. Information relating to adjacent properties, buildings, sources of water supply, ponds, streams, sewage, or sewerage systems, rights-of-way and streets that may have a significant effect on the environmental and sanitary aspects of the proposed subdivision or development.
 - e. Direction to north, direction of slopes and degree of slope.

f. Direction and distance to the nearest sewage treatment plant and information as to its present or future accessibility in terms of time, finances and load capacity, as well as the sources of this information.

g. Signatures of the applicant, the Township Sewage Enforcement Officer, the Township Secretary, the Township Planning and Zoning Commission Secretary, and the County Office of Planning and Development.

5. All plans shall contain a note regarding the status of wetlands on-site based upon a minimum of three factors:

a. The presence or absence of hydric soils or soils with inclusions of hydric components as classified by the USDA Natural Resource Conservation Service.

b. National Wetlands Inventory mapping.

c. An inspection of the property by the responsible surveyor or engineer.

If wetlands are present or suspected on-site, the plan shall clearly state whether or not any disturbance of these areas is proposed. Where deemed necessary by the Township Board of Supervisors upon recommendation by the Township Planning and Zoning Commission, an analysis of wetland conditions on the subject property shall be performed. Such analysis shall be prepared by a recognized professional wetlands consultant and shall clearly state the existence or nonexistence of any wetlands and shall delineate the field determined boundaries of those areas should they exist. A note shall also be added which states that Hamiltonban Township assumes no responsibility with regard to wetlands analyses and delineations. Plans shall also include the location and boundaries of any 100-year floodplain and/or floodway within the subject property as identified on the latest edition of FEMA's Flood Insurance Rate Maps for the Township.

6. Whenever a subdivision or land development proposes earthmoving, construction or development of any type, the Major Land Development Plan or Major Subdivision Plan shall include an Erosion and Sedimentation Control Plan consistent with the following.

a. The Erosion and Sedimentation Control Plan shall be prepared pursuant to the Rules and Regulations of the Pennsylvania Department of Environmental Protection relative to Erosion and Sediment Control (Chapter 102).

b. If earth disturbance activities are in excess of one (1) acre, the plan shall also be submitted to the Adams County Conservation District for review and determination of adequacy. Where a site has potential to discharge to waters of the Commonwealth classified as High Quality or Exceptional Value pursuant to Chapter 93 (portions of Toms Creek, Middle Creek, Antietam Creek, Carbaugh Run, and associated tributaries of these creeks), a copy of the plan shall be

submitted to the Conservation District for review and determination of adequacy. An NPDES Permit may be required when earth disturbance activities exceed one (1) acre.

c. Under any other circumstance, the Board of Supervisors may, at its discretion, request a review and determination of adequacy from the Conservation District for any Erosion and Sedimentation Control Plan. Should an NPDES Permit be required, final plan approval shall not be provided by the Township until permit coverage is received.

d. For all plans, a clearly defined and measurable Limit of Disturbance (LOD) boundary that depicts the anticipated earth disturbance over the life of the project shall be included. Further, the total area of disturbance shall be calculated and provided as note on the plan.

7. Whenever a subdivision or land development is subject to the requirements of Section 906, the applicant shall submit two (2) copies of a Traffic Impact Study for the Township's review and approval. The Traffic Impact Study shall be prepared in accordance with the criteria set forth in Section 906 and the recommendations of the Township Engineer.

8. Whenever a subdivision or land development is subject to the requirements of Section 907, the applicant shall submit two (2) copies of a Groundwater Availability Study for the Township's review and approval. The Groundwater Availability Study shall be prepared in accordance with the criteria set forth in Section 907 and the recommendations of the Township Engineer.

9. The following note, as written herein, shall be added to every Major Land Development Plan and Major Subdivision Plan filed with the Township.

AGRICULTURAL NUISANCE DISCLAIMER

The lands depicted on this subdivision/land development may be located adjacent to or be involved in a normal agricultural operation as defined by Pennsylvania Act 133 of 1982, as amended, "The Right to Farm Law." If you purchase land that is depicted on this subdivision/land development and said lands are involved in a normal agricultural operation or located adjacent to lands protected by Pennsylvania Act 133 of 1982, as amended, you may be prohibited from filing a nuisance action against the operators of the normal agricultural operation. In addition, owners, residents, occupants and users of this property may be subjected to, and should be prepared to accept, such inconvenience, discomfort, and the possibility of injury to property and health arising from normal agricultural practices and operations, including, but not limited to, noise, dust, odor, the operation of machinery of any kind including aircraft, the storage

and disposal of manure, and the application of fertilizers, soil amendments, herbicides and pesticides.

10. Subdivision and land development plans that propose any earthmoving activity shall be subject to the Planning and Design Standards of Section 908 of this Ordinance. Documentation shall be provided as part of any Preliminary application to demonstrate how these standards are achieved as part of the development's design and to identify specific conservation practices that will be employed during construction.

11. Whenever a subdivision or land development involves non-residential development, the plans shall be submitted by the applicant to the Fire Chief for review and comment in accordance with the Fire Department's Fire Protection Development Standards. Similarly, residential projects consisting of multiple structures on a single property, any residential project involving new street construction (whether public or private), or a residential subdivision of greater than five (5) new dwelling units shall also be submitted for review and comment by the Fire Chief. The Fire Chief shall have forty-five (45) days following receipt of the plan, to provide comments to the Township for consideration.

12. For development involving the Conservation by Design process, the following additional information shall be submitted with the Preliminary Plan.

- a. Site Context Map, prepared in accordance with Section 500.B.1.a.
- b. Existing Resources and Site Analysis Plan (ERSAP), prepared in accordance with Section 500.B.1.b.
- c. Preliminary Resource Impact and Conservation Plan, prepared in accordance with the following.

(1) A Preliminary Resource Impact and Conservation Plan shall be prepared for all subdivision and land development applications to categorize the impacts of the proposed activities and physical alterations on those resources shown on the Existing Resources and Site Analysis Plan (ERSAP). All proposed improvements, including but not necessarily limited to grading, fill, streets, buildings, utilities and stormwater detention facilities, as proposed in the other Preliminary Plan documents, shall be taken into account in preparing the Preliminary Resource Impact and Conservation Plan, which shall clearly demonstrate that the applicant has minimized site disturbance to the greatest extent practicable.

(2) Using the Existing Resources and Site Analysis Plan as a base map, impact areas shall be mapped according to the following categories:

- (a) Primary impact areas, i.e., areas directly impacted by the proposed subdivision.
- (b) Secondary impact areas, i.e., areas in proximity to primary areas which may be impacted.
- (c) Designated protected areas, either to be included in proposed Greenway Lands or an equivalent designation such as dedication of a neighborhood park site.
- d. Limit of Disturbance (LOD) line, which shall be depicted in exact relation to Greenway Lands, natural features (especially wooded areas and individual trees), historic resources, cultural resources, and other resources to be conserved.
- e. A Yield Plan in accordance with Section 1403.C of the Hamiltonban Township Zoning Ordinance.
- f. Plan sheets depicting the results of the Four-Step Design process conducted at the Pre-Application Meeting(s). One sheet shall be provided depicting the results of each step of the design process. Where the lot layout shown in the Preliminary Plan differs from the lot layout resulting from the Four-Step Design process conducted at the Pre-Application Meeting(s), the applicant shall update the Four-Step Design sheets accordingly and provide documentation indicating why the lot layout adjustments were warranted.
- g. Preliminary Greenway Lands Ownership and Management Plan shall be submitted. The Preliminary Plan shall depict the boundaries, acreage, and proposed ownership of all proposed Greenway Lands. In addition, documentation shall be submitted that details the entities responsible for maintaining various elements of the Greenway Lands portion of the development and that describes the management objectives and techniques for each part of the property. The Preliminary Greenway Lands Ownership and Management Plan shall be coordinated with any Draft Community Association Document as required in Section 600.A.22 where a community association will be created to own and manage at least a portion of the proposed Greenway Lands. Further, the Preliminary Greenways Lands Ownership and Management Plan shall reflect the Greenway Land and common facilities ownership and maintenance options established in Section 1408 of the Hamiltonban Township Zoning Ordinance.

SECTION 601: Review Procedure

A. Upon receipt of the required plan and application materials, the Township Secretary shall forward five (5) copies to the Township Planning and Zoning Commission, one (1) copy to the Township Planner, and one (1) copy to the Township Engineer. It shall be the responsibility of the Applicant to distribute one (1) copy to the Adams County Office of Planning and Development for review and report (in accordance with Section 401 of this Ordinance), and, when applicable, one (1) copy each to the Adams County Conservation District, the Township Traffic Consultant and/or the local Fire Company.

B. The Engineer shall review the plan in the context of the standards and requirements of this Ordinance and the Township Zoning Ordinance, from the standpoint of planning and engineering requirements and considerations, and shall prepare and transmit a written report thereon to the Planning and Zoning Commission in such a fashion as not to delay the Planning and Zoning Commission's action on the application in accordance with the provisions of this part.

C. The Hamiltonban Township Planning and Zoning Commission shall take action on a preliminary plan within sixty-two (62) days of the first Planning and Zoning Commission meeting at which the application is considered. The Commission shall note its action on five (5) copies of the plan. The five (5) copies of the plan shall then be forwarded to the Hamiltonban Township Board of Supervisors, along with the Planning and Zoning Commission's recommendation concerning the Supervisors' approval or disapproval of the preliminary plan. In the event that the Planning and Zoning Commission recommends disapproval by the Board of Supervisors of the application, it shall furnish along with such recommendation a written statement of the defects in the application, citing the specific provisions and section numbers of this Ordinance and/or the Township Zoning Ordinance with which the application does not comply. Upon its approval of the preliminary plan, the Planning and Zoning Commission shall also recommend to the Hamiltonban Township Board of Supervisors that the appropriate sewage planning documentation be formally adopted and submitted to the Pennsylvania Department of Environmental Protection for its review. In the event that the Planning and Zoning Commission determines to recommend approval of the application subject, however, to certain conditions, the Planning and Zoning Commission shall procure the applicant's written acceptance or rejection of any and all conditions proposed for imposition relative to the application, prior to submitting the application to the Hamiltonban Township Board of Supervisors. In the event of the applicant's failure to accept such conditions in writing within sixty-two (62) days of the first Township Planning and Zoning Commission meeting at which the application was considered, the Planning and Zoning Commission's recommended approval of the application shall be rescinded automatically.

D. The Hamiltonban Township Board of Supervisors shall receive and review the report of the Township Engineer, the Adams County Office of Planning and Development (ACOPD), the Hamiltonban Township Planning and Zoning Commission, and, when applicable, the Adams County Conservation District, the local Fire Company, and the Township Traffic Consultant. The Board of Supervisors shall not take action upon any application until the ACOPD review

and report is received, or until the expiration of thirty (30) days from the date the application was received by the ACOPD. All other reviews and reports shall also be received prior to any action by the Board of Supervisors unless such reviews and reports are not received within forty-five (45) days, in which case the Board of Supervisors may proceed without said reviews and reports.

E. The Hamiltonban Township Board of Supervisors shall, upon receipt of the Planning and Zoning Commission's recommendation, take official action on a preliminary plan application by either approving or denying the same. Such official action by the Hamiltonban Township Board of Supervisors shall be taken within ninety (90) days of the first Township Planning and Zoning Commission meeting at which the application is considered. Should the first Township Planning and Zoning Commission meeting not occur until after thirty (30) days from the date of submission to the Township, the ninety (90) day time period shall begin on the thirtieth (30th) day from said date of submission. The Board of Supervisors may, upon written request by the applicant, an extension of the ninety (90) day review and approval period.

The Hamiltonban Township Board of Supervisors shall note its action on all five (5) copies of the preliminary plan application. One (1) copy shall be retained for Township use. In the event that the Hamiltonban Township Board of Supervisors denies a preliminary plan application, written notice of such denial shall be furnished to the applicant, by first class mail, postage prepaid, by the Township Secretary, which notice shall inform the applicant of the defects in the application, citing the specific provisions and section numbers of this Ordinance, or other applicable laws or regulations, with which the application does not comply. Such written notice of denial shall be mailed within the aforesaid ninety (90) day time limit. The applicant shall be likewise informed of the approval of his preliminary plan application. The Board may also conditionally approve a preliminary plan by so notifying the applicant in writing, which notification shall include a specific statement of any and all conditions proposed for imposition. In the event of the applicant's failure to accept such conditions in writing within thirty-one (31) days of the conditional approval, the proposed approval of the plan shall be rescinded automatically, provided, however, that, in such event, the Board shall comply with the requirements of this Section relating to written notice of preliminary plan denial.

ARTICLE VII: FINAL PLANS

SECTION 700: Final Plan Requirements

The following materials and information shall be submitted with an application for review and approval of a Final Plan. In addition, for Conservation by Design development submissions, such development shall comply with the design requirements of Article VIII of this Ordinance (and, in particular, the Greenway Land design standards of Sections 800 and 801) as well as the standards of Conservation Design Overlay District standards of Article XIV of the Hamiltonban Township Zoning Ordinance.

A. Required Information – Lot Additions Plans: The following materials and information shall be submitted with an application for review and approval of a Lot Addition Plan.

1. Eight (8) copies of Final Lot Addition Plans submitted and drawn to a scale not smaller than two hundred (200) feet to the inch:
2. Name of the proposed subdivision.
3. The limits and dimensions of the tract(s) to be subdivided and the proposed name or identifying title of the subdivision or land development. The date (along with the date[s] of all plan revisions), written and graphic scale, and north point. The tract's(s') present deed reference(s) by Book(s) and Page(s).
4. The tax map and parcel number assigned to the property by the Adams County Tax Assessment Office.
5. The total acreage of the existing property, expressed as both net and gross lot area. A lot area summary table shall be included that provides a summary of the individual net and gross lot areas for the pre and post subdivision condition.
6. Dimensions for the entire property boundary shall be in feet and decimals. Bearings shall be in degrees, minutes, and seconds. Lot lines, street right-of-way lines, and easement lines shall be show with distance and bearings. The description shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet. If it is the intention of the landowner to retain a single lot with a lot area in excess of ten (10) acres, the boundary of that lot may be identified as a deed plotting and may be drawn at any legible scale.
7. The applicable zoning district; and any zoning district lines; applicable dimensional requirements, the date of approval and any conditions of approval for variances in accordance with the Hamiltonban Township Zoning Ordinance. Any modifications of the requirements of this Ordinance.

8. Existing streets, both public and private, including the name, widths of the right-of-way and cartway, and restrictions and/or conditions relating to private roads.
9. The location and dimensions of existing property lines, buildings, railroads, easements, rights-of-way; streams, and wetlands.
10. Existing topographic contours at not more than ten-foot intervals taken from USGS Quadrangle maps.
11. Existing / proposed property corner markers shall be identified on the plan in terms of the size, type, and status of placement.
12. The name, address and telephone number of the owner and developer. The name, seal and signature, address and telephone number of the engineer, landscape architect or surveyor who prepared the plan. The names and deed references by Book and Page Number of the owners of adjoining tracts.
13. A location map taken from the applicable USGS quadrangle at a scale of not less than 1" = 2,000' showing the proposed subdivision in relation to adjacent properties and existing streets in that vicinity of the Township.
14. Existing uses of the subject property and existing uses of all adjacent properties.
15. Signed certification statement by a registered surveyor or registered engineer certifying to the accuracy of the survey and plan.
16. Signed and notarized statement certifying that the undersigned applicant has legal or equitable title in the land shown on the respective plan.
17. A listing of all required Federal, State and local reviews, permits and/or approvals and the agencies involved.
18. No plan which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be finally approved unless the plan contains the following notice: "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. Access to the State Highway shall be only as authorized by a Highway Occupancy Permit" (see 53 P.S. Section 10508 (6), as amended.).
19. Any other information deemed by the Board of Supervisors to be necessary to determine conformity of the plan with the intent and regulations of this Ordinance.
20. Recommendation and approval blocks for the Chairman and Vice Chairman of the Planning and Zoning Commission, the Chairman and Vice Chairman of the Board of

Supervisors as well as a signature line for the Township Secretary to Attest, and the Adams County Office of Planning and Development shall be provided.

B. Required Information – Minor Land Development Plans and Minor Subdivision Plans: The following materials and information shall be submitted with an application for review and approval of a Minor Final Land Development Plan and /or a Minor Final Subdivision Plan.

1. Eight (8) copies of the Minor Final Land Development Plan and/or Minor Final Subdivision Plan drawn to a scale not smaller than one hundred (100) feet to the inch:
2. Name of the proposed subdivision or land development.
3. A key map, if the plan is prepared in two (2) or more sections, drawn at a scale that enables the entire development to be legibly read on one (1) sheet.
4. A sheet index that identifies each sheet in the plan set according to the information (for example, existing conditions, demolition plan, site plan, grading plan, utility plan, soil erosion and sedimentation control plan, stormwater management plan) presented on each sheet.
5. The limits and dimensions of the tract(s) to be subdivided or developed and the proposed name or identifying title of the subdivision or land development. The date (along with the date[s] of all plan revisions), written and graphic scale, and north point. The tract's(s') present deed reference(s) by Book(s) and Page(s).
6. The tax map and parcel number assigned to the property by the Adams County Tax Assessment Office.
7. The total acreage of the existing property, expressed as both net and gross lot area. A lot area summary table shall be included that provides a summary of the individual net and gross lot areas for the pre and post subdivision condition.
8. Dimensions for the entire property boundary shall be in feet and decimals. Bearings shall be in degrees, minutes, and seconds. Lot lines, street right-of-way lines, and easement lines shall be show with distance and bearings. The description shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet. If it is the intention of the landowner to retain a single lot with a lot area in excess of ten (10) acres, the boundary of that lot may be identified as a deed plotting and may be drawn at any legible scale.
9. The applicable zoning district; any zoning district lines; applicable dimensional requirements, details of any requested zoning amendments; the date of approval and any conditions of approval for variances, conditional uses, or special exception in accordance with the Hamiltonban Township Zoning Ordinance. Any modifications of the requirements of this Ordinance.

10. Existing streets, both public and private, including the name, widths of the right-of-way and cartway, and restrictions and/or conditions relating to private roads.
11. The location and dimensions of existing property lines, buildings, railroads, easements, rights-of-way, streams, and wetlands; and the location, courses and dimensions of existing sanitary and storm sewer and water facilities.
12. The location and dimensions of proposed easements, buildings, property lines, building setbacks, rights-of-way, and the location, courses and dimensions of proposed sanitary and storm sewer and water facilities.
13. Existing topographic contours at not more than ten-foot intervals taken from USGS Quadrangle maps.
14. The name, address and telephone number of the owner and developer. The name, seal and signature, address and telephone number of the engineer, landscape architect or surveyor who prepared the plan. The names and deed references by Book and Page Number of the owners of adjoining tracts.
15. A location map taken from the applicable USGS quadrangle at a scale of not less than 1" = 2,000' showing the proposed subdivision or land development in relation to adjacent properties and existing streets in that vicinity of the Township.
16. Existing and proposed uses of the subject property and existing uses of all adjacent properties. Existing buildings, wells and septic systems on adjacent lots within one hundred (100) feet of the subject property.
17. Signed certification statement by a registered surveyor or registered engineer certifying to the accuracy of the survey and plan.
18. Signed and notarized statement certifying that the undersigned applicant has legal or equitable title in the land shown on the respective plan, and a dedicatory statement to the Township for proposed Township streets, public utility easements and/or lines, or other proposed Township improvements.
19. A listing of all required Federal, State and local reviews, permits and/or approvals and the agencies involved.
20. No plan which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be finally approved unless the plan contains the following notice: "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. Access to the State

Highway shall be only as authorized by a Highway Occupancy Permit" (see 53 P.S. Section 10508 (6), as amended.).

21. Any other information deemed by the Board of Supervisors to be necessary to determine conformity of the plan with the intent and regulations of this Ordinance.

22. Recommendation and approval blocks for the Chairman and Secretary of the Planning and Zoning Commission, the Chairman and Vice Chairman of the Board of Supervisors as well as a signature line for the Township Secretary to Attest, and the Adams County Office of Planning and Development shall be provided.

23. Draft Community Association Document, where such an association will be required to own and manage lands and/or public serving facilities such as roads and stormwater management facilities.

24. Documentation that the submission complies with the Planning and Design Standards established in Section 908 of this Ordinance.

25. Landscaping Plan, prepared in accordance with the Landscaping and Screening requirements of Section 315 of the Hamiltonban Township Zoning Ordinance.

C. Supplemental Information – Minor Land Development Plans and Minor Subdivision Plans: The following supplementary materials and information shall be submitted with an application for review and approval of a Minor Final Land Development Plan and/or a Minor Final Subdivision Plan where applicable and where determined by the Township Planning and Zoning Commission and/or Township Supervisors to be necessary. Required supplementary materials shall be provided with all copies of the submission unless otherwise noted below.

1. Plans and profiles of proposed sanitary and storm sewer systems, water distribution systems and any other pertinent utilities. Such plans shall include tract boundaries, lot lines, existing and proposed streets, grades, elevations, pipe sizes and the location of valves, manholes, inlets and fire hydrants. Profile drawings shall maintain a ratio of 1:10 vertical to horizontal. Profile drawings shall include both a vertical and horizontal alignment on the same sheet along with all proposed utility infrastructure.

2. Sewage planning documentation pursuant to the rules and regulations of the Pennsylvania Department of Environmental Protection. Such documentation shall be prepared in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection. When deemed necessary, sewage facilities planning modules shall include, but shall not be limited to, the following information:

a. A plot plan indicating within the site the location of existing and proposed buildings, lot lines, sewage or sewerage systems, all sources of water supply such as wells, springs, ponds, streams, and other bodies of water, rights-of-way, streets, roadways, highways, and access routes.

- b. Location and results of preliminary soil percolation tests, including all failed test sites or pits as well as those approved and including an approved alternate site for each lot requiring a sand mound system. All approved sites shall be clearly distinguished from unapproved sites. Tests shall be conducted by a Pennsylvania Department of Environmental Protection certified Sewage Enforcement Officer approved by the Township, in accordance with the Rules and Regulations of the Pennsylvania Department of Environmental Protection. Such soil percolation tests shall be required in conjunction with all preliminary plan applications, unless waived in advance in writing by the Township and the Department of Environmental Protection.
 - c. Information relating to the type of water supply and sewage supply provided or to be provided, including soil conditions and limitations for on-lot sewage disposal if applicable.
 - d. Information relating to adjacent properties, buildings, sources of water supply, ponds, streams, sewage, or sewerage systems, rights-of-way and streets that may have a significant effect on the environmental and sanitary aspects of the proposed subdivision or development.
 - e. Direction to north, direction of slopes and degree of slope.
 - f. Direction and distance to the nearest sewage treatment plant and information as to its present or future accessibility in terms of time, finances and load capacity, as well as the sources of this information.
 - g. Signatures of the applicant, the Township Sewage Enforcement Officer, the Township Secretary, the Township Planning and Zoning Commission Secretary, and the County Office of Planning and Development.
3. All plans shall contain a note regarding the status of wetlands on-site based upon a minimum of three factors.
- a. The presence or absence of hydric soils or soils with inclusions of hydric components as classified by the USDA Natural Resource Conservation Service.
 - b. National Wetlands Inventory mapping.
 - c. An inspection of the property by the responsible surveyor or engineer.

If wetlands are present or suspected on-site, the plan shall clearly state whether or not any disturbance of these areas is proposed. Where deemed necessary by the Township Board of Supervisors upon recommendation by the Township Planning and Zoning Commission, an analysis of wetland conditions on the subject property shall be

performed. Such analysis shall be prepared by a recognized professional wetlands consultant and shall clearly state the existence or nonexistence of any wetlands and shall delineate the field determined boundaries of those areas should they exist. A note shall also be added which states that Hamiltonban Township assumes no responsibility with regard to wetlands analyses and delineations. Plans shall also include the location and boundaries of any 100-year floodplain and/or floodway within the subject property as identified on the latest edition of FEMA's Flood Insurance Rate Maps for the Township.

4. Whenever a subdivision or land development proposes earthmoving, construction or development of any type, the Minor Land Development Plan or Minor Subdivision Plan shall include an Erosion and Sedimentation Control Plan consistent with the following.

a. The Erosion and Sedimentation Control Plan shall be prepared pursuant to the Rules and Regulations of the Pennsylvania Department of Environmental Protection relative to Erosion and Sediment Control (Chapter 102).

b. If earth disturbance activities are in excess of one (1) acre, the plan shall also be submitted to the Adams County Conservation District for review and determination of adequacy. Where a site has potential to discharge to waters of the Commonwealth classified as High Quality or Exceptional Value pursuant to Chapter 93 (portions of Toms Creek, Middle Creek, Antietam Creek, Carbaugh Run, and associated tributaries of these creeks), a copy of the plan shall be submitted to the Conservation District for review and determination of adequacy. An NPDES Permit may be required when earth disturbance activities exceed one (1) acre.

c. Under any other circumstance, the Board of Supervisors may, at its discretion, request a review and determination of adequacy from the Conservation District for any Erosion and Sedimentation Control Plan. Should an NPDES Permit be required, final plan approval shall not be provided by the Township until permit coverage is received.

d. For all plans, a clearly defined and measurable Limit of Disturbance (LOD) boundary that depicts the anticipated earth disturbance over the life of the project shall be included. Further, the total area of disturbance shall be calculated and provided as note on the plan.

5. The following note shall be added to every Minor Land Development Plan and Minor Subdivision Plan filed with the Township.

AGRICULTURAL NUISANCE DISCLAIMER

The lands depicted on this subdivision/land development may be located adjacent to or be involved in a normal agricultural operation as defined by Pennsylvania

Act 133 of 1982, as amended, “The Right to Farm Law.” If you purchase land that is depicted on this subdivision/land development and said lands are involved in a normal agricultural operation or located adjacent to lands protected by Pennsylvania Act 133 of 1982, as amended, you may be prohibited from filing a nuisance action against the operators of the normal agricultural operation. In addition, owners, residents, occupants and users of this property may be subjected to, and should be prepared to accept, such inconvenience, discomfort, and the possibility of injury to property and health arising from normal agricultural practices and operations, including, but not limited to, noise, dust, odor, the operation of machinery of any kind including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides and pesticides.

6. Subdivision and land development plans that propose any earthmoving activity shall be subject to the Planning and Design Standards of Section 908 of this Ordinance. Documentation shall be provided as part of any Preliminary application to demonstrate how these standards are achieved as part of the development’s design and to identify specific conservation practices that will be employed during construction.

7. Whenever a subdivision or land development involves non-residential development, the plans shall be submitted by the applicant to the Fire Chief for review and comment in accordance with the Fire Department’s Fire Protection Development Standards. Similarly, residential projects consisting of multiple structures on a single property or any residential project involving new street construction (whether public or private) shall also be submitted for review and comment by the Fire Chief. The Fire Chief shall have forty-five (45) days following receipt of the plan, to provide comments to the Township for consideration.

D. Required Information – Major Land Development Plans and Major Subdivision Plans: The following materials and information shall be submitted with an application for review and approval of a Major Final Land Development Plan and /or a Major Final Subdivision Plan. In addition, for Conservation by Design development submissions, such development shall comply with the design requirements of Article VIII of this Ordinance (and, in particular, the Greenway Land design standards of Sections 800 and 801) as well as the standards of Conservation Design Overlay District standards of Article XIV of the Hamiltonban Township Zoning Ordinance.

1. Eight (8) copies of the Major Final Land Development Plan and/or Major Final Subdivision Plan shall be submitted and shall be drawn to a scale not smaller than one hundred (100) feet to the inch.

2. The items required to be shown in the preliminary plan, as specified in Section 600 of this Ordinance, unless an item is supplanted by any of the following requirements of Sections 700.D and 700.E of this Ordinance.

3. Proposed final grading of the land surface at not more than two (2) foot intervals or at such intervals that the contours shall have a maximum horizontal spacing of one hundred (100) feet.
4. The location of all proposed markers, monuments, street lights, traffic controls, pavement markings and street signs.
5. Details, conditions and applicable approval dates of any granted conditional uses, variances, zoning map changes, modifications of requirements or other special Township approvals.
6. For Conservation by Design development projects, the following additional information shall be submitted with the Final Plan
 - a. Existing Resources and Site Analysis Plan (ERSAP), prepared in accordance with Section 500.B.1.b, and updated to reflect any changes required from the Preliminary Plan approval.
 - b. Final Resource Impact and Conservation Plan, prepared in accordance with Section 600.B.12.c, and updated to reflect any changes required from the Preliminary Plan approval.
 - c. Plan sheets depicting the results of the Four-Step Design process conducted at the Pre-Application Meeting(s) and approved as a component of the Preliminary Plan submission. One sheet shall be provided depicting the results of each step of the design process.
 - d. Final Greenway Lands Ownership and Management Plan shall be submitted. The Final Plan shall depict the boundaries, acreage, and proposed ownership of all proposed Greenway Lands as reflected in the Preliminary Plan approval. In addition, documentation shall be submitted that details the entities responsible for maintaining various elements of the Greenway Lands portion of the development and that describes the management objectives and techniques for each part of the property. The Final Greenway Lands Ownership and Management Plan shall be coordinated with the Final Community Association Document as required in Section 700.D.6.e(1).
 - e. Additional Approvals, Certificates and Documents
 - (1) All offers of dedication of realty or structures and all declarations, easements and covenants governing the reservation and maintenance of undedicated greenway, for the Final Plan shall be in such form as shall be satisfactory to the Board. This shall include, but shall not be limited to, any Final Community Association Document prepared in accordance with Section 1408.B.3 of the Hamiltonban Township Zoning Ordinance and

reflecting any changes required by the Township in accordance with the Preliminary Plan approval.

(2) A copy of such deed restrictions, easements, covenants and declarations which are to be imposed upon the property to comply with the Final Plan as approved by the Board. All such documents shall be in such form as is satisfactory to the Board and further subject to the approval of Township Solicitor.

E. Supplemental Information – Major Land Development Plans and Major Subdivision Plans: The following supplementary materials and information shall be submitted with an application for review and approval of a Major Final Land Development Plan and /or a Major Final Subdivision Plan where applicable and where determined by the Township Planning and Zoning Commission and/or Township Supervisors to be necessary. Required supplementary materials shall be provided with all copies of the submission unless otherwise noted below.

1. Cross-section drawings for all proposed public streets and private streets, showing rights-of-way, cartway widths, location of sidewalks, curbs and planting strips.
2. Profile drawings of all proposed streets showing existing and proposed grades. Profile drawings shall maintain a ratio of 1:10 vertical to horizontal. Profile drawings shall include both a vertical and horizontal alignment on the same sheet along with all proposed infrastructure.
3. Copies of plans and profiles of proposed sanitary and storm sewer systems, water distribution systems and any other pertinent utilities. Such plans shall include tract boundaries, lot lines, existing and proposed streets, grades, elevations, pipe sizes and the location of valves, manholes, inlets and fire hydrants.
4. Evidence that the plan is in conformity with all applicable Township ordinances and regulations governing the extension of utility services into the Township. In any instance where the plan does not conform, evidence shall be presented that an exception has been officially authorized and approved in writing.
5. No plan shall be finally approved unless the streets (whether public or private), walkways, curbs, gutters, street lights, fire hydrants, shade trees, parking lots, water mains, sanitary sewer facilities, storm drains, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, buffer or screen plantings, and other on-site improvements as are required by this Ordinance or the Township Zoning Ordinance have been installed and paid for in full by the applicant in accordance with the requirements of this Ordinance. In lieu of the completion of any such improvements required as a condition for the final approval of a plan, the applicant shall deposit with the Township financial security acceptable to the Township in an amount sufficient to cover the costs of any and all such required improvements for common amenities. The cost of preparing required as-built drawings

shall be included in the financial security amount. All matters and procedures concerning such financial security shall comport in all respects with the provisions of Sections 509, 510, and all of the "Pennsylvania Municipalities Planning Code", as amended (53 P.S. Sections 10509, 10510 and 10511), the contents of which are hereby incorporated herein by reference as fully as those set forth at length herein. All documentation concerning such financial security shall be subject to the review and approval of the Township Solicitor. The applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of required on-site improvements. Such reimbursement shall be based upon the same schedule, and shall be subject to the same procedures, as are set forth in Section 405 of this Ordinance.

6. Failure to complete any construction or development of the proposed subdivision or land development within five (5) years following the approval of a preliminary plan by the Township shall automatically render the approval of the plan null and void, unless an extension of time has been requested in writing by the applicant and a written approval granted by the Hamiltonban Township Board of Supervisors. Further, failure of the applicant to comply with the requirements of Section 508 (4) of the "Pennsylvania Municipalities Planning Code", as amended [53 P.S. Section 10508 (4)], the contents of which are also hereby incorporated herein by reference, shall subject the subdivision or land development to any and all changes in zoning, subdivision and other governing ordinances enacted by the Township subsequent to the date of the initial preliminary plan submission.

7. No plan which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be finally approved unless the plan contains the following notice: "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. Access to the State Highway shall be only as authorized by a Highway Occupancy Permit" (see 53 P.S. Section 10508 (6), as amended).

8. Where a new intersection with or access to a state highway is proposed, the Final Plan shall identify the Highway Occupancy Permit number. The Final Plan shall also depict the physical intersection design and any other improvements authorized by said permit.

9. In any instance where a portion of the tract proposed for subdivision or land development comprises a cemetery, the applicant shall provide the Township with a plan detailing provisions for the perpetual care, maintenance and continued access of the area. The approved subdivision or land development plan shall clearly depict the location and boundaries of the cemetery.

10. In any instance where a private road is proposed, the applicant shall provide the Township with a copy of a private road maintenance agreement.

SECTION 701: Review Procedure

A. Final plans, including utility maps and street profiles, received by the Township Secretary shall be transmitted to the Township Planning and Zoning Commission for its review. In the event the Planning and Zoning Commission finds that the applicant has made substantial changes in the plan since the preliminary plan was approved, the Commission shall so notify the applicant and shall review the plan according to the procedure for preliminary plan application.

B. The Township Secretary shall forward one (1) copy of the final plan and one (1) copy of any other supporting documentation to the Township Engineer for his review as to the plan's adequacy and estimated cost of construction of required public improvements, if any. It shall be the responsibility of the Applicant to distribute one (1) copy to the Adams County Office of Planning and Development for review and report (in accordance with Section 401 of this Ordinance).

C. Upon receipt of the Township Engineer's Report, the Township Secretary shall notify the applicant to provide the proper form of security to guarantee the completion of any proposed public improvements in the recommended amount as detailed in Section 700.E.5 of this Ordinance, if appropriate.

D. The Hamiltonban Township Planning and Zoning Commission shall take action on a final plan within sixty-two (62) days of the first Planning and Zoning Commission meeting at which the application is considered. The Commission shall note its action on five (5) copies of the plan. The five (5) copies of the plan shall then be forwarded to the Hamiltonban Township Board of Supervisors, along with the Planning and Zoning Commission's recommendation concerning the Supervisors' approval or disapproval of the final plan. In the event that the Planning and Zoning Commission recommends disapproval by the Board of Supervisors of the application, it shall furnish along with such recommendation a written statement of the defects in the application, citing the specific provisions and section numbers of this Ordinance and/or the Township Zoning Ordinance with which the application does not comply. Upon its approval of the final plan, the Planning and Zoning Commission shall also recommend to the Hamiltonban Township Board of Supervisors that the appropriate sewage planning documentation be formally adopted and submitted to the Pennsylvania Department of Environmental Protection for its review. In the event that the Planning and Zoning Commission determines to recommend approval of the application subject, however, to certain conditions, the Planning and Zoning Commission shall procure the applicant's written acceptance or rejection of any and all conditions proposed for imposition relative to the application, prior to submitting the application to the Hamiltonban Township Board of Supervisors. In the event of the applicant's failure to accept such conditions in writing within sixty-two (62) days of the first Township Planning and Zoning Commission meeting at which the application was considered, the Planning and Zoning Commission's recommended approval of the application shall be rescinded automatically.

E. The Hamiltonban Township Board of Supervisors shall receive and review the report of the Township Engineer, the Adams County Office of Planning and Development (ACOPD), the Hamiltonban Township Planning and Zoning Commission, and, when applicable, the Adams

County Conservation District, the local Fire Company, and the Township Traffic Consultant. The Board of Supervisors shall not take action upon any application until the ACO PD review and report is received, or until the expiration of thirty (30) days from the date the application was received by the ACO PD. All other reviews and reports shall also be received prior to any action by the Board of Supervisors unless such reviews and reports are not received within forty-five (45) days, in which case the Board of Supervisors may proceed without said reviews and reports.

F. The Hamiltonban Township Board of Supervisors shall, upon receipt of the Planning and Zoning Commission's recommendation, take official action on a final plan application by either approving or denying the same. Such official action by the Hamiltonban Township Board of Supervisors shall be taken within ninety (90) days of the first Township Planning and Zoning Commission meeting at which the application is considered. Should the first Township Planning and Zoning Commission meeting not occur until after thirty (30) days from the date of submission to the Township, the ninety (90) day time period shall begin on the thirtieth (30th) day from said date of submission. The Board of Supervisors may, upon written request by the applicant, an extension of the ninety (90) day review and approval period.

The Hamiltonban Township Board of Supervisors shall note its action on all five (5) copies of the final plan application. One (1) copy shall be retained for Township's records. In the event that the Hamiltonban Township Board of Supervisors denies a final plan application, written notice of such denial shall be furnished to the applicant, by first class mail, postage prepaid, by the Township Secretary, which notice shall inform the applicant of the defects in the application, citing the specific provisions and section numbers of this Ordinance, or other applicable laws or regulations, with which the application does not comply. Such written notice of denial shall be mailed within the aforesaid ninety (90) day time limit. The applicant shall be likewise informed of the approval of his final plan application. The Board may also conditionally approve a final plan by so notifying the applicant in writing, which notification shall include a specific statement of any and all conditions proposed for imposition. In the event of the applicant's failure to accept such conditions in writing within thirty-one (31) days of the conditional approval, the proposed approval of the plan shall be rescinded automatically, provided, however, that, in such event, the Board shall comply with the requirements of this Section relating to written notice of final plan denial.

G. Within ninety (90) days following approval of the final plan by the Hamiltonban Township Board of Supervisors, the final plan shall be recorded in the Office of the Recorder of Deed of Adams County, Pennsylvania, in accordance with the provisions of Section 301 of this Ordinance. The Recorder of Deeds shall not accept any plan for recording unless the same has been officially approved and signed by the Hamiltonban Township Board of Supervisors. It shall be the responsibility of the applicant to record the approved Final Plan. A copy of the receipt for recording shall be provided to the Township Secretary for the Township records. Failure by the applicant to record the plan within the prescribed time limit shall result in an automatic rescinding of the approval.

H. The Hamiltonban Township Board of Supervisors shall not approve a final plan prior to receipt of approval from the Pennsylvania Department of Environmental Protection of the

appropriate sewage planning documentation. In the event that said documentation is disapproved by the Pennsylvania Department of Environmental Protection, the final plan application shall be denied for such reason. In the event that the Pennsylvania Department of Environmental Protection does not respond in writing to the application in a timely fashion, so far as to permit the Township to comply with the time limitations within this Ordinance and Section 508 of the "Pennsylvania Municipalities Planning Code", as amended (53 P.S. Section 10508), the applicant shall be requested to consent, in writing, to an extension of time for action on the application by the Township. In the event that such written extension of time is not executed by the applicant, the application shall be denied.

ARTICLE VIII: CONSERVATION BY DESIGN REQUIREMENTS

All properties submitted for residential subdivision or land development in the Conservation Design Overlay District (sometimes referred to as “Conservation Design District”) as defined in Section 1401 of the Hamiltonban Township Zoning Ordinance shall comply with the requirements as set forth in this Article.

SECTION 800: Planning and Design Standards

All Conservation by Design development proposals shall be subject to the Planning and Design Standards established in Section 908.

A. **Prioritized List of Resources to be Conserved:** The design of Greenway Lands in any subdivision or land development plan shall reflect the standards set forth in Section 908. Land shall be allocated to be used as Greenway Land according to the following Priority List:

1. Wetlands, slopes greater than twenty-five (25%), ridgelines, and/or floodplain.
2. Stream channels, swales, springs and other lowland areas, including adjacent buffer areas which may be required to insure their protection.
3. Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide Natural Diversity Inventory and the County’s Natural Areas Inventory.
4. Moderate slopes of between fifteen percent (15%) and twenty-five percent (25%), particularly those adjoining water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
5. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
6. Class I, II and III agricultural soils as defined by the USDA Natural Resources Conservation Service.
7. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
8. Historic structures and sites.
9. Existing trails connecting the tract to other locations in the municipality. If any part of the tract is set aside to provide potential connections with the Township’s long

range trail network, then this part of the tract shall be ranked as number 2 on this list and the remaining priorities shall be adjusted accordingly.

10. Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetation features representing the site's rural past.

The above priority list may be modified if the Township determines that certain resources listed above deserve a higher priority due to unique characteristics of the land to be developed/subdivided.

B. Other Design Considerations: The configuration of proposed Greenway Land set aside for common use in residential subdivisions shall comply with the following standards:

1. Greenway Land shall be free of all structures except historic buildings, stone walls, and structures related to Greenway Land uses. Structures and improvements required for storm drainage, sewage treatment and water supply may be located within the Greenway Land provided that such facilities would not be detrimental to the Greenway Land.
2. Greenway Land shall not include parcels smaller than three (3) acres, have a length-to-width ratio of less than 4:1, or be less than seventy-five (75) feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.
3. Greenway Land shall adjoin all residential lots within the proposed subdivision. For the purposes of this section, Greenway Land on the opposite side of a street from residential lots shall be considered to be adjoining.
4. Greenway Land shall be suitable for active recreational uses to the extent deemed necessary by the Board, without interfering with adjacent dwelling units, parking, driveways, and roads.
5. Greenway Land shall be interconnected to provide a continuous open space network within and adjoining the subdivision.
6. Greenway Land shall provide buffers to adjoining parks, preserves or other protected lands.
7. Except in those limited cases where part of the Greenway Land is located within private house lots, Greenway Land shall provide for pedestrian pathways for use by the residents of the subdivision. Public access may be required on such trails if they are linked to other publicly-accessible pathway systems within the Township. Provisions shall be made for access to the greenway lands where required for land management and emergency purposes.

8. Greenway Land shall be split by public or private streets, except where necessary for proper traffic circulation.

9. Greenway Land shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect Greenway Land resources.

10. Greenway Land shall be made subject to conservation easements with the Township or other entity and such conservation easements shall be recorded in the Office of the Adams County Recorder of Deeds for the purpose of preserving the common open space for such uses.

11. Greenway Land shall be consistent with the Open Space Plan element of the Hamiltonban Township Comprehensive Plan.

C. Ownership and Maintenance: Applicants shall demonstrate compliance with the Greenway Land ownership and maintenance standards in Section 1408 of the Zoning Ordinance.

SECTION 802: Resource Conservation Standards for Site Preparation and Cleanup

A. Conservation Practices During Site Preparation and Clean-Up

1. Protection of Vegetation from Mechanical Injury: Where earthwork, grading, or construction activities will take place in or adjacent to woodlands, old fields or other significant vegetation or site features, the limit of disturbance shall be delineated and vegetation protected through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of and shall be maintained throughout the period of construction activity.

2. Protection of Vegetation from Grading Change: Grade changes to occur at any location of the property shall not result in an alteration to soil or drainage conditions which would adversely affect existing vegetation to be retained following site disturbance, unless adequate provisions are made to protect such vegetation and its root systems.

3. Protection of Vegetation from Excavations.

a. When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be minimized.

b. If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as quickly as possible.

4. Protection of Topsoil.

- a. No topsoil shall be removed from the site during development and construction.
 - b. Prior to grading operations or excavation, topsoil in the area to be disturbed shall be removed and stored on site.
 - c. Topsoil removed shall be redistributed and stabilized as quickly as possible following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be stabilized by hydroseeding on slopes of less than ten percent (10%), and by sodding, hydroseeding, or rip-rap on slopes exceeding ten percent (10%).
 - d. Grading and earthmoving operations shall be scheduled to minimize site disturbance during the period from November 1 to April 1, when revegetation of exposed ground is difficult.
 - e. A minimum topsoil depth across the entire development of four (4) inches shall be maintained. Each lot within the development shall be provided with adequate topsoil for site stabilization and the establishment of a healthy lawn.
5. Tree Protection: A tree protection plan in accordance with Section 908.D.2 shall be required for each Conservation Design development. Said plan shall be prepared and signed by a licensed landscape architect, arborist, or other similarly qualified professional.

ARTICLE IX: DESIGN STANDARDS

SECTION 900: Application

The standards of design in this Article IX shall be used to judge the adequacy of subdivision and land development proposals provided, however, that flexibility, economy and ingenuity in the layout and design of subdivisions and land developments shall be encouraged and promoted, and alterations in site requirements and other practices which are in accordance with modern and evolving principles of site planning and development shall be authorized and encouraged. Furthermore, the use of renewable energy systems and energy conservation building design shall be encouraged. The Planning and Zoning Commission and Hamiltonban Township Board of Supervisors are hereby authorized to solicit reviews and reports from adjacent municipalities and other governmental agencies affected by any application. No modification shall be granted by the Board which would conflict with features of any adopted long range plan of the Township or with the intent and purpose of the general principles of design and minimum requirements of this Ordinance.

SECTION 901: Construction of Improvements

The applicant shall grade and pave the streets and install all other necessary improvements at no expense to the Township, including, where required, curbs, sidewalks, water mains, sanitary and storm sewers, erosion and sedimentation controls, water management facilities, street lights, fire hydrants, street name signs and other facilities and utilities required by the Township, in strict accordance with the requirements of this Article and the standards and specifications of the Township. Construction of all such facilities and utilities shall be subject to inspection by appropriate Township representatives during the progress of the work. The applicant shall not begin work on buildings or sell any lots in any part of the subdivision or land development until the streets in that part have the base course completed.

SECTION 902: General Standards

A. Land: No land shall be subdivided or developed unless all hazards to life, health, or property shall have been eliminated or unless the plans for the subdivision or land development shall provide adequate safeguard against such hazards.

B. Development: Proposed subdivision and land development shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously. Furthermore, the layout or arrangement of the subdivision or land development shall conform to the Township's and the County's Comprehensive Plan and to any regulations or maps adopted in furtherance thereof.

C. Water Supply: If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within any subdivision or development, applicants shall present evidence to the Hamiltonban Township Board of Supervisors and the Planning and Zoning Commission that the subdivision or development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority, or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

SECTION 903: Blocks and Lots

A. Blocks: Residential and commercial blocks shall be not less than five hundred (500) feet long, nor more than one thousand five hundred (1,500) feet long. Crosswalks up to twelve (12) feet wide with a paved walk of six (6) feet in width, may be required for blocks more than eight hundred (800) feet long. Blocks shall be wide enough for two (2) tiers of lots and shall meet the minimum lot depth requirements of the Township Zoning Ordinance. Blocks in commercial and industrial districts may vary from the elements of design contained in this Section if the nature of the use requires special treatment.

B. Through Lots: Double frontage lots are to be avoided and generally will not be permitted. Along limited access or arterial highways, double frontage lots, served entirely by a separate residential service or neighborhood feeder street, may be required in order to protect the character of the major street.

C. Grading: Individual lots shall be graded to sufficient elevation to secure drainage away from buildings and to prevent the collection of storm water in pools. Buildings shall not be constructed until such time as the lot is graded to the designated elevation as per the approved subdivision or land development plan. Roof drainage and sump pumps shall be discussed as part of any stormwater management plan and shall be provided for according to recommendations of the Township Engineer or such other official as may be designated by the Hamiltonban Township Board of Supervisors. Topsoil shall be preserved and redistributed as cover and shall be suitably planted with perennial grasses or ground cover.

D. All lots within the Township shall have frontage on an existing public street, a proposed public street to be constructed in accordance with the requirements of Sections 904.A through 904.Q of this Ordinance, or existing or proposed private streets that meet the requirements of Section 904.S of this Ordinance.

E. Lot Size: The minimum lot size and dimensional requirements shall be as prescribed in the Township Zoning Ordinance.

F. Flag Lots: Flag lots, otherwise known as panhandle lots, as defined in Article II of this Ordinance shall be permitted subject to the following requirements.

1. Flag lots shall not be permitted within Major Subdivision plans as defined in Article II of this Ordinance.
2. Flag lots may be authorized within Minor Subdivision plan as defined in Article II of this Ordinance, and in accordance with the following requirements.
 - a. Flag lots are permitted provided that the use of the flag lot configuration contributes to broader conservation goals of this Ordinance or other Hamiltonban Township ordinances. Flag lots may be authorized where the use of the flag lot configuration contributes to the conservation of important natural features (including, but not necessarily limited to floodplains, wetlands, steep slopes, wooded areas), agricultural fields, and/or scenic views, rural vistas, or other similar features. In no instance shall flag lots be permitted solely to enable a property owner to achieve a higher number of lots than what may ordinarily be possible given existing road frontage.
 - b. Approval of panhandle lots shall only be at the discretion of the Township where other options to achieve an equal level of conservation of natural, agricultural, scenic, or rural resources on the site have been evaluated and have been determined to be unacceptable.
 - c. Flag lots shall only be permitted in the residential zoning districts as established in the Township Zoning Ordinance.
 - d. Said lots shall include a minimum fifty (50) foot wide flag staff or panhandle. The area of the staff or panhandle shall not be included in any minimum lot area calculations with the exception of properties that are enrolled within the County's Clean and Green Program. In those instances, the area of the staff or handle may be included as part of the minimum lot area requirement so long as the total area of the staff or handle does not exceed fifteen percent (15%) of the entire lot.
 - e. No more than two flag lots may be located adjacent to one another. A minimum separation distance of four hundred (400) feet shall otherwise be employed for flag lots located along the same side of the street. Said separation shall be measured at the street frontage between the centerlines of the respective staves or handles. No more than two tiers of flag lots shall be permitted. The maximum flag staff or panhandle length shall be five hundred (500) feet. Flag lots shall not be permitted on the turnarounds of cul-de-sacs.
 - f. Building setbacks shall begin beyond the terminus of the staff or handle. A driveway setback of six (6) feet shall be required within the staff or panhandle. Driveways shall also be set back a minimum of twenty (20) feet from any adjacent existing structure.

g. Shared access shall be required for any two flag lots placed side by side. The driveway shall be subject to a common access easement between the two users and an agreement to this effect shall be reviewed and approved by the Township Solicitor prior to Final Plan approval. All shared access requirements as listed in Section 904.G.2. of this Ordinance shall also apply.

h. Flag lots shall be permitted for single-family detached dwellings only. Only one such dwelling shall be permitted for a single flag lot.

i. The flag staff or panhandle shall be used exclusively for access and shall not be used for other purposes including, but not limited to, buildings, wells or septic systems.

G. Lot Lines: Lot lines shall be approximately at right angles or radial to street lines so long as reasonably shaped lots result.

H. House Numbers: House numbers shall be assigned to each lot by the Adams County Mapping Office.

I. Percolation Tests and Soils Analysis: Percolation tests and soil analysis shall be required by the Township on each proposed lot in accordance with the Rules and Regulations of the Pennsylvania Department of Environmental Protection. From the results of these tests, the lot size shall be established large enough to provide for the specific minimum area required for the absorption field as prescribed in accordance with the requirements of the Pennsylvania Department of Environmental Protection, but in no case shall the lot size be less than as set forth in the Township Zoning Ordinance.

SECTION 904: Streets And Alleys

A. Street Pattern: Street patterns shall comply with the following standards.

1. The proposed street pattern shall be integrated with existing and/or officially planned streets.

2. The proposed street pattern shall be related to topography to produce useable lots and reasonable street grades

3. Streets in and bordering a subdivision or land development shall be coordinated, and shall be of such widths and grades and in such locations as deemed necessary by the Township to accommodate prospective traffic, and facilitate fire protection.

4. The internal street system for a Major Subdivision or Land Development involving greater than ten (10) dwelling units shall be designed to provide a minimum of

two (2) points of access to and from the existing public street system. No such Major Subdivision or Land Development Plan shall be designed with only one (1) access point.

B. Roadway Classification. All roadways within Hamiltonban Township, existing and proposed, shall be classified in accordance with the following chart entitled “Roadway Classification System Characteristics.”

FIGURE 1

ROADWAY CLASSIFICATION SYSTEM CHARACTERISTICS

The Township's inventory of streets, roads and highways is further classified in the most recent edition of the Township Comprehensive Plan.

INTERSTATE AND OTHER LIMITED ACCESS FREEWAYS
LIMITED ACCESS FREEWAYS
Provides limited access facilities.

ARTERIALS, PRINCIPAL

1. Serves major centers of activity and carries high proportion of area travel on minimum mileage.
2. Integrated both internally and between major rural connections.
3. Carries most trips entering and leaving the area and serves intra area travel.
4. Provides continuity for rural arterials.

ARTERIALS Spacing related to trip-end density characteristics.

ARTERIALS, MINOR

1. Interconnects with and augments principal arterials.
2. Accommodates trips of moderate length.
3. Distribute travel to areas smaller than identified with higher systems.
4. Places emphasis on land access and offers lower traffic mobility.
5. Spacing normally not more than one mile.

COLLECTORS

1. Provides both land access services and traffic circulation.
2. Distributes trips from arterials through residential neighborhoods to ultimate destination
3. Collects traffic from local streets and channels to arterials.

MINOR (including Cul-De-Sacs)

MINOR STREETS all public roadways, except alleys, not included in a higher classification. (includes cul-de-sacs).

2. Permits direct access of abutting lands, connects to higher systems.
3. Discourages through-traffic movement.

ALLEYS / SERVICE DRIVES

1. Provides alternative, often rear, property and service access where direct access from higher classification streets is either not desired or not practical.
2. Discourages through traffic movement.
3. Employed only in developed or higher intensity developing settings.

PRIVATE LANES (Type A)

1. Existing privately owned streets providing direct access to limited numbers of properties.
2. Constructed to specifications less than required for public streets.
3. Often exhibit deficiencies with regard to two-way traffic flow and emergency access.
4. The number of new properties permitted to receive access is limited. Improvements to these streets are often necessary before additional property access can be permitted.
5. Provides direct access to adjacent properties.

PRIVATE LANES (Type B)

1. New privately owned street proposed within context of a subdivision or land development plan.
2. May or may not be constructed to Township specifications for new public streets.
3. Number of users limited when not constructed to Township public street specifications.
4. Provided direct access to adjacent properties.

C. Street Width: Public streets shall be laid out according to the following minimum requirements:

<u>Class of Street</u>	<u>Right-of-Way Width</u>	<u>Minimum Cartway Width**</u>	<u>Shoulders</u>
Cul-de-sac street	50'	20'	2'
Turnaround of cul-de-sacs (diameter)	100'	80'	-----
Minor street	50'	22'	2'
Collector street	60'	24'	4'
Arterial street	PennDOT Standards	PennDOT Standards	PennDOT Standards
Alley and service drive	30'	20'	-----
Private Lanes*			
Type A Class 1	N/A	N/A	N/A
Type A Class 2	N/A	N/A	N/A
Type A Class 3	N/A	N/A	N/A
Type B Class 1	50'	22'	2'
Type B Class 2	50'	20'	2'

* Private Lane construction shall refer to Section 904.S for construction and design standards.

** The cartway width standards shall be interpreted as minimum standards. The Township retains the right to require additional cartway width where specific conditions warrant. Such conditions include, but are not necessarily limited to, locations where on-street parking needs to be accommodated.

D. Street Improvement.

1. General: All street construction shall be subject to supervision by the Township Supervisors, or their representatives, and shall be consistent with the grades and dimensions drawn on the plans, profiles, and cross-sections submitted by the applicant and approved by the Township Supervisors. Private Lane construction shall refer to Section 904.S for construction and design standards. The applicant shall reimburse the Township for the actual cost of the required final inspection of construction (including subgrade, subbase and pavement) by the Township Supervisors, or their representatives. The subdivider or developer shall not begin work on structures in any part of the subdivision or land development until the streets in that part have been graded to within four (4) inches of the base course. At such time as ten percent (10%) of the structures within the subject phase of a subdivision or land development have been completed or are under construction, the subdivider or developer shall be required to install finished grade prior to beginning work on any other structure within the subdivision or land development. The wearing course shall not be applied to any proposed Township street in a subdivision or land development until a minimum of ninety percent (90%) of the structures have been completed within that phase of the subdivision or land development.

2. Arterial Streets: For the construction of arterial roads or highways, the Developer shall consult the Township Supervisors and be governed by the Pennsylvania Department of Transportation for the method of construction to be used. The Township Supervisors shall decide if a collector or arterial street is required as a direct result of the construction of the development.

3. Improvement of Existing Streets: Where a development is proposed along existing Township roads that do not meet the minimum width criteria of this Ordinance, the Township may require the developer to upgrade the portion of such existing Township roads in a manner that complies with said criteria. The developer shall only be required to improve the side of the existing Township road that borders the property being developed. In the alternative, the Township may collect a fee in lieu of the completion of the required improvements. If collected, the Township shall hold said fee in a reserve account to be applied at a future date when the entire road can be upgraded.

4. Street Markings: Streets shall be marked in accordance with the most recent version of the Manual on Uniform Traffic Control Devices as published by the U.S. Department of Transportation.

E. Continuations: Where reasonable and practical, new streets shall be laid out to continue existing streets at no reduction in width and at a width no less than that prescribed in Section 904.C. However, greater widths may be required in accordance with the Township Engineer's recommendations.

F. Street Names: Continuations of existing streets shall be known by the same name. Names for other streets shall not duplicate or closely resemble names for existing streets in the County. Names shall be provided for all proposed streets and are subject to approval by the Post Office.

G. Access: Streets shall be laid out to make provisions for access to all lots and to adjacent undeveloped areas, and the applicant shall improve these access streets to the limits of the subdivision or land development.

1. Easements or rights-of-way providing a means of future access to adjacent properties shall be required when deemed appropriate by the Township Supervisors. Furthermore, all such access easements or rights-of-way shall have a minimum width of fifty (50) feet and shall be so noted on the recorded plan.

2. Shared driveways may be used to provide required vehicular access between two (2) single-family detached dwellings and a street. The use of a shared driveway shall only be approved when cross-access easements ensure common use, access, and maintenance of the shared driveway for each property owner relying upon said shared driveway. The existence of such cross-access easements shall be clearly noted on the subdivision or land development plan and shall be recorded on the deeds for all affected

lots. Shared driveways shall not exceed five hundred (500) feet in length and shall be a minimum of twenty (20) feet in width.

H. **Dead-End Streets / Cul-de-sac Streets:** Dead-end streets are prohibited unless constructed as cul-de-sac streets. Cul-de-sac streets shall only be permitted as a component of a Major Subdivision or Land Development Plan, as defined in Article II of this Ordinance, that involves ten (10) or fewer dwelling units.

Where authorized, cul-de-sac streets shall meet the following requirements.

1. Cul-de-sac streets shall not exceed one thousand (1,000) feet in length, and shall be designed in accordance with the cul-de-sac street width and turnaround requirements of Section 904.C. The length of the cul-de-sac street shall be measured from a point defined by the intersection of the cul-de-sac centerline and the centerline of the street to which the cul-de-sac street connects to the centerpoint of the cul-de-sac turnaround.

2. Cul-de-sac streets shall be provided with a twenty-five (25) foot by twenty-five (25) foot easement adjacent to the right-of-way associated with the turnaround to be used for snow stockpiling.

3. These standards shall not be applicable to dead-end private roads. Where authorized, dead-end private roads shall be subject to the requirements of Section 904.S.

I. **Clear Sight Distance:** Clear sight distance along centerlines of minor residential streets shall be maintained at not less than one hundred fifty (150) feet; and along nonresidential and/or residential collector streets at not less than two hundred fifty (250) feet.

J. **Directional Changes:** Changes in street direction shall be made by horizontal curves with a minimum radius of five hundred (500) feet for arterial streets, three hundred (300) feet for collector streets and two hundred (200) feet for minor streets. These radii are to be measured at the centerline. Shorter radii may be permitted on recommendation of the Engineer.

K. **Street Alignment:** Street alignment shall be designed in accordance with the following standards.

1. **Vertical Street Alignment**

a. **Street Grade:** Vertical street alignments shall be measured along the street centerline. The minimum grade of all streets shall be one percent (1%) unless in a transition between a crest or sag. The maximum grade for all streets shall not exceed ten percent (10%). Local streets, where access is also available over street with a ten percent (10%) grade or less, may have grades up to twelve percent (12%). A cul-de-sac street shall not exceed ten percent (10%) and the cross-slope of a turnaround shall not exceed five percent (5%). The street grades authorized by this section do not supersede the requirement that sidewalks conform with the

latest edition of the ADA Standards for Accessible Design as published by the U.S. Department of Justice.

b. Vertical Curve: Vertical curves shall be used in changes of grade exceeding one percent (1%). The minimum lengths (in feet) of vertical curves shall be in accordance with the latest edition of the AASHTO publication entitled A Policy on Geometric Design of Highways and Streets. Vertical curves shall be consistent with the proposed posted speed limit. The development plan shall identify the designated design speed for each street. The designated design speed is subject to Township approval. The posted speed limit shall not exceed the design speed limit.

c. Street Grade at Street Intersection: A leveling area shall be provided where the approaching grade, within one hundred (100) feet of the centerline intersection, exceeds seven percent (7%) on streets at four-way street intersections, or the terminating street at a three-way intersection. Such leveling area shall have a maximum grade of five percent (5%) for a minimum length of one hundred (100) feet measured from the intersection of the centerlines.

d. Street Grade at Street Turnaround: The grade, in all directions, within the diameter of a turnaround and along the curb line at the terminus of a permanent cul-de-sac street shall be at least one percent (1%) and shall not exceed five percent (5%) in all directions.

e. Side Street Slope: All areas within the street right-of-way shall be graded substantially consistent with the street centerline. The maximum slopes of banks located outside of the street right-of-way shall comply with applicable standards in the Hamiltonban Township Standard Construction and Material Specifications document. Guide rail protection shall also be installed and constructed in accordance with applicable standards in the Hamiltonban Township Standard Construction and Material Specifications document.

2. Horizontal Street Alignment

a. Horizontal Curves: Horizontal curves shall be used at all angle changes. Horizontal street alignments shall be measured along the centerline. Single, long radius curves shall be used, rather than a series of curves with varying radii and / or a series of short curves separated by short, straight segments. The minimum centerline radii for horizontal curves shall be in accordance with the latest edition of the AASHTO publication entitled A Policy on Geometric Design of Highways and Streets. Horizontal street alignments shall be consistent with the proposed posted speed limit. The development plan shall identify the designated design speed for each street. The designated design speed is subject to Township approval. The posted speed limit shall not exceed the design speed limit.

b. Perimeter Street: Where streets are located along the perimeter of a property, the developer shall provide building setback lines, grading, and clear-sight triangles within the adjacent properties. Permission for these encroachments shall be obtained by the developer in the form of an easement or right-of-way agreement from the adjacent landowner.

c. Cartway Alignment: The centerline of the street cartway shall correspond with the centerline of the street right-of-way.

L. Traffic Calming Measures: The Township may require the installation of “traffic calming measures” for streets and access drives. Traffic calming measures are devices, systems, and programs described in the PennDOT Bureau of Highway Safety and Traffic Engineering publication known as Publication 383, dated January 2001, and entitled Pennsylvania’s Traffic Calming Handbook. The criteria used to determine the necessity, location, design, and construction of traffic calming measures, including all related warnings, signs, and markings, shall be in accordance with accepted traffic engineering principles and Publication 383.

M. Crown: The slope of the crown on minor and collector streets shall be no less than one-quarter inch (1/4”) per foot and no more than one-third inch (1/3”) per foot as directed by the Engineer.

N. Side Slopes: Streets, cuts and fills shall be provided with side slopes no steeper than one (1) foot vertical to three (3) feet horizontal. Such slopes shall be suitably planted with perennial grasses or other vegetation to prevent gulleying and erosion.

O. Materials and Construction Standards: Materials and construction standards for streets, curbs and gutters, and sidewalks, shall conform to applicable standards in the Hamiltonban Township Standard Construction and Material Specifications document..

P. Intersections: Street intersections shall be designed according to the following standards:

1. No more than two streets shall intersect at the same point. The centerlines of all intersecting streets shall form ninety (90) degree angles. Street with centerlines proposed to intersect at an angle other than ninety (90) degrees shall not be authorized.

2. Intersecting streets shall not enter into the same side of collector streets or arterial highways at intervals of less than eight hundred (800) feet. Intersection streets shall not enter into the same side of minor streets at intervals of less than two hundred (200) feet.

3. Intersecting streets shall intersect from opposite sides with a common street center line or shall be offset in accordance with the following minimum standards, measured along the centerline of the street being intersected.

a. Intersections involving only minor streets shall be offset by a minimum distance of one hundred fifty (150) feet.

b. Intersections involving one or more collector streets shall be offset by a minimum distance of four hundred (400) feet.

c. Intersections involving one or more arterial streets shall be offset by a minimum distance of one thousand (1,000) feet.

4. Maximum grade within any intersection shall not exceed five percent (5%) in any direction, and approaches to any intersection shall follow a straight course within one hundred (100) feet of the intersection. Grades within one hundred (100) feet of an intersection shall not exceed ten percent (10%).

5. Curb radii at intersections shall be according to the following schedule of minimum lengths; five (5) feet for all intersections involving alleys, ten (10) feet for all intersections involving minor streets, and fifteen (15) feet involving collector streets and arterial streets (unless an alternative radius standard is dictated by the Pennsylvania Department of Transportation through a Highway Occupancy Permitting process. Where an intersection includes streets of different classifications, the curb radius standard to be employed shall be that standard for the lower classification street. The Township reserves the right to require larger curb radii should existing or likely future traffic flows include a significant proportion of vehicles that require such larger curb radii.

6. A seventy-five foot (75') clear sight triangle shall be provided, in which no building or structure, utility poles, light standards, wall, fence, hedge, tree, shrub, or other growth shall be placed except for, street signs, mailboxes and fire hydrants.

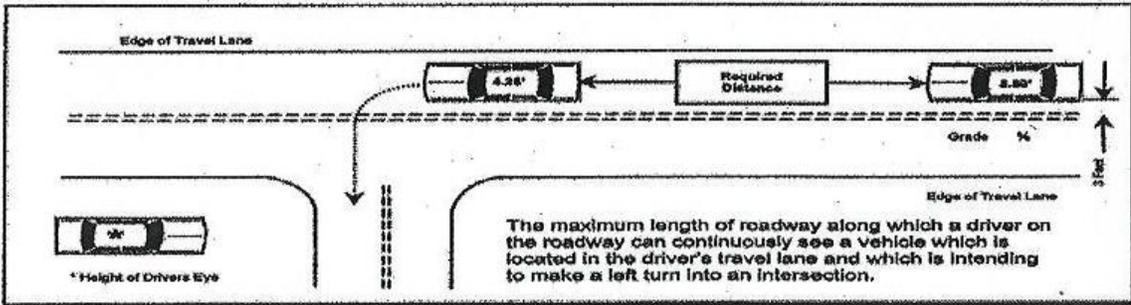
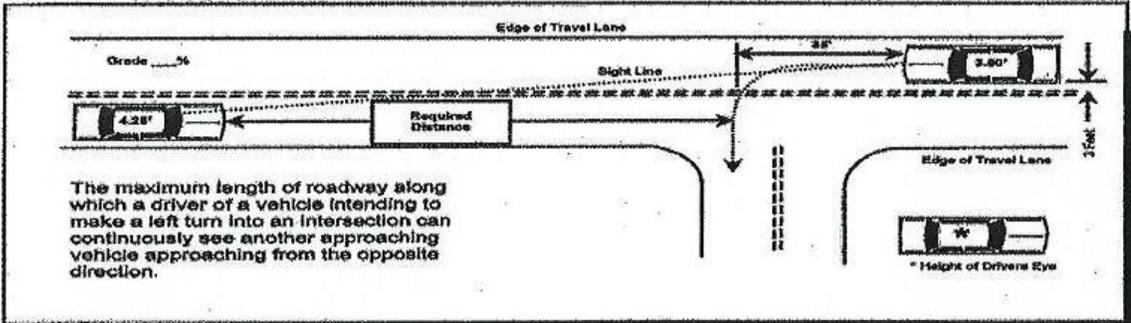
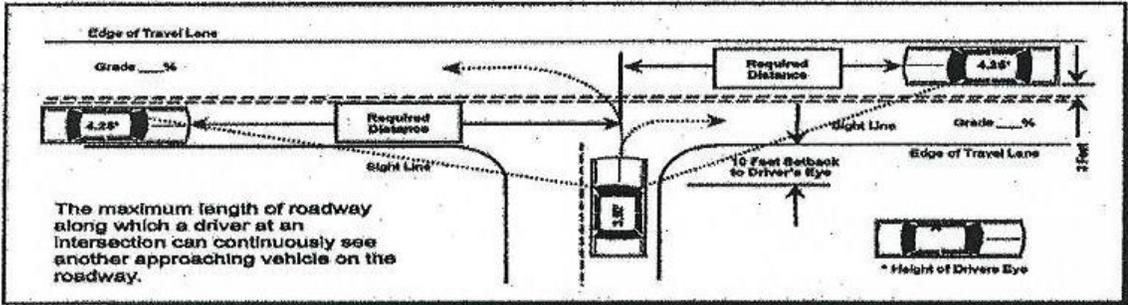
7. All intersections with a State Route shall be subject to approval of PennDOT. The developer shall include Township comments with the submission of any required PennDOT Highway Occupancy Permit.

Q. Safe Stopping Distance: All intersections shall be design to comply with the minimum sight distance requirements, as described in 67 PA Code §441.8(h)(2)(iv) and PennDOT Publication 282, page 27, as amended.

1. The diagrams below and the following measurement procedures shall be used to establish the minimum site distance for vehicles intending to cross over a travel lane, and to the rear of a vehicle intending to turn left into an access. See PennDOT Publication 282, page 18, Note 1(a) for information on measuring sight distance for vehicles existing an access location.

2. To measure site distance between a vehicle intending to turn left into an access and a vehicle approaching in the opposite direction, the position of the driver of the turning vehicle is taken to be thirty-five (35) feet in advance of the driveway centerline (allows a twenty-five [25] foot turning radii, plus ten [10] feet from the front of the car to the driver's eye).

3. The available site distance is measured from the centerline of the intersection to the point where an approaching vehicle can first be seen. The eye height of the driver intending to turn left is established at three and one-half (3 ½) feet. The eye height of the driver of the vehicle approaching the intersection from the opposite direction is established at four and one-quarter (4 ¼) feet.
4. To measure site distance from a motorist approaching a vehicle stopped to make a left turn into an intersection from the rear of the left-turning vehicle is taken to be forty-five (45) feet from the centerline of the intersection (allows a twenty-five [25] foot turning radius, plus twenty [20] feet for the length of the vehicle).
5. The available site distance is measured from the rear of the left-turning vehicle to the point where approaching vehicles can first see the vehicle waiting to turn left. The eye height of the approaching driver is established at three and one-half (3 ½) feet. The eye height of the driver of the vehicle waiting to turn left is established at four and one quarter (4 ¼) feet.
6. To determine roadway grades when measuring site distance, an average grade shall be calculated over the length of the roadway in which the approaching motorist will physically apply the brakes of the vehicle. This length of roadway can be determined by subtracting the perception / reaction time component of the minimum safe stopping sight distance equation from the measured site distance (see PA Code 67, §441.8(h)(2)(iv)).
7. The prevailing speed of traffic shall be considered when evaluating the available sight distance for an intersection. If it is evident that prevailing speeds are higher than the posted speed limit, and the available sight distance is near to the sight distance required for the posted speed limit, and 85th percentile speed shall be measured near the intersection. The 85th percentile speed shall then be used to calculate the minimum safe stopping sight distance requirements.



R. Alleys and Service Drives: The following standards shall apply to the design and location of alleys and service drives.

1. Alleys shall not be permitted in residential developments except by permission of the Township. No part of any dwelling, garage, or other structure may be located within the required rear yard abutting an alley.
2. Alleys or secondary service drives serving commercial and industrial establishments are required unless other provisions for service are provided.

S. Private Lanes: Hamiltonban Township recognizes the existence of Private Lanes providing access for existing lots or dwellings. None of the existing Private Lanes are maintained by the Township, and the Township has no interest, desire, responsibility or intent for any future maintenance of said lanes as they currently exist. The Township recognizes health, safety and general welfare concerns that are unique to Private Lanes related to emergency management services, utilities, delivery services, and private landowner and maintenance issues. All of these concerns shall be considered in any decisions related to private roads rendered by the Township.

The Township regulates Private Lanes as follows.

1. General Requirements: The following standards shall apply to all Private Lanes, regardless of type.
 - a. All subdivision and land development plans shall identify any Private Lanes, existing or proposed, by the appropriate Type and Class described below.
 - b. All owners of property accessed by a Private Lanes shall install a mailbox at the intersection of said Private Lane with the public road system in a manner consistent with applicable requirements of the local postal office.
 - c. All owners of property accessed by a Private Lane shall install proper premises identification in accordance with Township standards placed in a location that is plainly visible from the public road to which the Private Lane connects.
 - d. The expansion of existing Private Lanes, the development of new Private Lanes, or the development of new uses or properties reliant on Public Lanes shall be prohibited in any instance that involves a bridge or other structure deemed to be unsafe or inhibitive to emergency vehicle access according to standards determined by the Township Engineer.
2. Existing Private Lanes: Existing Private Lanes shall be identified as “Type A” Private Lanes and shall be subject to the following standards.

a. General Characteristics: Type A Private Lanes are usually unimproved, and are constructed of dirt and/or stone. An officially recognized list of Type A Private Lanes has been adopted by resolution of the Board of Supervisors.

b. Lot Owner Agreement: Any subdivision or land development plan proposing a new use or property accessed from a Type A Private Lane shall be accompanied by road maintenance agreement approved by all current and proposed future lot owners who are or will be provided access by said Type A Private Lane. The agreement shall include the following.

(1) Included as part of this agreement shall be a statement indicating that the Township has no interest, obligation, responsibility or intent of maintaining or taking over said Private Lane until such time as it is reconstructed to meet all prevailing Township street design and construction specifications.

(2) The maintenance agreement shall extend maintenance responsibilities to include the newly proposed users.

(3) The agreement shall be reviewed and approved by the Township Solicitor and shall be referenced on the subdivision/land development plan.

(4) A reference to the maintenance agreement shall appear on any and all newly created deeds for the subject properties.

c. Private Lane Offshoots: No additional Private Lane offshoots from a Type A Private Lane shall be permitted until the Type A Private Lane is upgraded to meet all Township specifications for street construction, except for paving.

d. Type A Private Lane Subclasses: Three subclasses of Type A Private Lanes are identified below. Any subdivision or land development plan proposing a new use or property accessed from a Type A Private Lane shall identify the subclass of the Type A Private Lane. The subdivision or land development plan shall demonstrate that any standards associated with the given subclass are achieved before a new use or property that relies of the Type A Private Lane will be authorized.

(1) Class 1: Type A, Class 1 Private Lanes are constructed with a cartway width of eighteen (18) feet or greater for its entire length and is adequate for normal two-way vehicle traffic and are accessible throughout for use by normal emergency management, utility and delivery vehicles. These Private Lanes are subject to the following requirements.

(a) No improvements to this Subclass are necessary to enable the additional proposed access.

(b) No more than twenty-five (25) uses or properties may be accessed from a Type A, Class 1 Private Lane. Should a subdivision or land development plan propose to add uses or properties to such a Private Lane where the total number of uses or properties would exceed twenty-five (25), the subdivision or land development plan shall propose the improvement of the Private Lane to the specifications required for streets intended to be dedicated to the Township.

(2) Class 2: Type A, Class 2 Private Lanes exhibit a cartway width of less than eighteen (18) feet and does not provide for two-way traffic or passage of two normal vehicles, but is constructed in a manner that allows for normal emergency management, utility and delivery vehicles. These Private Lanes are subject to the following requirements.

(a) Any subdivision or land development plan proposing a new use or property accessed from a Type A, Class 2 Private Lane shall include improvements to the Private Lane to allow for some two-way traffic flow. At a minimum, a pull-off space, with a minimum width of ten (10) feet and a minimum length of thirty (30) feet, shall be provided at the Board's discretion on average every three hundred (300) feet, and no more than five hundred (500) feet, from the intersection with a public road. Said pull-off spaces may be constructed on either side of the cartway and shall be maintained to the same extent as the main cartway. Individual private driveways and their approaches shall not qualify as a required pull-off space.

(b) No more than ten (10) uses or properties may be accessed from a Type A, Class 2 Private Lane. Should a subdivision or land development plan propose to add uses or properties to such a Private Lane where the total number of uses or properties would exceed ten (10), the subdivision or land development plan shall propose the improvement of the Private Lane to Type A, Class 1 specification at a minimum.

(3) Class 3: Type A, Class 3 Private Lanes exhibit a cartway width of less than eighteen (18) feet which does not provide for two-way traffic or passage of two normal vehicles, and is constructed in a manner than precludes normal emergency management, utility, and delivery vehicles. These Private Lanes are subject to the following requirement.

(a) No subdivision or land development plan proposing new uses or properties accessed by an existing Type A, Class 3 Private Lane shall be permitted. Should a subdivision or land development plan propose to add uses or properties to such a Private Lane, the subdivision or land development plan shall propose the improvement of the Private Lane to Type A, Class 1 or Type A, Class 2 standards. The extent of improvements shall be based on the cumulative proposed uses or properties.

(b) The degree to which proposed improvements are able to accommodate normal emergency management, utility, and delivery vehicle access shall be based on a technical review conducted by the Township Engineer. The Township, upon recommendation by the Township Engineer, may require design standards exceeding the Type A, Class 1 or Type A, Class 2 standards where necessary to enable or improve normal emergency management, utility, and delivery vehicle access.

e. Type A Private Lane Relocation: When proposed in conjunction with the submission of subdivision plan or land development plan, all or portions of Type A Private Lanes may be relocated provided the following standards are achieved.

(1) The relocated Type A Private Lane or portion thereof shall be constructed in accordance with the requirements for Type B, Class 2 Private Lane as established in Section 904.S.3.d(2).

(2) A lane maintenance agreement that meets the requirements of Section 904.S.3.b of this Ordinance shall be established to ensure maintenance of said relocated Type A Private Lane.

3. New Private Lanes: New Private Lanes shall be identified as “Type B” Private Lanes and shall be subject to the following standards.

a. General Characteristics: Type B Private Lanes include any proposed new road that is not intended to be dedicated to the Township. These Private Lanes may include fully developed roadways or roadways that are not fully developed and are intended to serve only a limited number of use or properties.

b. Lot Owner Agreement: Any subdivision or land development plan proposing a new use or property accessed from a Type B Private Lane shall be accompanied by a draft road maintenance agreement. All proposed uses or lots to be accessed by the proposed Type B Private Lane shall be required to enter into said agreement. The agreement shall include the following.

(1) Included as part of this agreement shall be a statement indicating that the Township has no interest, obligation, responsibility or intent of maintaining or taking over said Private Lane until such time as it is reconstructed to meet all prevailing Township street design and construction specifications.

(2) The agreement shall be reviewed and approved by the Township Solicitor and shall be referenced on the subdivision/land development plan.

(3) A reference to the road maintenance agreement shall appear on any and all newly created deeds for the subject properties.

c. It shall be the responsibility of the Developer to provide street name signs and stop signs at all Type B Private Lane intersections in accordance with Township specifications.

d. Type B Private Lane Subclasses: Two subclasses of Type B Private Lanes are identified below. Any subdivision or land development plan proposing a new use or property accessed from a Type B Private Lane shall identify the subclass of each Type B Private Lane proposed. The subdivision or land development plan shall demonstrate that any standards associated with the given subclass are achieved before a new use or property that relies on the Type B Private Lane will be authorized.

(1) Class 1: Type B, Class 1 Private Lanes shall be constructed in accordance with Township minor street design and construction standards of Section 904 of this Ordinance as ordinarily applied to proposed streets intended to be dedicated to the Township. Lot development along this Type B, Class 1 Private Lanes shall be determined by the Township's approval of the subdivision or land development plan proposing the Private Lane and / or by the Township's approval of subsequent subdivision or land development plans. Off-shoot Private Lanes from a Type B, Class 1 Private Lane shall only be considered for approval when incorporated within a new subdivision or land development plan for review and approval by the Township.

(2) Class 2: This class of unimproved, Private Lane shall be constructed in accordance with the following standards. The Type B, Class 2 Private Lane shall serve as an access for the development only and shall not be intended for general public use or thoroughfare. The Developer shall provide for the total construction and maintenance of the Private Lane. Only one such Private Lane shall be permitted for any property as it existed on the date of adoption of this Ordinance.

- (a) The total number of users of the Private Lane, existing and proposed, shall not exceed ten (10).
- (b) Said Private Lanes shall have a right-of-way width of fifty (50) feet and a minimum cartway width of twenty (20) feet. The cartway shall be centered within the right-of-way.
- (c) Unobstructed horizontal clearance for the entire width of the cartway and unobstructed vertical clearance of thirteen feet, six inches (13'-6") shall also be maintained throughout.
- (d) Private Lane construction shall allow for two-way vehicular traffic and transit by normal emergency management, utility and delivery vehicles throughout its length based on a technical review conducted by the Township Engineer.
- (e) Said Private Lanes shall be limited to a length of one-half mile (2,640 feet).
- (f) Minimum turning radii shall be thirty-six (36) feet inside and fifty-two (52) feet outside.
- (g) The minimum grade of the Private Lane shall be three-quarters of one percent (0.75%).
- (h) The maximum grade of the Private Lane shall be ten percent (10%). Grades up to fourteen percent (14%) may be permitted for distances of not more than one hundred fifty (150) feet where mitigation measures are approved by the Township upon consultation with the Township Engineer and emergency management personnel.
- (i) Grades within any proposed turnaround shall not exceed four percent (4%).
- (j) The Private Lane shall be crowned in accordance with Township street specifications.
- (j) Trees, landscaping, lamp posts, signs, and other vertical obstructions more than seven (7) feet tall shall not be placed within ten (10) feet of the outside turning radius.
- (k) Private Lanes shall be constructed of a base course consisting of a bottom layer of four (4) inches of AASHTO #1 stone and a top layer of seven (7) inches of either 2A or 2RC stone,

measured after it has been compacted with a vibratory roller of not less than ten (10) tons in weight.

(l) When constructed with a downward slope toward the intersecting public road, the entrance to the Private Lane shall be improved as per Township street specifications for a minimum distance of fifty (50) feet from the edge of the existing cartway.

(m) Any Type B, Class 2 Private Lane designed as a dead-end road shall be constructed as a cul-de-sac including a turnaround built to Township specifications. Acceptable alternatives for Private Lane turnarounds include a one-hundred twenty (120) foot hammerhead or an oblique (“Y”) hammerhead with leg lengths of sixty (60) feet each. Minimum curve radii of twenty-eight (28) feet are required for each of these alternatives.

(n) No off-shoot Private Lanes shall be constructed off a Type B, Class 2 Private Lane unless such Private Lane has been reconstructed to meet the street design and construction specifications for a Type B, Class 1 Private Lane.

(o) The Developer shall be responsible for naming the Private Lane with approval from Adams County. The name will use the term “Lane” and the Developer shall be responsible for providing a street sign to Township specifications at the road’s entrance.

(p) Private Lane construction and inspection shall be included with any public improvements for guarantee purposes prior to the release of any approved Final Plan.

(q) The plan creating a Class B, Type 2 Private Lane shall include a note stating that the Township has no interest, obligation, responsibility or intent of maintaining or taking over said road until such time as it is reconstructed to meet all prevailing Township street design and construction specifications. The note shall mirror the language found in the Lot Owner’s Agreement as required in Section 904.S.3.b above.

SECTION 905: Utilities and other Facilities

A. Installation of all sewers, water mains, street lights, manholes and other utilities, shall be in strict accordance with the engineering standards and specifications of the Township, municipal authority or other public utility concerned. Sanitary sewers shall have a minimum inside diameter of eight (8) inches and a minimum grade of 0,004 ft/ft. Terminal pipes shall be

provided with a minimum grade of 0.01 ft/ft. Manholes shall be located generally at intervals of no more than four hundred (400) feet. Manholes are also required at all points of change of course or grade line and at all points of intersection of sewer lines. Sanitary sewers shall not be used to carry storm water. When on-site facilities are necessary, their design, construction and installation shall be in accordance with the requirements of any Township ordinance or regulations governing such on-site facilities, and shall be approved by the sanitary officer or other appropriate governmental health agency.

B. If a public sanitary sewer system is available (within five hundred (500) feet of any part of the proposed subdivision, mobile home park, or land development), the subdivider or developer shall design and install a system including laterals which shall be connected to the public system and which shall serve every property within the proposed project. All plans and installations shall be subject to the approval of Hamiltonban Township Supervisors. The Board of Supervisors reserves the right to waive this requirement where owing to topographic features or character of development, such connection would be an undue hardship.

C. Where a public sanitary sewer system is not accessible but is planned for extension to the subdivision or land development or to within five hundred (500) feet of any part of the subdivision or land development the subdivider or developer shall install sewer lines, including lateral connections, to provide adequate service to each lot within the proposed project when connection with the public system is made. A sewer shall be considered to be planned for extension to a given area any time after engineering and related studies have been approved by the Pennsylvania Department of Environmental Protection and other agencies preparatory to the construction of facilities within five hundred (500) feet of any part of the subdivision or land development. The sewer lines shall be capped at the limits of the subdivision, mobile home park, or land development and the laterals shall be capped at the street or sewerage right-of-way line. All plans and installations shall be subject to the approval of the Hamiltonban Township Supervisors. When capped sewers are provided, on-site disposal facilities shall also be provided. In lieu of providing the required sewer facilities, the subdivider or developer may upon approval of the Hamiltonban Township Supervisors escrow an amount of money necessary to cover the costs of providing the required sewer facilities under terms acceptable to the Board of Supervisors.

D. In any portion of the Township defined in Section 905.C where a central sewerage system is proposed, such system shall be subject to approval of the Hamiltonban Township Board of Supervisors which may establish conditions for future acceptance by the Board of such system. Such conditions may include a deferral of acceptance or a permanent refusal to accept.

E. When a proposed subdivision or land development intends to utilize a public or Township-owned water supply system, the subdivider or land developer shall submit to the Township satisfactory evidence from the applicable agency approving of such utilization.

F. All private, central water supply systems shall be designed in accordance with the applicable regulations of the Department of Environmental Protection.

G. Fire hydrants shall be provided within any development to be served by a public or privately developed community water system. Fire hydrants shall be located so that the maximum distance from the front of any building to a fire hydrant is no more than six hundred (600) feet. The applicant shall provide documentation from the local fire department assigned first response that the location and design of the fire hydrants meets emergency response needs.

H. Adequate easements or rights-of-way shall be provided for drainage and utilities. Where common utility lines are installed in or over undedicated land, a public easement six feet on each side of the line shall be required. Suitable easements may also be required along the course of streams for the future installation of sewers. Where feasible, telephone and electric lines shall be installed below ground.

I. Landmarks: Within the context of utilities design and construction, the subdivider or land developer shall preserve trees of more than six (6) inches in diameter measured at a point four (4) feet from ground level. Further, the subdivider or land developer shall preserve groves of trees, waterways, scenic points, historic spots, and other community assets and landmarks.

J. Street Lights: Street lights shall be provided at every proposed street intersection for any development with one or more of the following characteristics.

1. Development located partially within Hamiltonban Township and partially within Fairfield Borough.
2. Development located adjacent to Fairfield Borough.
3. Development with a development density of three (3) dwelling units per acre.
4. Any development where the Township determines that intersection lighting is necessary in the interest of enhancing public safety.

Where the provision of street lights is based on proposed development density, said density shall be calculated utilizing the property's net developable area, which is exclusive of any designated areas for open space, conservation, recreation, floodplain, wetland, stormwater management, and public rights-of-way.

SECTION 906: Traffic Impact Studies

At the time of Preliminary Plan submittal, the applicant shall provide a traffic impact study in accordance with the following requirements.

A. A traffic impact study shall be required in any instance where the estimated average daily trip generation resulting from the proposed subdivision or land development is five hundred (500) vehicles per day or more. The Township Board of Supervisors may require at its discretion a traffic impact study in other instances where conflicts are anticipated involving

significant truck traffic, pedestrian traffic, documented safety concerns, inadequate existing road systems, and planned Township or State infrastructure improvements.

B. The cost of preparing the study and the cost of a review by the Township, its engineer, and its traffic engineer shall be borne by the applicant. The study shall be prepared by a qualified traffic engineer or planner. The applicant shall propose the use of a specific consultant and shall provide a list of the consultant's credentials for review by the Township. Said consultant shall be approved by the Township prior to initiation of the study.

C. The applicant and his consultant shall meet with the Township and its engineer prior to beginning the study in order to establish the study area limits. These limits shall not exceed a maximum distance of one mile from the proposed project's boundaries.

D. Joint traffic studies between different applicants are encouraged. Should a recent and relevant study be available, that information may be used when applicable as a basis for the required study upon approval by the Township.

E. The scope of the study shall be coordinated by the applicant's consultant and the Township Engineer and approved by the Board of Supervisors. Said scope shall include at a minimum existing and projected traffic conditions including volumes and service levels for a.m. and p.m. peak hours; accident history; trip generation estimates; warrants for signalization, signage and other methods of traffic control; speed analysis and recommended limitations; 24-hour traffic counts and a subsequent determination of actual peak hour usage; an analysis of structural road conditions; sight distance considerations; and trip distribution analysis.

F. The study shall conclude with an executive summary of findings and a list of recommended improvements. The applicant shall respond to these findings and recommendations in writing with a proposal on programs, improvements, rights-of-way, financing or other measures he is willing to participate in to resolve any negative impacts expected to result from the project.

G. In instances where needed transportation improvements within a given planning area are known, the Township may authorize the payment of a fee in-lieu of preparation of a traffic impact study in support of a proposed development project. If the Township authorizes payment of such a fee, the Township shall allocate the fee toward regional roadway and transportation improvements that would support the proposed development. The amount of such fee shall be mutually determined by the Township Engineer and the developer's engineer and shall reflect the likely cost of performing the ordinarily required traffic impact study in accordance with Township requirements. The Board of Supervisors shall approve the amount of such fee. The fee shall be refunded to the applicant if not used for the designated purpose within five (5) years of payment.

SECTION 907: Water Impact Study

A. Requirement for a Water Impact Study: A groundwater availability study will be required at the time of any required Preliminary Plan submittal for all subdivision(s) and/or land development(s) of any land tract(s) in Hamiltonban Township that proposes to utilize groundwater obtained from the said tract(s), any adjoining tract(s) or from any other tract(s) within the Township. The study will be required irrespective of whether that water is being distributed as part of a public water supply or as individual well(s) on lot within the said tract(s).

B. Exclusion and Modification to a Water Impact Study.

1. Exclusion: In the case of subdivision(s) or land development(s) involving less than ten (10) existing proposed or possible residential dwelling unit(s) or non-residential development(s) estimated to use less than 3,500 GPD (gallons per day) of water, the ground water availability study is not required. Studies shall also not be required when the applicant is a municipal water supplier, including but not limited to the Township and the Borough of Fairfield, and the proposal is for a new or expanded regional water source.

2. Modification: When there are fifteen (15) or more dwelling unit connections proposed as possible additions in the future to the said well/water system or when there are or is a possibility, in the future, of twenty-five (25) or more human consumers of the water from the said source, the study, regulation(s) and approval(s) shall also be within the jurisdiction of PADEP for conduct of the water impact study.

C. Conduct of a Water Impact Study: The water impact study shall be prepared, signed and sealed by a hydrologist, professional geologist or professional engineer qualified to conduct groundwater investigations in the Commonwealth of Pennsylvania. The purpose of the study will be to determine whether there is an adequate supply of groundwater for the proposed use and to estimate the impact of the additional water withdrawal(s) on existing nearby wells, underlying aquifers and streams and examine the possible connection(s) to an existing public water supply system and the capacity of that existing system to accommodate the proposed development(s). The scope of the study shall be determined upon consultation with the Township Engineer. Prior to approval, the Township shall conduct an independent, professional review of the study. The cost of the review shall be borne by the applicant.

D. Water Impact Study Requirements: The Hamiltonban Township Board of Supervisors shall only review and/or approve the groundwater impact study after the person(s) preparing the study signs the report, certifies the data and has included the following information:

1. Calculations of the projected water needs using the criteria set forth in the following:

- a. For residential usage, the PADEP calculation of three and one-half (3.5) persons per dwelling unit and an average daily usage of one hundred (100) gallons per person per day shall be utilized.
 - b. For any non-residential usage, PADEP accepted estimated water usage figures shall be utilized in all computations.
 - c. For any and all proposed public water system usage as described in Subsection 907.B.2, PADEP jurisdictions shall prevail.
 - d. Where applicable, calculations of the projected water needs using the criteria set forth in the following references shall be used:
 - (1) PUBLIC WATER SUPPLY MANUAL Bureau of Water Quality Management Publication No. 15 by the PADEP, Harrisburg, Pennsylvania, as amended.
 - (2) GUIDE FOR DETERMINATION OF REQUIRED FIRE FLOW by the Insurance Services Office (ISO) as amended.
 - (3) AMERICAN WATER WORKS ASSOCIATION Standards and Manuals for the American Water Works Association, Denver, Colorado, as amended.
2. A geologic map of the area within a one (1) mile radius of the site, at a scale of not more than one (1) inch to one thousand (1,000) feet (1"=1,000').
 3. The location of all faults, lineaments and fracture traces within one-quarter (1/4) mile of the site.
 4. The locations of all existing and proposed wells within 1/4 mile of the site, and all large withdrawal wells (over 10,000 gpd) within one (1) mile of the site.
 5. The location of all existing and proposed on-lot septic systems and sewer lines within one-quarter (1/4) mile of the site.
 6. The location of all streams, perennial and intermittent, floodplains and wetlands, within the project's boundaries.
 7. The locations of all existing sources of pollution/ contamination within one-quarter (1/4) mile of the well site.
 8. A discussion of the aquifers underlying the site and their long-term drought recharge capability based on accepted published data or detailed site specific investigations.

9. Based on the drought recharge capability of the underlying aquifer and the calculated daily groundwater withdrawals of the project, a hydrologic budget shall be calculated for the site property itself, and for the area within one-quarter (¼) mile of the site.
10. Based on the results of the hydrologic budget, a determination shall be made on whether or not the potential exists for adverse affects on the hydrologic environment caused by the project.
11. The study shall include a brief statement of the qualifications of the person(s) preparing the study.
12. For each well that is constructed:
 - a. An accurate geologic log should be constructed during the drilling of the well giving a detailed description of the type and thickness of rocks encountered.
 - b. The log should contain information on the depth and thickness of all water bearing zones encountered and the yield for each zone. Yield from the well must be measured using a quantitative method.
13. A pumping test shall be conducted at a rate and duration to be determined by the Township or its designee. A test of greater duration may be required if a water-table or unconfined-type response (delayed drainage) is encountered during the testing period. The test shall be conducted at a constant pumping rate that should not deviate greater than +/-5% during the test. Notice of all pumping tests shall be given to the Township at least seventy-two (72) hours before commencing the pumping test.
14. In order to determine the impact of the project on existing wells, a representative sample of existing wells, evenly spaced around the pumping well, shall be monitored for changes in water level. The number and location of monitoring wells shall be subject to approval by the Township or its designee before conducting a step test. Sufficient well monitoring shall be performed to allow for the construction of hydrographs showing a continuous record of well levels before, during and after the pumping test.
15. A means of accurately measuring the well discharge shall be provided subject to approval by the Township or its designee.
16. Well discharge shall be directed away from the site by a method suitable to the Adams County Conservation District and to a point suitable to the Township.
17. Records shall be compiled in typewritten form to include the following information:

- a. Name of driller and personnel conducting test.
 - b. Description of test well to include horizontal and vertical dimensions, casing installed and grouting detail.
 - c. List of formation samples.
 - d. Static water level immediately prior to yield testing.
 - e. Hydrograph of depth to water surface during test pumping and recovery period at the test well showing corresponding pump and discharge rate in gallons per minute and time readings were taken.
 - f. Log of depth to water surface at existing and monitoring wells during test pumping period showing time readings were taken.
18. A report shall accompany the test well data, which analyzes and interprets all data regarding impacts on the groundwater supply and existing wells. The credentials of the individual(s) preparing the report shall be included. Conclusions shall be drawn from the analysis with respect to:
- a. Availability of sufficient water for the land development proposed;
 - b. Probable effects of long-term pumping on well levels within one (1) mile of the test well.
19. No land development/subdivision plan, requiring a “water impact study,” shall be approved by the Township if the study indicates that the proposed well/water system does not provide an adequate supply of water for the proposed development/use, considering both quality and quantity, or that the proposed well/water supply adversely affects nearby wells and streams or does not provide for adequate groundwater recharge in respects to calculated withdrawals.
20. The submission to the Township shall include all applications, reports, or supplemental information submitted to and received from the PADEP and/or the Adams County Conservation District.

SECTION 908: Planning and Design Standards

A. General Standards to Minimize Adverse Impacts: All subdivisions and land developments in the Conservation Design Overlay District shall avoid or minimize adverse impacts on the Township's natural, cultural and historic resources, as defined below. In addition, all subdivisions and land developments in the Conservation by Design Overlay District shall

allocate land to the greenway according to the Prioritized List of Resources to be conserved set forth in Section 801.A of this Ordinance.

B. Groundwater Resources: Groundwater resources are to be protected for purposes of providing water supplies for its residents and businesses, and to protect the base flow of the Township's surface waters. These regulations shall be applied in conjunction with those provided for in other sections of this Ordinance, dealing with groundwater conservation and replenishment.

The proposed subdivision and land development of any tract shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table, through careful planning of vegetation and land disturbance activities, and the placement of streets, buildings and other impervious surfaces in locations other than those identified on the Existing Resources and Site Analysis Plan as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater.

C. Stream Valleys, Floodplain, Wetlands, Springs and Lowland Areas: The Township's Open Space Plan describes and maps stream valleys, floodplains, wetlands, springs and lowland areas as resources that warrant restrictive land use controls because of flooding hazards to human life and property, their groundwater recharge functions, their importance to water quality and the health of aquatic communities, and their wildlife habitats. They are generally poorly suited for on-site subsurface sewage disposal systems. Within these settings, the following activities shall be minimized:

1. Disturbance to streams and drainage swales.
2. Disturbance to year-round wetlands, areas with seasonally high water tables, and areas of surface water concentration.
3. Because of their extreme limitations, stream valleys, floodplain, wetlands, springs and lowland areas warrant designation as Greenway Land. Floodplain and Wetlands must be included as Greenway Lands within a proposed Conservation by Design development project. In addition, within a Conservation by Design development project, adjoining lands buffering these features may be required to be included in the proposed Greenway Land. Any such inclusion shall be determined by an analysis of the protection requirements of such areas on a case-by-case basis. In certain instances, seasonal high water table soils may be excluded from the Greenway Lands where it can be demonstrated that they are suitable for low density residential uses and conventional on-site sewage systems.

D. Woodlands: Woodlands exist within the Township, often in association with stream valleys and wet areas, poor and erodible agricultural soils, and moderate to steep slopes. Woodland conditions vary with respect to species composition, age, stocking, and health. They range from relatively recent post-agricultural young stands to mature mixed-age forests.

1. Because of their resource value, all woodlands on any tract proposed for subdivision or land development shall be evaluated by the applicant to determine the extent to which such woodlands should be conserved. Within a Conservation by Design development project proposal, this evaluation shall assess whether the wooded area shall be designated partly or entirely as Greenway Lands or development lands. Evaluation criteria shall include:

- a. Configuration and size.
- b. Present conditions, i.e., stocking, health and species composition.
- c. Site potential, i.e., the site's capabilities to support woodlands, based upon its topographic, soil and hydrologic characteristics.
- d. Ecological functions: i.e., in protecting steep slopes, erodible soils, maintaining stream quality and providing for wildlife habitats.
- e. Relationship to woodlands on adjoining and nearby properties and the potential for maintaining continuous woodland areas.

2. The evaluation of the tract's woodlands shall be undertaken by a qualified professional acceptable to the Township. This evaluation shall be submitted as a report and, for submissions subject to the Conservation by Design requirements of this Ordinance, shall be made a part of the Preliminary Resource Impact and Conservation Plan component of the Preliminary Plan application. At a minimum, the evaluation shall include mapping indicating boundaries and conditions of woodland areas accompanied by a report addressing the criteria in Section 908.D.1.

3. In designing a subdivision and land development plan for any tract, the applicant shall be guided by the following standards:

- a. Healthy woodlands exceeding one (1) acre shall be conserved. In Conservation by Design development projects, such woodlands shall also be designated as Greenway Land. Proposed site improvements shall be located, designed and constructed to minimize the loss or degradation of woodland areas.
- b. Subdivisions shall be designed to preserve woodlands along roadways, property lines, and streams. Such lines and the native vegetation associated with them shall be preserved as buffers between adjacent properties and between areas being subdivided within a property. Preservation shall include ground, shrub, understory and canopy vegetation.
- c. Disturbance or removal of woodlands occupying environmentally sensitive areas shall be undertaken only when approved by the Board and on a limited, selective basis to minimize the adverse impacts of such actions. This

shall include but not necessarily be limited to, vegetation performing important soil stabilizing functions on wet soils, stream banks and sloping lands.

d. No clearing or earth disturbance (except for soil analysis for proposed sewage disposal systems) shall be permitted within woodland areas of the site before the completion of subdivision and land development agreements. The determination of sight distance clearances along roadways shall be made graphically and not by clearing on-site prior to final plan approval.

E. Upland Rural-Agricultural Areas: These areas comprise fields, pastures, meadows, and former agricultural areas in early stages of woodlands succession. These comprise the Township's historic working landscape, are dotted with historic houses, barns and other structures, and give the Township much of its rural character. They also contain the greatest concentration of prime agricultural soils. Because of their openness and high visibility, development in these areas is likely to be most readily seen and disruptive to the historic landscape. They sometimes provide habitat for wildlife in conjunction with nearby woodlands and stream valleys. Because of this intrinsic value, important and highly visible elements of these working landscapes shall be incorporated into the open space areas of the development as follows.

1. Class I, II and III agricultural soils and natural features which visually punctuate the landscape, such as hedgerows, tree copses, stone walls, and visually prominent places such as knolls and hilltops, shall be incorporated into the open space areas of the development. Within Conservation by Design development projects, this standard shall be achieved by incorporating such agricultural soils and natural features into the designated Greenway Lands area of the project.

2. House sites shall be located on non-Class I, II and III agricultural soils and lower topographic settings where development will be visually less obtrusive. Any residential clusters in close proximity to highly visible locations within Upland Rural Agricultural Areas shall be located at the far edge of open fields to minimize the visual impact of the residential development on the rural-agricultural landscape.

F. Slopes: Moderately sloping lands and steeply sloping lands are prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds and public roads, are detrimental to water quality and aquatic life, and a potential hazard to public safety. Areas of steep slope shall be preserved as required below.

1. All grading and earthmoving on slopes exceeding fifteen percent (15%) shall be minimized.

2. No site disturbance shall be allowed on slopes exceeding twenty-five percent (25%). Within Conservation by Design development projects, slopes exceeding twenty-five (25%) shall be included in the designated Greenway Lands of the development.

3. On slopes of fifteen percent (15%) to twenty-five percent (25%), the only permitted grading beyond the terms described above, shall be in conjunction with the siting of a single family dwelling, its access driveway and the septic system (which shall be designed with a long, narrow drainage field following the land contours unless otherwise directed by the Township Sewage Enforcement Officer).

4. Grading or earthmoving on all sloping lands of fifteen percent (15%) or greater shall not result in earth cuts or fills whose highest vertical dimension exceeds six (6) feet, except where in the judgment of the Board no reasonable alternatives exist for construction of roads, drainage structures and other public improvements, in which case such vertical dimensions shall not exceed twelve (12) feet. Roads and driveways shall follow the line of existing topography to minimize the required cut and fill. Finished slopes of all cuts and fills shall be as required to minimize disturbance of natural grades.

G. Significant Natural Areas and Features: Natural areas containing rare or endangered plants and animals, as well as other features of natural significance exist throughout the Township. Some of these have been carefully documented by the Statewide Natural Diversity Inventory and the County's Natural Areas Inventory, whereas for others, only their general locations are known. Subdivision applicants shall protect significant natural areas and features identified by the Township's Map of Potential Conservation Lands. In addition, for Conservation by Design development projects, these areas shall be identified on the applicant's Existing Resources and Site Analysis Plan, as required in Section 600.B.12.c, and shall be protected by incorporating them into proposed Greenway Lands and avoiding their disturbance in areas proposed for development.

H. Historic Structures and Sites: Many of the Township's historic structures and sites have been extensively researched and remain intact. Historic structures and the landscape associated with such structures shall be incorporated into the development proposal. For Conservation by Design development projects, such features shall be incorporated into the designated Greenway Lands of the development. In all cases, the conservation of historic structures and sites shall be subject to the following considerations.

1. Plans requiring subdivision and land development approval shall be designed to protect existing historic resources of all classes. The protection of an existing historic resource shall include the conservation of the landscape immediately associated with and significant to that resource, to preserve its historic context. Where a plan will have an impact upon an historic resource, the developer shall mitigate that impact by modifying the design, relocating proposed lot lines, providing landscape buffers, or other approved means.

2. Municipal participation, review and approval of the applicant's interaction with the State Historical and Museum Commission with regard to the preservation of historic resources, as required for DEP approval of proposed sewage disposal systems, shall be required prior to Final Plan approval.

I. Trails.

1. When a subdivision or land development proposal is traversed by or abuts an existing trail customarily used by pedestrians and/or equestrians, the applicant shall include make provisions for continued recreational use of the trail. Within Conservation by Design development projects, the trail shall be retained within the designated Greenway Lands of the development.
2. The applicant may alter the course of the trail within the tract for which development is proposed under the following conditions:
 - a. The points at which the trail enters and exits the tract remain unchanged.
 - b. The proposed alteration exhibits quality trail design according to generally accepted principles of landscape architecture (for example, Bureau of State Parks publication Non-Motorized Trails).
 - c. The proposed alteration does not coincide with a paved road intended for use by motorized vehicles.
3. When trails are intended for public or private use, they shall be protected by a permanent conservation easement on the properties on which they are located. The width of the protected area in which the trail is located should be a minimum of ten (10) feet. The language of the conservation easement shall be to the satisfaction of the Board upon recommendation of the Township Solicitor.
4. Within Conservation by Design development projects, the land area permanently designated for trails for public use may be credited toward the Greenway Land requirement described in Section 1403 of the Zoning Ordinance.
5. An applicant may propose and develop new trails. For Conservation by Design development projects, the land area protected for said trail may be credited toward the open space requirement described in Section 1403 of the Zoning Ordinance if said trails will be available for use by the general public and connects with an existing trail.
6. Trail improvements shall demonstrate adherence to principles of quality trail design.
7. Trails shall have a vertical clearance of no less than ten (10) feet.
8. Width of the trail surface may vary depending upon type of use to be accommodated, but in no case shall be less than three (3) feet or greater than six (6) feet.
9. No trail shall be designed with the intent to accommodate motorized vehicles.

SECTION 909: Dedication of Land, or Payment of Fees in Lieu Thereof, for Park, Recreation, and Open Space Use

A. Purpose: The purpose of this section is to implement the Hamiltonban Township / Fairfield Borough Joint Recreation Plan of 2007, as specifically authorized by Section 503(11) of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

B. General Requirement: This section applies to residential subdivision and / or land development proposals that would result, either initially or cumulatively on a parent tract existing at the time of adoption of this section, in the development of five (5) or more dwelling units.

C. Land Dedication: Applicants subject to the requirements of this section shall dedicate to the Township land suitable for park and recreation use. The amount of land to be dedicated shall be 0.024 acres for every proposed dwelling unit. Land to be dedicated shall be identified on the Preliminary Plan and Final Plan submission where both Preliminary Plan and Final Plan submission is required. Where only Final Plan submission is required, the land to be dedicated shall be depicted on the Final Plan submission.

D. Quality of Land to be Dedicated: The land to be dedicated to the Township for parks and recreation purposes shall be suitable for the provision of parks and recreation facilities. The dedicated land shall comply with the following requirements.

1. The dedicated land shall not be located within any floodway.
2. No more than ten percent (10%) of the dedicated land may include designated wetlands or hydric soils.
3. No more than twenty percent (20%) of the dedicated land may include slopes exceeding eight percent (8%).
4. The dedicated land shall not include any existing or proposed infrastructure facilities including, but not limited to, stormwater management facilities, pump stations, utility or transmission line rights-of-way, or roads.
5. The dedicated land shall not include any area with confirmed or suspected environmental hazards, or other areas that may pose a health or safety concern.
6. The dedicated land shall not include land that contributes to any required setback, buffer, or other protection area that may be required by this Ordinance or any other Township ordinance.
7. The dedicated land shall meet the lot requirements of Section 903 of this Ordinance. However, the dedication of land oriented in a flag or panhandle lot configuration shall not be authorized.

9. The dedicated land shall be located in a manner that furthers goals and objectives found in applicable state, county, regional, and adjoining municipal parks and open space planning, specifically to encourage the development of a regional parks, recreation, and open space network.

E. Improvement of Land to Be Dedicated: Where parks and recreation land dedication is proposed, the land to be dedicated shall be improved in accordance with the following.

1. Recreation facilities shall address recreation facility deficits as identified in the Hamiltonban Township / Fairfield Borough Joint Recreation Plan. The applicant shall provide recreation facilities in accordance with the following table

<u>Dwelling Units</u>	<u>Total Number of Recreation Facilities</u>
24 or fewer	0
25 to 49	1
50 to 75	2
76 to 99	3
100 to 199	4
200 to 299	5
300 to 399	6
400 or more	7, plus 1 additional facility for every 150 additional dwelling units beyond 400.

Recreation facilities shall include, but are not limited to, playground areas, basketball courts, volleyball courts, tennis courts, softball and / or baseball fields, soccer and / or football fields, and pavilions. The mix of recreation facilities shall be determined and approved by the Township Supervisors.

2. Recreation facilities shall be provided with safe and convenient access by pedestrian, bicycle, and automobile modes of transportation. The site shall be provided with appropriate means to allow for maintenance and / or emergency vehicle access. Where new recreation facilities are located adjacent to existing recreation facilities or other sites where the provision of recreation or open space facilities is likely in the future, a system of pedestrian / bicycle trails shall be provided to allow safe and convenient movement from one site to another.

3. Recreation facilities shall not be divided by either public or private streets.

4. Recreation facilities shall be suitably landscaped either by retaining existing vegetation and wooded areas and / or by a landscaping plan designed to enhance the facilities through the installation of plantings which are consistent with the purposes of this section.

5. Recreation facilities shall be conveniently accessible to the general public to improve the utility of the facilities and to promote use of the facilities by the residents. The recreation facilities shall also be located in a manner that respects the privacy needs of those existing or future residents who adjoin the site.

6. The construction of required recreation facilities shall be bonded in accordance with applicable posting of financial security requirements of this Ordinance.

F. Payment of Recreation Fee in Lieu of Land Dedication: In lieu of dedicating park and recreation land to the Township, an applicant may choose to pay a recreation fee to the Township. The amount of the recreation fee shall be established on a per dwelling unit basis. The fee shall be established by resolution of the Township Supervisors as may be amended from time to time. The payment of recreation fees in lieu of land dedication shall meet the following requirements.

1. The Township shall administer the collected fees in accordance with the requirements set forth in Section 503(11) of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

2. The applicant shall pay the required recreation fees prior to the approval and signature by the Township Supervisors of the Final Plan. Where a residential subdivision or land development plan is approved in phases, the applicant shall pay the required recreation fees prior to the approval and signature of each phase. The three-year period for the expenditure of recreation fees established in Section of 503(11)(vii) of the Pennsylvania Municipalities Planning Code shall not begin until the required recreation fees have been paid in full by the applicant.

G. Combination of Land Dedication and Payment of Recreation Fees: Nothing herein shall prevent an applicant from proposing a combination of park and recreation land dedication and payment of recreation fees to satisfy the requirements of this Section. Where proposed, the combination of land dedication and payment of recreation fees shall meet the following requirements.

1. The combination of land dedication and payment of recreation fees shall result in an equivalent amount of park and recreation land provided for Township residents when compared to the amount of park and recreation land provided by the utilization of either the land dedication or the payment of recreation fees provision.

2. The amount of land to be dedicated shall continue to be of sufficient size to provide for necessary parks and recreation facilities or shall be combined with land already dedicated to the Township for parks and recreation use on an adjoining parcel.

3. The Township Supervisors shall determine, at their discretion, whether a proposed combination of land dedication and payment of recreation fees shall be approved.

SECTION 910: Development Phasing

All developments constructed in phases shall comply with the following requirements.

A. **Site Access:** The phasing plan shall be designed to ensure that a minimum of two (2) means of street access shall be provided to each phase of any development. Street access shall be deemed to include access from Major, Collector, and/or Minor Streets, but shall not be deemed to include access from Alleys. The minimum two (2) means of street access shall be improved to a usable condition, as determined by the Township, at such time that fifty percent (50%) or more of the properties, dwelling units, and/or nonresidential units, as the case may be, in each phase are occupied.

B. **Infrastructure Installation:** Infrastructure to be installed in conjunction with or in support of proposed development shall comply with the following requirements.

1. **Sewer and Water Service:** Where expansion of sewer and/or water service capacity is necessary as a result of a proposed development, such capacity expansion shall be constructed and be operational prior to the occupation of the first property, dwelling unit, or nonresidential unit, as the case may be, of the first phase of the development.

2. **Off-Site Improvements:** Where the construction of off-site infrastructure or facilities are necessary in support of a proposed development and authorized in accordance with applicable Commonwealth of Pennsylvania law, such off-site infrastructure and / or facilities shall be constructed and be operational prior to the occupation of the first property, dwelling unit, or nonresidential unit, as the case may be, of the phase of the development which necessitates the installation of the required off-site infrastructure.

3. **Installation Responsibility:** The developer shall be responsible for the installation of all infrastructure, including off-site infrastructure that is required in conjunction with and in support of the proposed development.

ARTICLE X: IMPROVEMENT STANDARDS

SECTION 1000: Standards for Monuments and Markers

A. All work shall conform to Standards put forth by the American Congress on Surveying and Mapping and the following minimum standards:

B. Monuments: Monuments shall be four (4) inches square at the surface, thirty (30) inches long and made of concrete, stone, or by setting a four (4) inch cast iron or steel pipe filled with concrete. Monuments shall be set at the intersection of lines forming angles in boundaries of the subdivision and at the intersection of public and private street right-of-way lines as follows

1. Monuments shall not be required for subdivisions with less than twenty (20) residential lots.

2. A minimum of two (2) monuments shall be required for subdivisions not meeting the criteria of section 1000.B.1, provided, however, that there is a clear line of sight between monuments. The Township reserves the right to require additional monuments at such places as maybe required by the Engineer to adequately establish horizontal control.

3. A minimum of three (3) monuments shall be required for subdivisions of fifty (50) lots or more, provided, however, that there is a clear line of sight between monuments. The Township reserves the right to require additional monuments at such places as may be required by the Engineer to adequately establish horizontal control.

C. Markers: Markers shall be three-quarters of an inch (3/4") square or three-quarters of an inch (3/4") diameter, and fifteen (15) inches long. Markers shall be made of iron or steel bars. Markers shall be set:

1. At all lot corners except those monumented.

2. Prior to the time of building permit issuance.

SECTION 1001: Standards for Curb and Sidewalk

The construction and installation of curb and sidewalk within the Township shall conform to the following requirements:

A. Sidewalks and curbs shall be provided within any development exhibiting one or more of the following characteristics:

1. Development located either partially within Fairfield Borough and Hamiltonban Township.
2. Development located adjacent to Fairfield Borough.
3. Development with a development density of three (3) dwelling units per acre.
4. Any development where the Township determines that the provision of curbing and sidewalks is necessary in the interest of enhancing public safety (and particularly pedestrian public safety).

Where the provision of curbing and sidewalk is based on proposed development density, said density shall be calculated utilizing the property's net developable area, which is exclusive of any designated areas for open space, conservation, recreation, floodplain, wetland, stormwater management, and public rights-of-way. Sidewalks may be limited to one side of the proposed street in instances of Conservation-by-Design developments where lots front only one side of the street.

- B. Curbing shall comply with applicable standards in the Hamiltonban Township Standard Construction and Material Specifications document.
- C. Sidewalks shall comply with applicable standards in the Hamiltonban Township Standard Construction and Material Specifications document..
- D. Sidewalk shall be separated by a three (3)-foot grass strip from the edge of curb.
- E. Crosswalks. Curb and sidewalk design shall also include depressed areas at street intersections constructed per the aforementioned publication. Crosswalks at all street intersections shall be located and designed to minimize crosswalk length. To achieve this standard, paired pedestrian ramps oriented perpendicular to the vehicle travel direction of the street on which the crosswalk will be located shall be utilized at each corner of the intersection. A singular curb ramp at each corner facing diagonally toward the center of the intersection shall not be authorized under any circumstances. All crosswalks and pedestrian ramps shall comply with applicable requirements of the Americans with Disabilities Act.

SECTION 1002: Bridges and Stream Encroachments

- A. All bridges and other forms of stream encroachments shall be permitted by the Township only in accordance with all applicable Federal, State and local agency rules and regulations. Final subdivision and/or land development plan approval shall be subject to the provision of permits and approvals from all applicable regulatory agencies including, but not limited to, the United States Army Corps of Engineers (USACE), the Pennsylvania Department of Environmental Protection (PADEP), the County Conservation District, the Federal Emergency Management Agency (FEMA), and the United States Fish and Wildlife Service.

B. Bridges, whether existing or proposed, shall be designed in accordance with AASHTO *Standard Specifications for Highway Bridges* as part of any subdivision and/or land development plan approval. All bridges shall be designed using a design vehicle of AASHTO HS20 or HS25 live load rating, whichever shall govern. Vehicle load limits shall be posted at both ends of each bridge with signs having reflective letters not less than four (4) inches in height on a contrasting background.

SECTION 1003: Standards for Stormwater Management

Compliance with applicable standards of the Hamiltonban Township Stormwater Management Ordinance shall be required for all regulated activities as defined in said Ordinance. Where a subdivision or land development plan requires a Stormwater Management Site Plan (SWM Site Plan) in accordance with applicable standards of the Hamiltonban Township Stormwater Management Ordinance, said SWM Site Plan shall be submitted as a component of any required Preliminary Plan and /or Final Plan submission in accordance with applicable standards of this Ordinance.

SECTION 1004: Street Trees

A. Within any major land development or major subdivision, or within any land development or subdivision where new streets are proposed, street trees shall be required. Street trees shall be planted along both sides of all new streets, and along the side of any existing street bordering the proposed development where street trees do not already exist.

B. Street trees shall be planted at intervals of not more than forty-five (45) feet. An equivalent number of trees may be planted in a less formal arrangement, subject to the approval of the Board of Supervisors.

C. Street trees shall not be planted directly opposite a street from each other. Street trees shall be planted in a staggered arrangement to provide maximum tree canopy coverage over the street.

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

E. Where street trees are required in a location that either includes curbing and sidewalk or where curbing and sidewalk is to be installed, the required street trees shall be located between the curb and sidewalk within the grass strip required by Section 1001.D of this Ordinance. Where street trees are required in a location that either does not include curbing and sidewalk or where curbing and sidewalk is not required, the required street trees shall be located five (5) feet from the street right-of-way line.

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, measured three feet above the ground surface.

H. Street trees shall be selected from a species list approved by the Township through resolution of the Board of Supervisors.

I. Species Variety: To ensure variety in street tree application, the number of species of trees to be used shall be based on the number of overall trees required for a given development project in accordance with the following table.

Number of Required Street Trees	Number of Required Species
1-10	1
11-25	2
26-50	3
50-100	4
More than 100	5

When more than one tree species is required, the tree species shall be applied in equal proportions within the development site.

ARTICLE XI: MOBILE HOME PARK REGULATIONS

SECTION 1100: Procedure

A. No person, firm or corporation shall construct, maintain or operate a Mobile Home Park within the Township without first obtaining a Mobile Home Park Permit from Hamiltonban Township. The procedures and standards for acting upon mobile home park applications shall be the same as for subdivision and land development applications and in accordance with the provisions of this Ordinance, including, but not limited to, the provisions of acceptable financial security to the Township to secure the installation of required on-site improvements, unless otherwise specified in this Article.

B. Prior to the issuance of a Mobile Home Park Permit, applications shall be submitted to and approved by the Township Planning and Zoning Commission and the Board of Supervisors in accordance with the requirements and procedures of Articles IV, V, VI, and VII of this Ordinance, regarding General Procedure, Jurisdiction, Pre-application Consultation, Preliminary Plans and Final Plans.

C. Board of Supervisors' Public Hearing: Before acting on any preliminary mobile home park plan, the Board of Supervisors shall arrange for a public hearing. Such public hearing shall be held after reviewing the recommendations, if any, of the Planning and Zoning Commission, and within twenty (20) days of receipt of the said recommendations. This hearing shall be advertised in a newspaper of general circulation in the Township at least ten (10) days before such hearing, and notice of said hearing shall be posted by certified mail to the owners of property abutting the site and directly across an adjoining street and to any other persons that the Supervisors may feel to be particularly affected.

D. Board of Supervisors' Action: The Board of Supervisors shall take official action on a preliminary mobile home park plan after it has received the report of the Township Planning and Zoning Commission and after the required public hearing. The Board of Supervisors shall note its action on three (3) copies of the plans. Two (2) copies shall be returned to the applicant, and one (1) copy shall be retained for Township use.

SECTION 1101: Approval of Site Plan

A. In considering and acting upon mobile home park plans, the Board of Supervisors shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the expressed intent of this Ordinance.

B. Effect of Land Development Plan Approval: No building permit or occupancy permit shall be issued for any structure covered by this Article until an approved Land Development Plan or approved amendment of any such plan has been secured by the applicant from the Board of Supervisors.

SECTION 1102: Mobile Home Park Permit

A. License and Permit: It shall be unlawful for any person to construct, alter, extend, or operate any park unless he has been issued a permit by Hamiltonban Township hereunder; and unless he complies with provisions of this Ordinance and Regulations.

B. Application to Hamiltonban Township: Owner shall make application to the Township Supervisors on the form furnished by said officials for permit to operate a park in the Township, designating the person within the Township upon whom service of notices and proceedings hereunder can be served.

C. Inspection and Issuance of Permit: Upon receipt of such application the Township Supervisors or their authorized representative shall inspect applicant's proposed park to determine compliance with the provisions of this Ordinance. Upon approval the Board of Supervisors shall issue a Park Permit to applicant which shall be valid for the period of one (1) year thereunder. Upon determination that applicant does not comply with this Ordinance, the Board of Supervisors shall give notice with conditions required to be met prior to reconsideration of the application.

D. Renewal Permits and Transfers: Park Permits shall be renewed annually and shall be applied for by the owner no less than one (1) month from the anniversary date of the initial issuance date of the Park Permit. Upon receipt of the Park Permit renewal application, the Park shall be inspected and the Park Permit renewal shall be acted upon in accordance with the process outlined in Subsection C above. In addition, every person holding a permit shall file notice in writing to the Township Supervisors within ten (10) days after having sold, transferred, given away, or otherwise disposed of interest in or control of any mobile home park.

E. Applicability to Existing Parks.

1. Parks in existence upon effective date of this Ordinance will be required to meet maintenance and operating standards of this Ordinance as a prerequisite to issuance of a permit or a renewal permit.

2. Park operation and maintenance and expansion of existing parks shall comply with this Ordinance.

3. Parks in existence, in operation, or approved under prior Ordinance, at time of enactment of this Ordinance, whether or not issued a permit, shall within one hundred twenty (120) days after the effective date of this Ordinance make application for permit

hereunder and shall comply with provisions of this Ordinance applicable to parks in existence prior to enactment.

4. Any existing park that in the opinion of the Board of Supervisors creates a fire, health, or safety hazard shall be required to comply with the provisions of this Ordinance within a reasonable period of time as determined by the Board of Supervisors.

SECTION 1103: Park Site

The park site shall be well drained and have such grades and soil as to make it suitable for the purpose intended. All such parks shall be planned as a unit and shall be located on a tract of land at least ten (10) acres in size. The area of said site shall be in single ownership or under unified control. All mobile home parks within Hamiltonban Township shall provide centralized water and sanitary sewer service for their residents. Said centralized water and sanitary sewer systems shall be designed, constructed, permitted, operated and maintained in accordance with all applicable Township, State and Federal requirements. A mobile home park shall have a gross area of at least ten (10) acres and shall contain no more than four (4) mobile home lots per acre. Said minimum 10-acre project area shall not include areas identified as slopes steeper than twenty-five (25%) percent, wetlands, 100-year floodplain, and utility easements. Mobile home parks shall not be located within the 100-year floodplain.

SECTION 1104: Lot Requirements

- A. All lots in any mobile home park shall be well drained and graded to a point where mobile homes may be parked so that the parking of the same shall result in safety to all concerned. In all instances as much natural vegetation as is reasonably possible shall be preserved by any mobile home park developer.
- B. 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%).
- C. On land laid out as a mobile home park, lots with homes of a width of sixteen (16) feet or less shall be not less than seventy (70) feet wide measured at the required front setback line. Lots with homes greater than sixteen (16) feet in width shall be not less than eighty-five (85) feet wide measured at the required front setback line. The minimum required lot area for all individual mobile home lots within mobile home parks shall be one-quarter (1/4) acre or ten thousand eight hundred ninety (10,890) square feet exclusive of street rights-of-way, 50-foot property boundary setbacks, and other public areas.

D. All mobile home lots shall be given street numbers, and all park streets shall be given names approved by the County. Continuations of existing streets shall be known by the same name; but names for other streets shall not duplicate or closely resemble names for existing streets in the Township.

E. The mobile home pad shall be a hard surfaced pad providing a foundation that will not heave, shift or settle unevenly because of frost action, inadequate drainage, vibration or other forces acting on the superstructure. At a minimum, each mobile home pad shall consist of a permanent foundation of block or concrete, with concrete footings extending at least thirty six (36) inches below finished grade. Each Mobile Home pad shall be equipped with appropriately designed utility connections. The space between the floor of the mobile home and the mobile home pad shall be enclosed to conceal all supports and utility connections.

F. The mobile home pad shall be designed to provide adequate support for the placement and tie-down of 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.

SECTION 1105: Yard And Setback Requirements

A. All mobile homes shall be located at least seventy-five (75) feet from any street right-of-way which abuts a Mobile Home Park boundary and from any other boundary of the park.

B. There shall be a minimum distance of twenty-five (25) feet between an individual mobile home and adjoining pavement of a park street or common parking area or other common areas.

C. All mobile homes shall be separated from each other and from other buildings by at least twenty (20) feet. In a mobile home park, side and rear building setbacks shall be not less than twenty (20) feet from the side and rear lot lines of each mobile home lot.

SECTION 1106: Park Street System

A. Park Access: Access to Mobile Home Parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. Each Mobile Home Park shall be provided with at least two (2) points of ingress and/or egress and a distance of at least one hundred fifty (150) feet shall be maintained between centerlines of access streets.

B. Lot Access: All Mobile Home Parks shall be provided with safe and convenient paved access streets to and from each and every mobile home lot. Alignment and gradient shall be

properly adapted to topography. All lots within a mobile home park shall access interior park streets and not dedicated Township roads.

C. Streets. All streets shall be designed and paved in accordance with Township specifications and shall be kept in good repair. All streets within the mobile home park shall remain under single ownership with the park. Mobile home park streets shall not be offered for Township dedication. It shall be unlawful to permanently or temporarily locate or park a mobile home so that any part of such home will obstruct any roadway or walkway.

SECTION 1107: Required Off-Street Parking

A. Off-street parking areas shall be provided in all Mobile Home Parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least two (2) vehicular parking spaces for each mobile home lot. Each off-street parking space shall contain at least four hundred (400) square feet and shall be located on the mobile home lot that it is intended to serve.

B. Auxiliary parking areas shall be provided throughout the mobile home park at a rate of one space for each mobile home lot. Auxiliary parking areas shall be located within three hundred (300) feet of the lots they are intended to serve. Said auxiliary parking areas shall be surfaced in accordance with the Township Zoning Ordinance and are intended for passenger vehicle use only.

C. A specially assigned, secure parking and storage area shall be provided on-site in close proximity to the park office. This area shall be utilized for the storage of larger vehicles including, but not limited to, recreational vehicles, campers, boats, trailers, and tractors. The area shall be surfaced in accordance with the Township Zoning Ordinance.

SECTION 1108: Utility Improvements

A. Water Distribution: All Mobile Home Parks shall provide to each separate mobile home lot a continuing supply of safe and potable centralized water as approved by the State Department of Environmental Protection.

B. Sewage Disposal: All Mobile Home Parks shall provide to each separate mobile home lot a connection to a centralized sanitary sewer disposal system which shall be approved by the State Department of Environmental Protection.

C. No Mobile Home Park Permit shall be issued until the sewage disposal and water distribution system for the Mobile Home Park have been approved by the State Department of Environmental Protection.

D. Electrical Distribution and Television Service: All mobile home parks shall have underground electrical distribution systems, telephone service and television cable service where

available which shall be installed and maintained in accordance with the local company's specifications regulating such systems.

E. Individual Electrical Connections.

1. Each mobile home lot shall be provided with an approved disconnecting device and over current protective equipment. The minimum service per outlet shall be 120/240 volts AC 200 amperes.

2. All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding connector run with branch circuit conductors or other approved methods of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

F. Natural Gas System: Any natural gas system shall be installed and maintained in accordance with the regulations and specifications of the company supplying said natural gas.

G. Liquefied Petroleum Gas System. Liquefied petroleum gas (LPG) systems provided for mobile homes, service buildings or other structures shall include the following:

1. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.

2. Systems shall have at least one (1) accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.

3. All LPG piping outside of the mobile home shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas liquid form shall not be conveyed through piping equipment and systems in mobile homes.

4. Any vessel containing LPG shall be secured but not permanently fastened to prevent accidental overturning. Vessels with a capacity greater than one hundred (100) gallons must be placed no nearer than ten (10) feet from any building. Vessels with a capacity greater than five hundred (500) gallons are prohibited, and no mobile home shall have a total capacity greater than five hundred (500) gallons.

5. No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure unless such installations are specifically approved by Hamiltonban Township.

H. Fuel Oil Supply Systems. All fuel oil supply systems provided for mobile homes, servicing buildings and other structures shall be installed and maintained in conformity with the following regulations:

1. All piping from outside fuel oil storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.
2. All fuel oil supply systems provided for mobile homes, service buildings and other structures shall have shut-off valves located within five (5) inches of storage tanks.
3. All fuel oil storage tanks or cylinders shall be securely placed and shall not be less than ten (10) feet from any mobile home exit.
4. Fuel oil storage tanks located in areas subject to traffic shall be protected against physical damage.
5. Fuel oil storage tanks shall not be located under mobile homes.

SECTION 1109: Common Open Space

A. All mobile home parks shall provide not less than ten percent (10%) of the total land area for common open space purposes for the enjoyment of park residents. The required open space shall not include undesirable areas including, but not limited to, slopes greater than twenty-five percent (25%), wetlands, 100-year floodplain, and stormwater management facilities. Common open space shall be located so as to be free of traffic hazards and shall be centrally located and easily accessible to all park residents. Sidewalks shall be required to access all useable open space and recreation areas. Mobile home parks accommodating more than twenty-five (25) individual lots shall also be required to provide playgrounds or other physical recreational facilities to promote active recreation in addition to passive open space. Such active recreation facilities may be included within the required open space area. Plans shall detail the types of facilities proposed and their locations.

B. Exposed ground surface in all parts of every park shall be protected with a vegetation growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

C. Park grounds shall be maintained free of vegetation growth which is poisonous or which may harbor rodents, insects, or other pests harmful to man.

SECTION 1110: Landscaping and Screening

Mobile home parks shall comply with the landscaping and screening requirements found in Article III of the Hamiltonban Township Zoning Ordinance.

SECTION 1111: Curbing and Sidewalks

Mobile home parks shall provide curbing and sidewalk as per the requirements found in Section 1001 of this Ordinance. Additionally, all mobile home lots shall be connected to sidewalks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of thirty (30) inches.

SECTION 1112: Signs and Lighting

- A. Mobile home parks shall be subject to the sign requirements of Article III of the Township Zoning Ordinance.
- B. All means of ingress and egress, walkways, streets, and parking lots shall be adequately lighted during nighttime hours, by the use of either low-pressure or high-pressure sodium luminaries mounted at a minimum height of twenty (20) feet. Park illumination for streets and other public areas shall be serviced by a separate circuit. The Developer is required to provide a lighting plan for review and approval by the Township. Said lighting plan shall be prepared by a professional engineer, licensed architect, professional lighting consultant or the power company servicing the proposed park. All park lighting shall conform to the performance standards set forth in Article III of the Township Zoning Ordinance.
- C. Along park streets and walkways, luminaries shall be provided at maximum intervals of two hundred (200) feet, except within two hundred (200) feet of intersections of park streets, where the maximum intervals shall be one hundred (100) feet.
- D. Park entranceways, where the park street connects with the public street, shall have at least two (2) luminaries at the street intersection.
- E. Auxiliary parking lots shall have one (1) luminary for each twenty (20) parking spaces, or fraction thereof, which shall be located to distribute the light as evenly as practical.

SECTION 1113: Other Site Improvements

- A. An enclosure of compatible design and material or “skirting” shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure and shall be designed in such a manner as to prevent animals from freely entering the area beneath the mobile home.
- B. Anchorage to prevent the movement of the mobile home by natural causes shall be provided for each mobile home. Anchorage may be provided for by anchors and tie-downs such as cast-in-place concrete, “dead-man” eyelets imbedded in arrowhead anchors, or other devices securing the stability of the mobile home. Anchors and tie-downs shall be placed at a minimum

at each corner of the mobile home slab and each shall be able to sustain a minimum tensile strength of two thousand eighty (2,080) pounds.

C. Each manufactured home shall be placed on a six-inch-thick poured concrete pad over a six-inch stone base, the length and width of which shall be at least equal to the length and width of the manufactured home it is to support.

D. Each mobile home lot shall be provided with a four (4) inch concrete slab on a stable surface at least ten (10) feet by eighteen (18) feet in size for use as a terrace and so located so as to be adjoining and parallel to the mobile home and not extend into the front or rear yards. In place of a concrete slab, a structurally stable porch may be constructed at the elevation of the entranceway. It must be located so as to be adjoining and parallel to the mobile home and not extended into the front or rear yards. The porch shall be of either metal or pressure treated wood construction at least ten (10) feet by eighteen (18) feet in size.

E. Individual tenants at the mobile home park may construct attached enclosures or covered patios to individual mobile homes, provided that such enclosure does not encroach into the front, side, or rear building setbacks. Structures with a roof shall be anchored in such a manner as to prevent movement by natural causes. A Township building permit shall be required in each case.

F. Provisions shall be made by the park operator to have garbage and waste collected at least once every week. Any refuse disposal site and/or recyclable drop-off site proposed within the mobile home park shall be subject to the approval of the Township.

G. Mailboxes for park residents shall be located on one or more conveniently located, centralized pedestal(s) inside the park. Where mailbox clusters are provided, they shall be located and designed to minimize interference with normal traffic operations at the park entrance. Mailboxes outside the park boundaries and/or along public roads shall be prohibited.

H. There shall be provided in each mobile home park such other improvements as the Township may require in the best interests of the park residents.

I. Waste receptacles shall be provided within one hundred fifty (150) feet of each unit unless curbside collection is provided. Dumpsters shall be located no closer than fifty (50) feet to any boundary of the park and no closer than twenty (20) feet to any building within the park. Dumpsters shall be located so as to be clearly accessible to the servicing refuse collection vehicle.

J. Storage sheds with a maximum area of four hundred (400) square feet may be placed on any individual mobile home lot.

K. Minimum living area: No mobile home in any mobile home park shall contain less than nine hundred (900) square feet of living area, excluding hitch and eaves.

L. Canopies and awnings may be attached to any mobile home provided they meet current building code standards and comply with all applicable Zoning Ordinance criteria.

M. School bus stops shall be located in an area acceptable to the School District and the Township.

SECTION 1114: Park Areas for Non-Residential Use

A. No part of any mobile home park shall be used for a non-residential purpose, except such uses that are required for the direct servicing and wellbeing of park residents and for the management and maintenance of the park.

B. Nothing contained in this Section shall be deemed as prohibiting the sale of a mobile home located on an individual lot and connected to the pertinent utilities.

SECTION 1115: Responsibilities of Operator

A. Operator shall operate a park in compliance with this Ordinance and shall provide adequate supervision to maintain park, its facilities and equipment in good repair and in a clear and sanitary condition. Operator shall notify Hamiltonban Township within five (5) days of placement of additional mobile homes. All mobile home parks shall include an on-site park manager's office. Said office shall be clearly identified and designated within the confines of the park. All park offices shall be open for business a minimum of twenty (20) hours per week. The regular hours of operation shall be clearly posted at the front of the office along with any changes in the schedule as necessary, a list of emergency phone numbers, and a legible map of the park layout including street names and individual lot addresses.

B. Operator shall provide to Hamiltonban Township Supervisors and the State Department of Environmental Protection access at reasonable times to the park and facilities to inspect to ensure compliance; and shall maintain a register containing names of all park occupants to be available to any authorized person inspecting park, for health, assessment, taxation and other purposes. Said register shall also include the name and last permanent address of the head of the family occupying each mobile home; date of entry to the park; and the serial number, make and size of mobile home. Said register shall be kept at the park manager's office and shall be available at all times for Township or County inspection. Any changes in occupancy shall be reported to the Township and the County Tax Assessor's Office within one (1) month of the date of entry.

C. Operator shall notify the Township and the Department of Environmental Protection of any suspected communicable or contagious disease within the park.

SECTION 1116: Penalties

The penalties contained in Article XII of this Ordinance relative to violations of subdivision and land development regulations, shall also be applicable to violations of the provisions of this Article XI, relative to Mobile Home Park Regulations.

ARTICLE XII: PREVENTATIVE AND ENFORCEMENT REMEDIES

SECTION 1200: Enforcement Remedies

A. Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00), plus all court costs, plus reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the provisions of this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. The violator shall be liable for the penalty, including additional daily penalties for continuing violations, plus court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings.

B. The Adams County Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

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

SECTION 1201: Preventative Remedies

A. In addition to other remedies, the municipality 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 or land development of real property in violation of any provision of this Ordinance; such authority to deny 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 hereby requires 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 1202: Jurisdiction

The District Justice having jurisdiction within the Township shall have initial jurisdiction in proceedings brought under this Article XII.

ARTICLE XIII: SEVERABILITY, EFFECTIVE DATE, AMENDMENTS, ENACTMENT

SECTION 1300: Severability

If any sentence, clause, section or part of this entire 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, sections or parts of this Ordinance. It is hereby declared as the intent of the Hamiltonban Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

SECTION 1301: Appeals to Court

Appeals from the decisions of the Hamiltonban Township Board of Supervisors on subdivision, land development or mobile home park applications may be appealed to a court of competent jurisdiction. All such appeals shall be governed by the pertinent provisions of the "Pennsylvania Municipalities Planning Code," as amended.

SECTION 1302: Amendments

A. Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice. In addition, in case of an amendment other than that prepared by the Township Planning and Zoning Commission, the Board of Supervisors shall submit each amendment to the Township Planning and Zoning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment. At least thirty (30) days prior to the hearing on the amendment, the Township shall submit the proposed amendment to the County Office of Planning and Development for recommendations.

B. Within thirty (30) days after adoption, the Board of Supervisors shall forward a certified copy of any amendment to this Ordinance to the County Office of Planning and Development and the County Law Library.

SECTION 1303: Effective Date

This Ordinance shall take effect upon its enactment as provided by law.

SECTION 1304: Enactment

Enacted and ordained this 7th day of November, 2012.

HAMILTONBAN TOWNSHIP

By: _____,
Chairman, Board of Supervisors

ATTEST:

BOARD OF SUPERVISORS OF
HAMILTONBAN TOWNSHIP

Township Secretary

Supervisor

Supervisor

Supervisor

Supervisor

CERTIFICATION OF ADOPTION

I hereby certify that the foregoing Ordinance was advertised in *The Gettysburg Times*, a newspaper of general circulation in the municipality, on October 11, 2012 and October 18, 2012, and was duly enacted and approved as set forth at a regular meeting of the Supervisors or Hamiltonban Township on November 7, 2012. This is a true and correct copy of the adopted ordinance

Deborah K. Feiler, Township Secretary