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**SUBDIVISION AND LAND DEVELOPMENT**

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[HISTORY: Adopted by the Board of Supervisors of Oxford Township by Ord. 2011-81, 5/16/2011. Amendments noted where applicable.]



**PART 1****SHORT TITLE, PURPOSE AND JURISDICTION****§ 22-101. Short Title.**

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

**§ 22-102. Purpose.**

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

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

**§ 22-103. Authority and Jurisdiction.**

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

**§ 22-104. Interpretation.**

The provisions of this chapter shall be interpreted to be the minimum requirements to meet the purposes of this chapter. Where the provisions of this chapter conflict or

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<sup>1</sup>Editor's Note: See 53 P.S. § 10501 et seq.

are inconsistent with the provision of any other ordinance, regulation or requirement, the more-restrictive provisions shall apply.

**§ 22-105. Limitation of Liability.**

The grant of a permit or approval of a subdivision and/or land development plan shall not constitute a representation, guaranty, or warranty of any kind by the Township or by any official or employee thereof as to the advisability or practicability of the proposed use, nor shall any such approval represent any warranty as to the accuracy of the information provided by a developer. Approval of a plan shall create no liability upon the Township, its officials or employees.

## PART 2

## DEFINITIONS

[Amended by Ord. 2016-111, 7/19/2016]

**§ 22-201. Intent.**

For the purpose of this chapter, the following words and phrases shall have the meanings as given in this Part. Words and phrases not specifically defined herein shall be presumed to be used in their ordinary context.

**§ 22-202. General Interpretation.**

1. Unless otherwise expressly stated, the following shall, for the purposes of this chapter, be interpreted in the following manner:
  - A. Words used in the present tense include the future tense.
  - B. Words used in the singular include the plural.
  - C. The word "shall" or "must" is mandatory; the word "may" is optional.
  - D. The word "person" means an individual, corporation, partnership, firm, association, company or any other similar entity.
  - E. The male gender includes the female gender.

**§ 22-203. Definitions.**

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

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

APPLICANT — Any landowner, lessee or his authorized agent who submits plans, data and/or applications to the designated Township official for the purpose of obtaining approval thereof.

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

BLOCK — An area bounded by streets.

**BUILDING** — Any structure on a lot, having a roof, supported by columns or walls, and intended for the shelter, housing or enclosure of persons, animals, or property.

**BUILDING SETBACK LINES** — Lines parallel to and set back from a street right-of-way line, or the lot line if there is no street, which lines delineate the required minimum distance between a structure and that property or street line.

**BUILDING, ACCESSORY** — A building subordinate to and detached from the principal building on the same lot used for purposes customarily incidental to the principal building.

**BUILDING, PRINCIPAL** — A building in which is conducted the principal purpose of the lot.

**BUILDING, RESIDENTIAL** — A building which is used or designed to be used as a dwelling.

**BUILDING, SUBORDINATE** — A building having a footprint less than the principal building.

**CARTWAY** — The paved portion of a street designed for vehicular traffic and paved areas intended for on-street parking.

**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.

**COUNTY** — The County of Adams, Commonwealth of Pennsylvania.

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

**DEVELOPER** — Any landowner, agent of such landowner, tenant with the permission of such landowner, or one authorized and empowered by a landowner, who makes or causes to be made a subdivision of land or a land development or a resubdivision.

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

**DWELLING** — A building or structure designed for living quarters for one or more families, including mobile homes; but not including motels or hotels, boarding- or rooming houses, nursing homes or other accommodations used for transient occupancy.

DWELLING UNIT — A building or portion thereof arranged or designed for occupancy by one family and having separate cooking and sanitary facilities.

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

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

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

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

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

FILL —

- A. Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom.
- B. The difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade.
- C. The material used to make fill.

FLOOD —

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

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

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.
  - (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 structures.
- B. A subdivision of land.
- C. Except:
  - (1) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than two residential units, unless additional impervious parking is required or the units are intended to be a condominium.
  - (2) The addition of a subordinate building, on a lot of lots, including an accessory building or farm buildings, other than for use as a home occupation.
  - (3) The addition or conversion of buildings or rides within the confines of an enterprise considered to be an amusement park. This exclusion does not apply to newly acquired acreage by an amusement park until initial plans for expansion have been approved by the proper authorities.

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

LOT — A designated parcel, tract, or area of land held in single and separate ownership, established by a plat or otherwise as permitted by law, and to be used, developed or built upon as a unit.

- A. LOT, DOUBLE-FRONTAGE — A lot fronting on two streets, other than a corner lot.

- B. LOT AREA — The area contained within the property lines of an individual lot, excluding any area within any street right-of-way, but including the area of any easement.
- C. LOT, REVERSE-FRONTAGE — A lot extending between and having frontage on two streets, with vehicular access solely from the lesser street.

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

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

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

PLANNING COMMISSION — The Oxford Township, Adams County, Planning Commission.

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.
- C. Publicly owned or operated scenic and historic sites.

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 chapter and the MPC.

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

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

RIGHT-OF-WAY STREET — A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway,

thoroughfare, parkway, road, avenue, boulevard, land, alley, or however designated.

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

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

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

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

**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** —

- A. **ARTERIAL STREET** — A major street or highway with fast or heavy traffic volumes of considerable continuity and used primarily as a traffic artery for travel between high-density living areas over long distances.
- B. **COLLECTOR STREET** — A street or highway which carries traffic from minor streets to arterial streets, including the principal entrance streets of a residential development and streets for circulation within such development.
- C. **MINOR STREET** — A street used primarily for access to abutting properties.
- D. **CUL-DE-SAC** — A street intersecting another street at one end and terminating at the other in a vehicular turnaround.
- E. **MARGINAL-ACCESS STREET** — A minor street which is parallel and adjacent to limited-access highways or arterial streets and which provides access to abutting properties and protection from traffic.

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

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

**SUBDIVISION** — (See also "land development.") The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines, for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or of building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access, or any residential dwelling, shall be exempt; provided that any landowner or owners intending to take advantage of the above agricultural exemption shall file a notarized affidavit or statement, signed by both the subdivider and the proposed purchaser or transferee, detailing the proposed use of the tract and stating that the parties have no intention to use the tract of land for other than agricultural uses in the future.

**SUPERVISORS** — The Board of Supervisors of Oxford Township, Adams County, Pennsylvania.

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

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

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

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

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



## PART 3

**APPLICATION PROCEDURES AND PLAN REQUIREMENTS****§ 22-301. Preapplication Procedures.**

1. Copies of this chapter shall be available for use by any person seeking information concerning land development and/or subdivision standards and procedures in effect within the Township. Any prospective developer or subdivider may meet with the Township Planning Commission to discuss and review tentative plans and/or any provisions of this chapter.
2. Prior to the final plan submission, the prospective developer must have complied with all planning requirements of the Pennsylvania Sewage Facilities Act<sup>2</sup> as administered by the Pennsylvania Department of Environmental Protection. It is suggested that the prospective developer consult the Township Sewage Enforcement Officer and the Adams County Office of the Pennsylvania Department of Environmental Protection as to the requirements of that Act.
3. Prospective developers shall consult the County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development. Land that is subject to flooding shall not be platted for residential occupancy or for any other use that may endanger health, life, or property. Such land within a subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional flooding and shall not produce unsatisfactory living conditions.

**§ 22-302. Sketch Plan.**

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

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<sup>2</sup>Editor's Note: See 35 P.S. § 750.1 et seq.

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

### § 22-303. Preliminary Plan Procedures.

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

- A. Submission of the Preliminary Plan.
  - (1) Preliminary plans and all required accompanying documentation shall be submitted by a developer or his authorized representative to the Township Secretary at least 15 business days in advance of a regularly scheduled Planning Commission meeting.
  - (2) Submission shall consist of the following:
    - (a) One completed copy of the appropriate application form.
    - (b) Four blue-line or black-line paper prints of the preliminary plan, showing all the information required in § 22-304.
    - (c) Two copies of all other required documentation: one to the Township and one to the Township Engineer.
    - (d) A filing fee as established in Part 6 of this chapter.
    - (e) A digital copy of the preliminary plan. **[Added by Ord. 2016-111, 7/19/2016]**
    - (f) A digital copy of all other required documentation. **[Added by Ord. 2016-111, 7/19/2016]**
- B. Distribution of Preliminary Plan for Review and Consent.
  - (1) Copies of the preliminary plan and accompanying documentation shall be immediately distributed by the developer as follows:
    - (a) One copy of the application, plan and accompanying documentation to NOMA for sewer and/or to York Water for water availability. **[Amended by Ord. 2016-111, 7/19/2016]**
    - (b) One copy of the soil erosion and sediment control plan to the County Conservation District Office.

- (c) One copy of the plan to the District Office of the Pennsylvania Department of Transportation when a proposed subdivision abuts or is traversed by a state road.
- (d) One copy to the Adams County Planning Commission.



- (e) One copy to the Township Engineer.
  - (2) Failure of the subdivider to immediately distribute such plans shall void the filing thereof, and the plan shall receive no further consideration.
- C. Preliminary Plan Review Process.
- (1) Applications for approval of a preliminary plan shall be acted upon by the Supervisors and communicated to the subdivider or developer not later than 90 days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that, should the next regular meeting occur more than 30 days following the filing of the plan, the ninety-day period shall be measured from the 30th day following the day the application was filed.
    - (a) County Planning Commission Review. No subdivision or land development shall be granted final approval until a report is received from the County Planning Commission or until the expiration of 30 days from the date a complete application is received by the county planning agency.
  - (2) All actions by the Planning Commission shall be taken at a public meeting, whether it be a regularly scheduled or special meeting. If the plan is to be considered at a special meeting, the developer shall be so notified. In addition, the Planning Commission may also schedule a public hearing pursuant to public notice before taking any action on the plan.
  - (3) The decision of the Planning Commission concerning the plan shall be in writing. If a plan is not approved, or is approved subject to certain conditions, the written decisions shall specify the defects and describe the requirements which have not been met, citing in each instance the applicable provisions of this chapter. The decision shall be sent to the developer and to the appropriate Township officials.
  - (4) When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevents the commencement or completion of the development and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a

plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration has expired; provided, however, that no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application. However, if such plan is disapproved, any resubmission of such plan shall conform to any intervening requirements.

- (5) Failure of the Supervisors to render a decision and communicate it to the developer within the time and in the manner required by this Part shall be deemed an approval of the plan in terms as presented, unless the developer has agreed to an extension of time.

#### **§ 22-304. Preliminary Plan Requirements.**

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

##### **A. Scale.**

- (1) Tracts of one acre or less shall be drawn at a scale of no less than one inch equals 50 feet.
- (2) Tracts of one to 10 acres shall be drawn at a scale of no less than one inch equals 100 feet.
- (3) Tracts in excess of 10 acres shall be drawn at a scale of no less than one inch equals 200 feet.
- (4) Tracts to be used for commercial, industrial or high-density housing development shall be at a scale of no less than one inch equals 50 feet.

##### **B. Information Required. The preliminary plan shall show:**

- (1) The name of the proposed subdivision and the municipality in which it is located.
- (2) The name and address of the subdivider or developer.
- (3) The name, address, license number and seal of the professional engineer or registered surveyor who prepared the drawings.
- (4) The date of original submission and of each subsequent revised submission.
- (5) The true or magnetic North point.

- (6) The graphic scale.
- (7) The written scale.
- (8) A certificate by the professional engineer or surveyor that the topography shown resulted from an actual survey and the date of that survey.
- (9) A key map, for the purpose of locating the property being subdivided, drawn at a scale of one inch equals 1,000 feet, and showing the relation of the property to adjoining property and to all streets, roads, Township boundaries and recorded subdivision plans existing within 1,000 feet of any part of the property. In addition, a title, scale and North point shall be indicated.
- (10) The total tract boundary lines of the area being subdivided, accurate to hundredths of a foot and bearings to one-quarter of a minute. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one foot in 10,000 feet; provided, however, that the boundary(ies) adjoining additional unplatted land of the subdivider (for example, between separately submitted final plan sections) are not required to be based upon field survey and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan, and the placement of the monuments.
- (11) A plot, drawn to a legible scale, showing the entire existing tract boundary and the location of the lots being subdivided from said tract.
- (12) Boundaries of adjacent properties and their recorded name and deed reference. When adjacent properties are part of a recorded plat, only the lot number and subdivision name need be shown.
- (13) Contour lines at vertical intervals of at least two feet for land with average natural slope of 4% or less and at intervals of at least five feet for land with average slope exceeding 4%.
- (14) The location and elevation of the datum to which contour elevations refer; where practicable, datum used shall be an established benchmark.
- (15) The name (or number) and cartway width and lines of all proposed and existing public streets and the name and location of all other roads within the property.
- (16) If the subdivision proposes a new street intersection with a state legislative route, the intersection occupancy permit number(s) or at

least the application number shall be indicated for all such intersections.

- (17) The location of existing streets and alleys adjoining the tract, including name, width, width of cartway, and sidewalks.
- (18) The location (and elevation, if established) of all existing and proposed street monuments.
- (19) The location of existing and proposed rights-of-way and easements.
- (20) Lot numbers and a statement of the total number of lots and parcels.
- (21) Lot lines with approximate dimensions and areas.
- (22) The building setback lines for each lot or other site.
- (23) For developments where on-site sewage disposal systems will be used, a soils evaluation test must be conducted for each lot, and the location of said test must be shown for each lot.
- (24) The location and size of existing and proposed utility structures and/or transmission lines, including water, gas, electric, petroleum, etc., and all easements or rights-of-way connected with such structures and/or lines.
- (25) The location of any existing bodies of water or watercourses, tree masses, buildings or structures (including the location of wells and on-site sewage facilities for such buildings or structures), public facilities and any other man-made or natural features within or near the proposed subdivision.
- (26) The location, size and invert elevation of all existing and proposed sanitary sewers, including any and all proposed and/or existing capped sewer lines, and the location of all manholes, inlets and culverts. This data may be submitted as a separate plan.
- (27) The location, size and invert elevation of all existing and proposed storm sewers and other drainage facilities, with the size and material of each indicated, and any proposed connections with existing facilities.
- (28) The location of drainage features, including wetlands, marshes, ponds, streams or similar conditions.
- (29) Parks, playgrounds and other areas to be dedicated or reserved for public use, with any conditions governing such use.

- C. Supplementary Data Required. The preliminary plan shall be accompanied by the following supplementary data, except as specifically excused in a particular case:
- (1) A plan revision module for land development as required by the Pennsylvania Department of Environmental Protection. The plan shall be accompanied by a written request for inclusion of the proposed necessary sewer capacity in the Township's next annual Chapter 94 report as submitted to the Pennsylvania Department of Environmental Protection.
  - (2) A plan for the control of erosion and sedimentation for review by the County Conservation District Office as required by the Pennsylvania Clean Streams Act.<sup>3</sup>
  - (3) Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Protection and the Pennsylvania Department of Transportation.
  - (4) Typical street cross-section drawings for all proposed streets.
  - (5) Tentative profiles along the center line of the cartway (pavement) or along the top of the curb for both sides of each proposed street shown on the preliminary plan. Such profiles shall show natural and finished grades.
  - (6) A feasibility report concerning the availability and adequacy of sewer and water facilities in or near a proposed land development. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Township or Planning Board that the subdivision or development is to be supplied by a certified public utility, by 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. Concerning sewer facilities or where water is to be provided by private wells of the individual lot owners, the required report shall be prepared by a registered professional engineer and be submitted in conjunction with the preliminary plan for review and recommendations by the local office of the Pennsylvania Department of Environmental Protection.
  - (7) A storm drainage plan and storm drainage calculations.

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<sup>3</sup>Editor's Note: See 35 P.S. § 691.1 et seq.

- (8) Where the preliminary plan covers only a part of the entire landholdings, a sketch of the future street system of the unsubmitted part shall be submitted. The street system of the submitted part will be considered in light of adjustments and connections with future streets in the part not submitted.
  - (9) Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the application shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may be satisfied by submitting a copy of any recorded agreement containing such information.
  - (10) A traffic impact study in accordance with § 22-305.
  - (11) A carbonate assessment in accordance with § 22-306.
  - (12) A fire protection system plan in accordance with § 22-304D.
- D. Fire Protection System. If individual water supply systems are proposed for residential land developments in excess of three lots or dwelling units or for any industrial or commercial development, the subdivider or developer shall either construct an underground holding tank system for storage of water or a pond system, an automatic sprinkler system with a secondary tank system to hold water, or alternate fire protection systems as may be approved by the Board of Supervisors.
- (1) Underground holding tank systems shall comply with the following standards:
    - (a) Underground tanks shall be constructed of fiberglass reinforced plastic and U.L. approved for underground use, or approved equal. The use of used tanks is subject to approval by the Board of Supervisors. If a used tank is proposed, it shall be recertified by the manufacturer. Shop drawings and a copy of the manufacturer's installation specifications shall be submitted with the plans.
    - (b) Tanks shall be installed to manufacturer's specifications, including antibuoyancy pad, backfill material, and overburden. The top of each tank or approved system shall be installed with a minimum cover of three feet below finish grade. The developer shall provide buoyancy calculations to the Township for each tank or system installation, and they shall be approved by the Township Engineer. The calculations shall be prepared and sealed by an engineer licensed in the Commonwealth of Pennsylvania. All plans shall have a note stating "Backfill of

the tank may not occur until written approval to do so has been provided by the Township or its assigned representative."

- (c) A dry hydrant or suction pipe shall be installed on the tanks with a pipe with a six-inch diameter with a fire hose connection on the end. The location shall permit access to the water supply under all weather conditions. Tanks shall have a minimum eight-inch diameter pipe, as a vent, extended a minimum of four feet above finished grade. Each tank shall have a minimum of a four-inch-diameter fill and monitor pipe extended to grade. The developer shall provide air transfer calculations to the Township to verify that each air vent can adequately transfer air under fire draw-down conditions. The calculations shall be prepared and sealed by an engineer licensed in the Commonwealth of Pennsylvania.
- (d) Tanks or approved systems shall be located adjacent to and accessible to an existing or proposed Township roadway. Hydrants and tanks shall be located so that the water supply is available to all lots or units of the proposed subdivision or development.
- (e) The capacity of tanks must be of sufficient size to store, at all times, 2,500 gallons of water for fire protection for each lot or unit located within the proposed subdivision or development. The minimum tank volume shall be 6,000 gallons. The capacity of tanks for industrial or commercial developments will be approved by the Board of Supervisors with advice from the Engineer and fire companies serving the Township based on use of structures.
- (f) The location of tanks, hydrants, and water lines must be approved by the Township with the advice of its Engineer and fire companies serving the Township.
- (g) Upon completion of the fire protection improvements in accordance with Township specifications, the developer shall dedicate said improvements to the Township, which shall accept such dedication. At that time, the developer shall also pay a one-time maintenance fee, to be set by resolution by the Township's Board of Supervisors, to be deposited in a separate account to be known as the "Township's Fire Protection Fund." Money in this fund shall be used for the sole purpose of repairing and replacing dedicated fire protection equipment pursuant to this section.
- (h) All plans shall contain a note stating that the developer shall work with the Township staff and engineer and relevant Fire Department personnel in determining the appropriate fittings

for the underground tanks in question, it being recognized that the appropriate fittings may differ on a case-by-case basis.

- (2) Pond systems shall comply with the following standards:
  - (a) Ponds must be centrally located within the proposed subdivision or land development so as to make the water supply available to all lots or units proposed within said subdivision or development. A hydrant shall be six inches in diameter with a fire hose connection on the end installed into the pond. Hydrants shall be located adjacent to and accessible to an existing or proposed roadway so as to permit access to the water supply under all weather conditions.
  - (b) The capacity of ponds must be of a size and volume as approved by the Township. Each pond shall have a natural water source capable of continuously replenishing each pond. The developer shall provide to the Township all necessary information, reports and testing as evidence that the natural water source is capable of continuously replenishing each pond. Reports shall be prepared and sealed by a professional geologist licensed in the Commonwealth of Pennsylvania.
  - (c) The location of ponds, hydrants, and water lines must be approved by the Township with the advice of its Engineer and the fire company serving the Township.
  - (d) Upon completion of the fire protection improvements in accordance with Township specifications, the developer shall dedicate said improvements to the Township, which shall accept such dedication. At that time, the developer shall also pay a one-time maintenance fee, to be set by resolution by the Township's Board of Supervisors, to be deposited in a separate account to be known as the "Township's Fire Protection Fund." Money in this fund shall be used for the sole purpose of repairing and replacing dedicated fire protection equipment pursuant to this section.
- (3) Automatic sprinkler systems shall comply with the following standards:
  - (a) Automatic sprinkler systems shall be designed and installed by persons certified to do so and in accordance with the current edition of the National Fire Protection Association's Standards for Automatic Sprinkler Systems.
  - (b) Water flow alarms shall be installed on all sprinkler systems. These alarms shall consist of a water flow switch and outside alarm bell labeled as to its purpose.

- (c) All sprinkler systems must be inspected at installation. **[Amended by Ord. 2016-111, 7/19/2016]**
- (d) The holding tanks for a secondary water source shall be located to provide easy access for fire equipment and be installed in accordance with § 22-304D(1)(a), (b), (c), (d), (f) and (g).
- (e) The holding tanks for a secondary water source shall be a minimum of 6,000 gallons with an additional 600 gallons for each lot or dwelling unit over four units in residential developments. The necessary capacity for commercial and industrial developments shall be as approved by the Board of Supervisors in consultation with the Township Engineer and fire companies serving the Township.

### **§ 22-304.1. Feasibility Report on Water Supply and Facilities.**

1. A feasibility report is required by the preliminary plan for proposed development in accordance with § 22-304C(6), or its replacement, in which lots will rely on groundwater as the primary source of drinking water, process water or in irrigation water and shall include an assessment of groundwater supply of the proposed development.
2. A professional geologist licensed in the Commonwealth of Pennsylvania shall complete the assessment of groundwater supply.
3. An assessment of groundwater supply is required for all proposed land development projects when any of the following conditions are present:
  - A. A proposed residential or nonresidential use with a groundwater withdrawal rate greater than a total of 1,900 gallons per day from a single well or a combination of wells, or a proposed residential development, which contains up to five lots when each or any lot is less than 80,000 square feet in size.
  - B. All proposed residential developments, including phased development, containing five or more lots of any size.

### **§ 22-304.2. Contents of Assessment of Groundwater Supply.**

The assessment of groundwater supply shall contain the following components:

- A. Background Information.
  - (1) A literature review to determine mapped geology of the site.
  - (2) A Pennsylvania Geologic Survey and Susquehanna River Basin Commission well inventory search to locate existing nearby wells,

especially high-rate municipal and industrial production wells, to determine total withdrawal rates for these wells.

- (3) An inventory of surrounding properties for existing domestic wells, to determine total withdrawal rates for these wells.
  - (4) The locations of septic systems and other potential contaminant sources within 100 feet of the perimeter of the proposed development.
- B. Define/map the boundary of the surface watershed in which the proposed site is located (use relevant U.S.G.S. 7.5-minute topographic map as a base map). The approximate property boundary for the development shall be included in the U.S.G.S. topographic map.
  - C. The locations of all test wells (both pumped and observation) along with the proposed lot boundaries should be located on an accurate site plot plan or base map.
  - D. Define known sources of groundwater contamination within the mapped watershed boundary and the potential impact of this contamination on the proposed groundwater use.
  - E. Define existing municipal and industrial demands on groundwater resources located within 0.5 mile of the proposed development site.
  - F. Calculate a water budget for the subject site from available information contained in published literature and government sources for the geologic formation(s) occupying the site. The budget calculations should document long-term average precipitation (inches per year, in/yr), total surface runoff (in/yr), evapotranspiration (in/yr) and groundwater recharge rates (in/yr and gallons per day per acre). The long-term average groundwater recharge rate should be reduced by 40% to estimate the annual amount of groundwater recharge expected during years of drought conditions.
  - G. Confirm that there are no nearby groundwater users whose withdrawal would inhibit the development from meeting its proposed groundwater usage rate.
  - H. Divide 400 gpd (1 equivalent dwelling unit, EDU) by the total annual groundwater recharge calculated for drought conditions resource available under drought conditions to calculate the maximum number of residential building lots that can be adequately supplied by the groundwater resource underlying the subject development site.
  - I. The installation and testing of new water supply wells for residential developments shall be included in the assessment of each lot for up to 20 lots.
  - J. For a development of 21 or more lots, one new test well shall be installed for each lot up to 20 lots, plus one new well on 25% of the remaining lots.

- K. The installation and testing of new water supply wells for nonresidential developments shall be included in the assessment on the frequency given below:
- (1) For a nonresidential user proposing to withdraw 25,000 gpd or less, one new test well shall be installed.
  - (2) For a nonresidential user proposing to withdraw more than 25,000 gpd but less than 100,000 gpd, two new test wells shall be installed.
  - (3) For a nonresidential user proposing to withdraw 100,000 gpd or more, three new test wells shall be installed.
- L. For residential developments, a twenty-four-hour constant-rate pump test followed by a six-hour recovery test shall be conducted on the following frequency:
- (1) One pump test and recovery test will be performed on one new well for a development proposing five lots or fewer.
  - (2) One pump test and recovery test will be performed on two different wells for a development proposing six to 20 lots.
  - (3) One pump test and recovery test will be performed on three different wells for a development proposing more than 20 lots.
- M. For nonresidential developments, a twenty-four-hour constant-rate pump test followed by a six-hour recovery test shall be conducted on the following frequency:
- (1) One pump test and recovery test will be performed on one new well for a development proposing up to 25,000 gpd total withdrawal.
  - (2) One pump test and recovery test will be performed on two different wells for a development proposing more than 25,000 gpd but less than 100,000 gpd total withdrawal.
  - (3) A pump test and recovery test will be performed on three different wells for a development proposing more than 100,000 gpd.
- N. During the performance of each pump/recovery test, time draw-down measurements (within accuracy of 0.10 foot) shall be taken from the pumped well and at least one nearby observation well. The time draw-down measurements must be taken in both the pumped well and the observation well at the following frequency:
- (1) For the first 15 minutes of the test, one reading every one minute.
  - (2) For the 15 to 60 minute test interval, one reading every five minutes.
  - (3) For the 60 to 300 minute test interval, one reading every 30 minutes.

- (4) For 300 minutes to the termination of the pumping phase, one reading every 60 minutes.
  - (5) Repeat frequency for recovery phase of test.
- O. All observation wells must be located within 200 feet horizontal distance from the pumped well being tested. The observation well can be either an existing domestic well, but only if the domestic well is not actively pumped for the entire duration of tests (pumping and recovery phases) and its construction details (total depth and cased depth) are compatible with the new well being tested, or a new supply well on an adjacent lot if that adjacent well is also located within 200 feet horizontal distance from the well being tested and its construction details (total depth and cased depth) are compatible with the new well being tested, or a new well specifically installed as an observation well for test purposes and scheduled for permanent abandonment following relevant Township requirements after the testing has been completed.
- P. The time draw-down data collected from each pump test should be used to define the local aquifer characteristics, including transmissivity, coefficient of storage and the expected long-term yield of the well(s) being tested. The expected distance draw-down relationships and impact on surrounding water users from the proposed groundwater withdrawal should also be addressed in the assessment. A groundwater availability analysis should be included in the assessment to demonstrate that there are sufficient groundwater resources within the drainage basin to support both existing uses and the proposed withdrawal. Raw time draw-down data should be included in the assessment report.
- Q. Water samples for chemical analyses should be collected from the pumped wells within one hour of the scheduled end of the pumping phase of each test. Samples shall be analyzed at a PADEP-certified laboratory for pH, total suspended solids, total dissolved solids, iron, nitrate, nitrogen, and fecal and total coliform bacteria. A copy of the laboratory analysis report for each water sample shall be included in the assessment. Results of these analyses must meet safe drinking water regulations.
- R. All water supply wells to be used for domestic purposes shall have a minimum yield of 1.0 gpm.

### **§ 22-304.3. Waiver.**

A request for waiver of a groundwater assessment can be submitted in writing to the Township. The Township may grant a waiver when one or more of the following conditions are met:

- A. When the proposed use is located within 1,000 feet of a site for which a previous groundwater assessment has been completed by a professional geologist, given the following conditions:

- (1) The Township approved the previous groundwater assessment.
  - (2) The two sites share the same bedrock type.
  - (3) The two sites fall within the same surface watershed.
  - (4) The proposed consumptive use amount or rate is supported by the findings of the previous assessment.
  - (5) The previous assessment did not identify conditions within the watershed that would pose a threat to the quality or quantity of the groundwater resource in question.
  - (6) Subsequent activities at the previous site have identified no substances (natural or man-made) in the groundwater system that exceed the State or Federal Safe Drinking Water Standards nor hydrologic conditions that would indicate the proposed site's inability to withdraw the target amount of water from the underlying formation(s).
- B. A hydrogeologic report or groundwater assessment will be performed by a professional geologist for another permitting agency (e.g., county, state or river basin) that requires the collection and interpretation of similar hydrogeologic information required by the Township.

#### **§ 22-304.4. Effect of Assessment.**

The Board of Supervisors will approve individual on-lot water supply systems only when the assessment of groundwater supply indicates and the Township Engineer certifies that:

- A. Justification of the project necessitates consideration of this method.
- B. The water supply yield is adequate for the type of development proposed.
- C. The installation of such systems will not endanger or decrease the groundwater supplies of properties adjacent to the land development.

#### **§ 22-305. Traffic Impact Study.**

When establishing the study area boundaries, sufficient area shall be included to ensure that key corridors that afford access to the site and critical intersections that may be affected by the site-generated traffic are taken into account. The exact limits of the study area shall be based on engineering judgment and an understanding of existing traffic conditions at and in the vicinity of the proposed site. In all instances, however, the applicant and the Township, prior to the preparation of the traffic impact study, must mutually agree upon the study limits.

- A. Existing and Proposed Site Uses. The existing and proposed uses of the site shall be identified. In the case where a current land use is being upgraded or modified, a description of the proposed improvements with respect to density

changes shall be included. Such a density change may necessitate replacing traffic volumes generated by the current land use with increased volumes resulting from a change in land use and density.

- B. Existing and Proposed Nearby Uses. A complete description of the existing land uses in the vicinity of the site shall be included. Any proposed uses for adjacent land shall be included.
- C. Existing and Proposed Roadways and Intersections. The study shall describe existing roadways and intersections within the study area with respect to geometries and traffic signal control, as well as any planned and committed roadway and traffic operational improvements by government agencies. In addition to critical intersections, high-volume driveways adjacent to or across from the site shall be identified.
- D. Existing and Future Traffic Conditions. An analysis of existing traffic conditions shall be prepared so that the impacts of the proposed development can be superimposed. The section shall describe the results of the volume studies and capacity analysis to be completed for the roadways, intersections and driveways in the vicinity of the site under existing conditions as well as any data collection efforts that are required. The source and/or method of computation for all traffic volumes and capacity analysis shall be included. This portion of the study shall include:
  - (1) Daily and Peak Hour(s) Traffic Volumes. Schematic diagrams depicting daily and peak hour(s) traffic volumes shall be presented for roadways within the study area. Mainline volumes and turning movement volumes at critical intersections in the study area shall be presented for the peak three-hour conditions: AM, PM, and peak hour of the proposed facility. Only mainline volumes are required to reflect daily traffic volumes. If the peak hour(s) of the proposed facility coincides with either the AM or PM peak hour(s), it need not be presented as a separate condition.
  - (2) Capacity Analysis/Level of Service at Critical Locations. Utilizing the techniques described in the most recent edition of the Highway Capacity Manual or derivative normographs, an assessment of the relative balance between roadway volumes and capacity shall be described. The analysis shall be performed for existing conditions (roadway geometry and traffic signal control) for the appropriate peak hours. Based on the result obtained, levels of service shall be computed and presented. Also included in this section shall be a description of typical operating conditions at each level of service.
  - (3) Intersection Delay. The study shall evaluate the effectiveness of existing signal control at critical intersections in terms of vehicle stops and delays.

- (4) **Gap Studies.** Where there is a heavy volume of traffic on the abutting major route, where a significant volume of left turns is expected from the site, or where the existing access point would not be expected to qualify automatically for traffic signal control, gap studies shall be performed at potential access points. Where gap studies are taken at potential access points, the studies shall identify the access point, and the findings shall be documented.
  - (5) **Queue Length Studies.** Backups of traffic from nearby controlled intersections could affect the exit and/or entry movement at a potential access point of the development. In order to determine appropriate locations for access points, queue length studies shall be performed to evaluate alternate access points at various distances back from a controlled intersection.
- E. **Background and Future Traffic Volumes.** The study shall also describe background traffic, the anticipated traffic volumes in the future, and the ability of the roadway network to accommodate this traffic without the proposed development request. Acceptable methods used to determine the nonsite traffic volumes include the use of existing comprehensive transportation plan projections, typical annual growth rates, and estimates of site-specific development projects. The future years for which the projections are to be made will be a factor of the project build-out year and the project location, planned roadway improvements, etc. Planned roadway improvements by location and type shall be described in terms of the ability to handle the impact of the future traffic growth.
- (1) **Daily and Peak Hour(s) Traffic Volumes.** This section shall clearly indicate the method and assumptions used to predict future traffic volumes in order that the Township can duplicate the calculations. Schematic diagrams depicting future traffic volumes shall be similar to those described above in terms of location and times (daily and peak hours).
  - (2) **Capacity Analysis/Level of Service at Critical Locations.** The ability of the existing roadway system to accommodate future traffic (without site development) shall be described in this section. If roadway improvements or modifications are committed for implementation, the capacity analysis shall be presented for those conditions. Based on the result, levels of service shall be determined.
- F. **Volume of Site-Generated Traffic.** The amount of traffic generated by the site shall be presented for daily and peak three-hour conditions. Consideration must be given to pass-by trips. The final assumption shall be a function of the proposed land use project and its complexity. The trip generation rates used in this part of the analysis shall be justified and documented to the satisfaction of the Township.

- G. Direction of Site-Generated Traffic. The direction of approach of site-generated traffic shall be presented for the appropriate time periods. Directional characteristics shall be used to estimate the turning movements at the various access points and at critical nearby intersections. The basic method and assumption used in this work must be clearly stated.
- H. Utilization of Roadways. The utilization of study area roadways by site-generated traffic shall be described. The proposed traffic volumes from the study area shall be combined with anticipated traffic volumes from the study area without the development to describe mainline and turning movements volumes for future conditions with the site developed as proposed.
- I. Adequacy of Existing Roadways. This section shall describe the adequacy of the existing roadway system to accommodate future traffic with development of the site as described in accordance with the previous subsection. The description shall include:
- (1) Daily and Peak Hour(s) Traffic Volume. Mainline and turning movement volumes shall be presented for the highway network in the study areas as well as the development access driveways and internal circulation roadways for the appropriate time periods.
  - (2) Capacity Analysis/Level of Service at Critical Locations. A capacity analysis shall be performed and the levels of service on the study area roadway system determined for the appropriate peak hours for future conditions with the site developed as proposed. The operating levels between the existing and the projected conditions shall be compared.
  - (3) Intersection Delay. An intersection delay analysis shall be performed. The results of this analysis shall serve as a basis for assessing the effectiveness of various proposed improvements.
- J. Remedies. In the event that the capacity analysis indicates that unsatisfactory levels of service will be generated upon the study area roadways and/or critical intersections, then description of proposed improvements by location and type to remedy deficiencies shall be included in this subsection.
- (1) Proposed Improvements. This subsection shall provide details on the location, nature, and extent of proposed improvements to assure sufficient roadway capacity and adequate operating levels. Preliminary cost estimates, timing and likelihood of implementation shall be included in this subsection.
  - (2) Capacity Analysis/Level of Service. Another iteration of the capacity analyses shall be described which demonstrates the anticipated results of making these improvements. The levels of service for the highway system with improvements shall be presented. The goal is to

have all impacted intersections operating at a level of service that is not worse than that which existed under the existing conditions.

- (3) Intersection Delay. The study shall evaluate the effectiveness of the proposed improvements with respect to vehicle stops and delay.

K. Executive Summary. The study shall include an executive summary. The summary shall be a clear, concise description of the study findings, recommendations, and, where applicable, proposed improvements.

### § 22-306. Carbonate Assessment.

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

CARBONATE ROCK — Rock types that are affected by dissolution weathering process caused by slightly acidic groundwater. Examples include limestone and dolomite.

CAVERN — Interconnected solution features within the bedrock.

CLAY LINER — Fine-grained soil with a hydraulic conductivity of  $1 \times 10^7$  cm/s or less that is used in the construction of a liner that limits the rate of surface water intrusion into the subsurface.

CLOSED DEPRESSION — A bowl-shaped depression in the land surface characterized by internal drainage. A ghost lake is a closed depression that has visible standing water after a heavy rainfall event.

FAULT — A fracture in bedrock along which movement has taken place.

KARST PROCESS — The dissolution of carbonate rock by slightly acidic groundwater, also known as "dissolution weathering."

LINEAMENTS — Aligned topographic features that reflect the presence of faults and fractures.

SINKHOLE — Localized and surface subsidence or collapse due to Karst processes. Sinkholes are categorized as solution sinkholes, collapse sinkholes and subsidence sinkholes.

SPRING — Where groundwater flows naturally out of the bedrock or the overlying soil mantle onto the land surface.

2. All plans where the subject property contains carbonate features, or if such features are present within 500 feet of the property lines, shall submit a carbonate assessment. Carbonate features include depressions, closed

depressions, fissures, lineaments, faults, ghost lakes, bedrock outcrops, sinkholes, seasonal high-water levels, soil mottling, springs, surface drainage entering the ground, disappearing lakes or streams, and caverns. If the subject property does not contain any carbonate features and none are present within 500 feet of the property lines, then a licensed professional engineer or surveyor shall certify to the same on the plan instead of providing the carbonate assessment.

3. The carbonate assessment shall be prepared by a licensed professional civil engineer with expertise in geotechnical engineering or a licensed professional geologist, each of said experts being licensed in their field of expertise by the Commonwealth of Pennsylvania. A list of the engineer's or geologist's qualifications shall be submitted to the Township prior to the commencement of the site's evaluation. The Township reserves the right to reject any report that, in its opinion, was authored by an individual or firm that does not possess the background to properly assess the site conditions as they relate to this section. The carbonate assessment must be signed by the licensed professional.
4. The content of the carbonate assessment shall include but not be limited to the following:
  - A. A description of existing characteristics of the property with respect to geology, topography, ground- and surface water hydrology, soils, vegetation, and existing improvements and uses of the property.
  - B. A map, at a scale of no smaller than one inch equals 100 feet and a contour interval of two feet, indicating the location of the property, all proposed and existing improvements, and any carbonate features located on the property or within 500 feet of the property lines.
  - C. Information indicating the presence of any of the following carbonate features: depressions, closed depressions, fissures, lineaments, faults, ghost lakes, bedrock outcrops, sinkholes, seasonal high-water levels, soil mottling, springs, surface drainage entering the ground, disappearing lakes or streams, and caverns.
  - D. A recommended plan for the repair or remediation of surface or subsurface carbonate features that may impact the proposed development as well as the adjacent improved or unimproved properties.
  - E. A plan indicating the existing and proposed drainage conditions, locations of all proposed public and private sewage disposal systems, and the location of existing private and public water supplies on adjoining properties within 1,000 feet of the applicant's property.
  - F. Should any carbonate features be identified or be suspected to exist on the subject property, the Township shall require the developer to

perform additional studies, including but not limited to geophysical investigations, with the intent to identify subsurface hazards.

- G. A statement that the proposed improvements are or are not recommended in light of the existing carbonate features.
5. The information in the carbonate assessment shall be based upon new or previously published data no older than five years, and field surveys, which may include test borings, excavation of test pits, airtrack probes, and other surface or subsurface geophysical methods.
  6. The carbonate assessment shall remain on file with the Township for review by prospective purchasers.

### § 22-307. Final Plan Procedures.

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

- A. Submission of the Final Plan.
  - (1) Final plans and all required accompanying documentation shall be submitted by a developer or his authorized representative at least 15 business days in advance of a regularly scheduled Planning Commission meeting.
  - (2) Submission shall consist of the following:
    - (a) Four blue-line or black-line paper prints of the final plan showing all the information required in § 22-304.2.
    - (b) Two copies of all other required documentation, one to the Township and one to the Township Engineer.
    - (c) A filing fee as established in § 22-605 of this chapter.
- B. Distribution of Final Plan for Review and Comment.
  - (1) Copies of the final plan and accompanying documentation shall be immediately distributed by the subdivider or developer as follows:
    - (a) One copy of the application, plan and accompanying documentation to NOMA for sewer and/or York Water for water availability. **[Amended by Ord. 2016-111, 7/19/2016]**

- (b) One copy of the plan to the County Conservation District Office.
  - (c) One copy of the plan to the District Office of the Pennsylvania Department of Transportation when a proposed subdivision abuts or is traversed by a state road.
  - (d) One copy to the Adams County Planning Commission.
  - (e) One copy to the Township Engineer.
- (2) Failure of the subdivider or developer to immediately distribute said plan to the aforesaid agencies shall be deemed to void the filing of the proposed plan, and it shall receive no further consideration.
- C. Final Plan Review Process.
- (1) Action on the final plan shall be taken in the same manner as preliminary plans. However, no final plan shall be approved by the Supervisors until approval has already been secured by the developer from the Township Planning Commission and the Adams County Conservation District.
    - (a) County Planning Commission Review. No subdivision or land development shall be granted final approval until a report is received from the County Planning Commission or until the expiration of 30 days from the date a complete application is received by the county planning agency.
  - (2) Failure of the Supervisors to render a written decision and communicate it to the applicant within 90 days following the date of the meeting of the Board, or failure to mail said decision to the applicant within 15 days following the decision, shall be deemed an approval of said application, unless a proper extension has been agreed to.
  - (3) Before any final plan is approved, the developer shall either install all the required improvements or shall provide for deposit with the Township of a corporate bond or other security acceptable to the Township in the amount of 110% of the cost of such improvements. The amount of said security shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The municipality, upon recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the municipality cannot agree upon an estimate, then said estimate shall be calculated by a third party in conformance with the provisions

of the Pennsylvania Municipalities Planning Code.<sup>4</sup> In no instance shall the completion of said improvements take longer than two years from the date of the approval of the final plan.

- (4) When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevents the commencement or completion of the development and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration has expired; provided, however, that no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application. However, if such plan is disapproved, any resubmission of such plan shall conform to any intervening requirements.

D. Recording of Plan. **[Amended by Ord. 2016-107, 1/19/2016; and by Ord. 2016-111, 7/19/2016]**

- (1) Upon approval of a final plan by the Township, the Township shall record the record plan in the office of the County Recorder of Deeds within 90 days.
- (2) No land in a development shall be sold or transferred prior to recording of the recorded plan.

**§ 22-308. Final Plan Requirements.**

The final plan submission shall be prepared by a registered surveyor or engineer and be drawn on reproducible Mylar or other stable transparency, using black ink for all data, including approval signatures.

A. Scale.

- (1) Tracts of one acre or less shall be drawn at a scale of no less than one inch equals 50 feet.

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<sup>4</sup>Editor's Note: See 53 P.S. § 10101 et seq.

- (2) Tracts of one to 10 acres shall be drawn at a scale of no less than one inch equals 100 feet.
- (3) Tracts in excess of then 10 acres shall be drawn at a scale of not less than one inch equals 200 feet.
- (4) Tracts to be used for commercial, industrial or high-density housing development shall be drawn at a scale of no less than one inch equals 50 feet.
- (5) The finished size of drawings for final plan submission shall be 18 inches by 24 inches. Drawings done at a scale requiring a sheet larger than 18 inches by 24 inches may be reduced to that size, provided that all lines and lettering are clear and legible after reduction. If the final plan requires more than one sheet, a key diagram showing the relative location of the several sections shall be drawn on each sheet.

B. Information Required. The final plan shall show:

- (1) The name of the proposed subdivision.
- (2) The name and address of the subdivider.
- (3) The name, address, license number and seal of the professional engineer or registered surveyor who prepared the drawings.
- (4) The date of original submission and of each subsequent revised submission.
- (5) The true or magnetic North point.
- (6) The graphic scale.
- (7) The written scale.
- (8) Certification by the professional engineer or surveyor that the topography shown resulted from an actual survey and the date of that survey.
- (9) A key map, for the purpose of locating the property being subdivided, and showing the relation of the property to all streets, roads, Township boundaries and recorded subdivision plans existing within 1,000 feet of any part of the property. In addition, a title, scale and North point shall be indicated.
- (10) The total tract boundary lines of the area being subdivided, accurate to hundredths of a foot and bearings to one-quarter of a minute. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one foot in 10,000 feet; provided, however, that the

boundary(ies) adjoining additional unplatted land of the subdivider (for example, between separately submitted final plan sections) are not required to be based upon field survey and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan and the placement of the monuments.

- (11) A plot, drawn to a legible scale, showing the entire existing tract boundary and the location of the lots being subdivided from said tract.
- (12) Boundaries of adjacent properties and their recorded name and deed reference. When adjacent properties are part of a recorded plat, only the lot number and subdivision name need be shown.
- (13) Contour lines at vertical intervals of at least two feet for land with average natural slope of 4% or less and at intervals of at least five feet for land with average slope exceeding 4%.
- (14) The location and elevation of the datum to which contour elevations refer; where practicable, datum used shall be an established benchmark.
- (15) The name or number and cartway width and lines of all proposed and existing public streets and the name and location of all other roads within the property.
- (16) The following data for the cartway edges or curblines and right-of-way lines of all recorded and/or proposed streets and for the right-of-way lines of all existing streets within the property:
  - (a) The length, in feet and hundredths of a foot, of all straight lines and of the radius and the arc or chord of all curved lines, including curved lot lines.
  - (b) The width, in feet, of the cartway, right-of-way and, if required, of the ultimate right-of-way, and in degrees, minutes and quarters of a minute of the delta angle of all curved lines, including curved lot lines.
  - (c) All straight lot lines, defined in feet and hundredths of a foot, by distances and in degrees, minutes, and quarters of a minute, either by magnetic bearings or by angles of deflection from other lot and street lines.
- (17) If the subdivision proposes a new street intersection with a state legislative route, the intersection occupancy permit number(s) shall be indicated for all such intersections, and the intersection design, as

approved in the highway occupancy permit, shall be depicted on the plan.

- (18) The location of existing streets and alleys adjoining the tract, including name, width of cartway, and sidewalks.
- (19) The location and elevation, if established, of all existing and proposed street monuments.
- (20) The location of existing and proposed rights-of-way and easements.
- (21) Lot numbers and a statement of the total number of lots and parcels.
- (22) Lot lines with dimensions and lot areas.
- (23) The building setback lines for each lot or other sites.
- (24) For developments where on-site sewage disposal systems will be used, the location where the soils evaluation test was conducted for each lot.
- (25) The location and size of existing and proposed utility structures and/or transmission lines, including water, gas, electric, petroleum, etc., and all easements or rights-of-way connected with such structures and/or lines.
- (26) The location of any existing bodies of water or watercourses, tree masses, buildings or structures, including the location of wells and on-site sewage facilities for such buildings or structures, public facilities and any other man-made or natural features within or near the proposed subdivision.
- (27) A certification of ownership, acknowledgment of a plan and offer of dedication shall be lettered on the plan and shall be duly acknowledged and signed by the owner(s) of the land being developed or subdivided.
- (28) An approval block for use of the County Planning Commission, the Township Planning Commission, the Adams County Conservation District, the New Oxford Municipal Authority and the Supervisors. **[Amended by Ord. 2016-107, 1/19/2016]**
- (29) A signature block for use by the Township Engineer indicating that the plan has been reviewed by the Township Engineer. **[Added by Ord. 2016-107, 1/19/2016]**
- (30) A copy of the reports, certificates, applicants and agreements required under § 22-304C(b) of this chapter. **[Amended by Ord. 2016-107, 1/19/2016]**

- C. Supplementary Data Required. Unless excused by the Supervisors, the final plan shall be accompanied by the following supplementary data, where applicable:



- (1) Typical street cross-section drawing(s) for all proposed streets. Cross-section drawing(s) may be shown either on the final plan or on the profile sheets.
- (2) Profile sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:
  - (a) The existing (natural) profile along both cartway edges or along the center line of each street.
  - (b) The proposed finished grade of the center line, or the proposed finished grade at the top of both curbs or the proposed finished grade at both cartway edges.
  - (c) The length of all vertical curves.
  - (d) Existing and proposed sanitary sewer mains and manholes.
  - (e) Existing and proposed storm mains, inlets, manholes and culverts.
- (3) Whenever a subdivider proposes to establish a street which is not offered for dedication to public use, the Supervisors shall require the subdivider to submit, and also to record with the plan at the subdivider's or developer's own expense, an agreement made with the Township on behalf of the subdividers' or developer's heirs and assigns, which agreement shall state the conditions under which the street may later be offered for dedication, and shall stipulate, among other things:
  - (a) That the street shall conform to all Township specifications or that the owners of the abutting lots shall include with the offer of dedication sufficient money, as estimated by the Township Engineer, plus 20%, to restore the street to conformance with Township specifications.
  - (b) That an offer to dedicate the street shall be made only for the street as a whole.
  - (c) That the method of assessing repair costs be as stipulated.
- (4) Final designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Protection and the Pennsylvania Department of Transportation.
- (5) Where the final plan covers only a part of the entire landholdings, a sketch of the future street system of the unsubmitted part shall be furnished. The street system of the submitted part will be considered

in light of adjustments and connections with future streets in the part not submitted.

- (6) Water and sewer feasibility reports as may be required, including any updated information which may have become available since the submission of the preliminary plan.
- (7) A plan for the control of erosion and sedimentation for review by the County Conservation District Office as required by the Pennsylvania Clean Streams Act.<sup>5</sup>
- (8) A storm drainage plan and storm drainage calculations.
- (9) A map showing the location of the proposed development with respect to flood-prone areas, including information on the regulatory flood elevation, the boundaries of the flood-prone areas, proposed lots and sites, fills, flood or erosion protection facilities, and areas subject to special restrictions. In addition, where the proposed development lies partially or completely in any flood-prone area or borders on any flood-prone area, such map shall also show the location and elevation of proposed roads, public utilities and building sites.
- (10) A planning module as required by the Pennsylvania Department of Environmental Protection. The plan shall be accompanied by a written request for inclusion of the proposed necessary sewer capacity in the Township's next annual Chapter 94 report as submitted to the Pennsylvania Department of Environmental Protection.
- (11) Such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title of the land being subdivided.
- (12) Any other certificates, affidavits, endorsements or dedications, etc., that may be required by the Planning Commission or the Supervisors.
- (13) When a proposed plan has already been submitted to the County Conservation District Office for review and recommendations, a plan and/or other documentation to show what has been or will be done in response to their recommendations.

### **§ 22-309. Resubdivision Procedure.**

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

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<sup>5</sup>Editor's Note: See 35 P.S. § 691.1 et seq.

**§ 22-310. Additions to Existing Lots.**

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

- A. The parcel to be added must be contiguous to the existing lot.
- B. The addition must maintain or improve the overall straightness of lot lines.
- C. The plan prepared for the addition of this parcel shall follow the procedures outlined in this Part, except that a preliminary plan need not be filed.
- D. The owner shall specify on the plan that the parcel is for the sole purpose of enlarging an existing lot and that no structures or buildings of any kind shall be erected thereon. The combined tracts shall then be treated as one lot for all purposes under this chapter and all other ordinances of the Township, existing or future.
- E. The fee for a plan under this subsection shall be in accordance with Part 6 of this chapter. **[Amended by Ord. 2016-111, 7/19/2016]**



## PART 4

## DESIGN STANDARDS

**§ 22-401. Application of Standards.**

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

**§ 22-402. General Site Standards.**

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

- A. The land development plan shall conform to the Township Comprehensive Plan and Official Map or to such parts thereof as shall have been officially prepared and adopted by the Township.
- B. A land subdivision or development must be coordinated with existing land development in the neighborhood so the entire area may be developed harmoniously.
- C. Land proposed for land development shall not be developed or changed by grading, excavating, or by the removal or destruction of the natural topsoil, trees, or other vegetative cover unless provisions for minimizing Control Regulations of the Pennsylvania Department of Environmental Protection have been met.
- D. In a development where the average slope exceeds 15%, the Planning Commission may require modifications to these regulations.
- E. In all developments, every precaution shall be taken to preserve all natural and historic features determined to be worthy of preservation. Examples of such features would include but not be limited to large trees and stands of trees, watercourses, historic areas and structures, scenic views, etc. To ensure the protection of such features, the Planning Commission may require the following additional information to be submitted:
  - (1) A grading plan showing the existing and proposed ground elevations relative to the features.
  - (2) The accurate location of the features to be protected.
  - (3) An explanation of the precautions to be taken by the developer to protect such features.
- F. Land subject to hazards of life, health or property as may arise from fire, floods, disease, excessive noise, odor, or falling aircraft, or considered

uninhabitable for other reasons may not be developed unless the hazards have been removed or the plans show adequate safeguards against them.

**§ 22-403. Street and Highway Standards.**

1. General. All streets proposed to be constructed shall conform to the following general design requirements:
  - A. Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.
  - B. Residential streets shall be so laid off as to discourage through traffic; however, proposed streets shall be planned with regard to the existing street system, topographic conditions, public convenience in terms of fire protection and pedestrian traffic, probable volumes of traffic, existing and proposed use of land on abutting properties and future extensions of the street system.
  - C. When a subdivision abuts or contains an existing or proposed arterial or collector street, the Supervisors may require a marginal-access street, reverse frontage, or other treatment which will provide protection for abutting properties, reduction of the number of intersections and separation of local from through traffic. **[Amended by Ord. 2016-111, 7/19/2016]**
  - D. No street shall terminate into a dead end. Any street dead-ended for access to adjoining property or because of authorized staged construction shall be provided with a temporary all-weather turnaround, and the use of such turnaround shall be guaranteed to the public until such time as the street is continued.
  - E. Private streets (streets not offered for dedication to public use) are prohibited unless they meet the design and improvement standards of this Part.
  - F. The proposed street system shall extend existing or recorded streets at the same width but in no case at less than the required minimum width.
2. Street Widths.
  - A. Minimum street right-of-way and cartway widths shall be as follows:

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

<b>Street Type</b>	<b>Right-of-Way (feet)</b>	<b>Cartway (feet)</b>
Arterial streets	As determined by the Supervisors after consultation with the Pennsylvania Department of Transportation	
Collector streets	60	36
Minor streets	50	36
Average lot frontage:		
70 feet or less		
70 feet or more	50	36 or 20 plus two 8-foot berms, at the option of the Township
Alley or service drive	20	20

B. Provision for additional street width, right-of-way, cartway, or both, may be required when determined to be necessary in specific cases for:

- (1) Public safety and convenience.
- (2) Parking in commercial and industrial areas and in areas of high-density developments.
- (3) Widening of an existing street where the width or alignment does not meet the requirements of the preceding paragraphs.
- (4) Where topographic conditions require excessive cuts and fills.

3. **Street Grades. [Amended by Ord. 2016-108, 1/19/2016]**

A. The grades of streets shall not be less than the minimum nor more than the maximum requirements listed below:

<b>Type of Street</b>	<b>Minimum Grade</b>	<b>Maximum Grade</b>
Arterial streets	As determined after consultation with the Pennsylvania Department of Transportation	
Collector streets	1.0%	7%
Minor streets and alleys	1.0%	12%

- B. Vertical curves shall be used in changes of grade when the difference exceeds 1% and shall be designed for maximum visibility.
- C. On permission of the Supervisors, minor street grades under special topographic conditions may exceed 12% for distances less than 100 feet, provided that the grade does not, in any case, exceed 15%.

4. Curves.

- A. Where connecting street lines deflect from each other at any one point by more than 10°, the line must be connected with a true, circular curve. The minimum radius of the center line for the curve must be as follows: **[Amended by Ord. 2016-111, 7/19/2016]**

<b>Type of Street</b>	<b>Minimum Radius (feet)</b>
Collector	300
Minor	200

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

5. Sight Distance.

- A. Proper sight distance shall be provided with respect to both horizontal and vertical road alignments. Passing sight distance and stopping sight distance shall comply with the minimum requirements of PennDOT Publication 70, based on highway classification and speed limit. **[Amended by Ord. 2016-111, 7/19/2016]**
- B. There shall be provided and maintained at all intersections a clear sight triangle with a line of sight between points 100 feet from the intersection of the street center lines. No building or other obstruction that would obscure the vision of a motorist shall be permitted within these areas.
- C. Proper sight distance shall be provided with respect to both horizontal and vertical road alignments at all intersections.

6. Cul-de-Sac Streets. The use of cul-de-sacs is prohibited. **[Amended by Ord. 2016-111, 7/19/2016]**

7. Intersections.

- A. No intersection shall involve the junction of more than two streets.
- B. Right-angle intersections shall be used wherever possible. In no instance, however, shall streets intersect at an angle of less than 75°.

- C. Intersections shall be approached on all sides by leveling areas. Where the grades exceed 7%, such leveling areas shall have a minimum length of 100 feet (measured from the intersection of the center lines) within which no grade shall exceed a maximum of 4%.
- D. All streets intersecting a state road (US, PA or SR) shall be subject to the approval of the Pennsylvania Department of Transportation. The developer shall furnish evidence of such approval in the form of a PennDOT highway occupancy permit or other written form.
- E. Design of curb or edge of pavements must take into account such factors as types of turning vehicles, likely speeds of traffic, angle of turn, etc., but in no instance shall the radius of the curb or edge of pavement be less than the following:

<b>Intersection</b>	<b>Curve-Radius (feet)</b>
Minor with minor street	15
Minor with collector	25
Collector with collector	35

- F. Minor and collector streets shall not intersect arterial streets on the same side at less than eight-hundred-foot intervals and shall be in alignment with any existing or proposed streets intersecting from the opposite side. If two streets that intersect another from opposite sides cannot be aligned, then a distance of at least 150 feet shall be provided between the two intersection center lines.
8. Slope of Bank Along Streets. The slope of banks along streets as measured perpendicular to the street center line shall be no steeper than the following:
    - A. One foot of vertical measurement for three feet of horizontal measurement for fills.
    - B. One foot of vertical measurement for two feet of horizontal measurement for cuts.
  9. Partial and Half-Streets. The dedication of half streets at the perimeter of new developments is prohibited, except to complete existing half streets.
  10. Names of Streets. Names of new streets shall not duplicate or approximate existing or platted street names or approximate such names by the use of suffixes such as "lane," "way," "drive," "court," or "avenue." In approving the names, consideration shall be given to existing or platted street names within the postal delivery district served by the local post office. New streets shall bear the same name or number of any continuation or alignment with an existing street. It shall be the responsibility of the developer or subdivider to erect street name signposts of such size and materials as the Supervisors

shall designate, taking into consideration the area, nature and size of the subdivision.

11. Reserve Strips. Controlling access to streets by reserve strips is prohibited.
12. Alleys. Alleys shall be prohibited in single-family residential developments but may be included in townhouse, multiple-family, commercial and industrial developments.
13. Existing Streets. Where a subdivision or land development abuts an existing street of improper width or alignment or which otherwise is not in conformance with the design standards contained in this section, the Township Supervisors shall require the street to be widened, realigned and/or improved to comply with the standards herein.

**§ 22-404. Off-Street Parking.**

Off street parking shall comply with the Township Zoning Ordinance (Chapter 27).

**§ 22-405. Access Drives.**

1. Residential. Access drives to any public street or highway shall comply with the Township Zoning Ordinance.<sup>6</sup>
2. Private Access.
  - A. Private Access Drives. Parcels of land existing as of the effective date of this chapter which have their access by means of private roads or private rights-of-way shall be permitted to be subdivided into no more than two lots (total) for each original parcel.
  - B. Where any accessway is to be private, proof of agreement as to responsibility for maintenance of that accessway shall be presented prior to final plan approval. Such agreement shall be recorded in the Adams County, Pennsylvania, Recorder of Deeds office and shall be executed by all property owners who shall utilize such private access drive.

**§ 22-406. Blocks.**

1. General. The length, width and shape of blocks shall be determined with due regard for:
  - A. The provision of adequate sites for buildings of the type proposed.
  - B. Topography.
  - C. Any other codes, plans and ordinances.

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<sup>6</sup>Editor's Note: See Ch. 27, Zoning.

- D. Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with major streets.
2. Block Length. The length of blocks shall not exceed 1,600 feet nor be less than 800 feet.
  3. Pedestrian Crosswalks. Where blocks exceed 1,000 feet in length, pedestrian rights-of-way of not less than 12 feet in width shall be provided where needed for adequate pedestrian circulation. Paved walks of not less than six feet shall be placed within the right-of-way.
  4. Depth. Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except:
    - A. Where reverse-frontage lots are required along a major street.
    - B. Where prevented by the size, topographical conditions or other inherent conditions of property, in which case the Township may approve a single tier of lots.
  5. Commercial and Industrial Blocks. Blocks in commercial and industrial areas may vary from the elements of design detailed above if required by the nature of the use. In all cases, however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation and parking for employees and customers.

**§ 22-407. Lots.**

1. General.
  - A. The size, shape and orientation of lots shall be appropriate for the type of development use contemplated. Side lot lines shall be at right angles to straight street lines or radial to curved street lines.
  - B. Lot lines shall follow Township boundaries rather than cross them.
  - C. The depth of residential lots shall be not less than one nor more than 2 1/2 times their width.
  - D. Where the lots in a subdivision are large enough for resubdivision or where a portion of the tract is not developed, suitable access to these areas shall be provided.
  - E. The depth and width of parcels intended for nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc.

- F. If, after subdividing, there exist remnants of land, they shall either be incorporated in existing or proposed lots or legally dedicated to public use, if acceptable to the Township.
  - G. No lot shall be created in any manner whatsoever which does not meet the minimum requirements of this Part.
2. Lot Frontage.
- A. All lots shall front on a dedicated public street, existing or proposed, or upon a fully improved private street constructed to specifications as set forth in this Part. Lots fronting upon unimproved private streets or not fronting upon a street shall not be approved.
  - B. Double- or reverse-frontage lots shall be avoided, except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography, orientation or location.
  - C. All residential reverse-frontage lots shall have a planting screen easement of at least 20 feet in width across which there shall be no right of access.
3. Lot Soils Evaluation Tests.
- A. Percolation tests shall be performed for each lot of a proposed subdivision wherein buildings at the time of construction will not be connected to a public sewage disposal system. Each lot must be found satisfactory for on-site sewage disposal prior to approval of the final plan.
  - B. The soils tests called for above shall be performed in accordance with the regulations of the Pennsylvania Department of Environmental Protection. The Township Sewage Enforcement Officer will observe the tests and certify the results.
  - C. A land planning module for any new subdivision or land development shall be prepared by the developer and approved by the Township and the Pennsylvania Department of Environmental Protection prior to approval of the final plan.
4. Lot Sizes on Slopes. The minimum lot area herein established shall be increased based on reports from the Pennsylvania Department of Environmental Protection and the Soil Conservation Service indicating that, because of slope, surface runoff or subsurface drainage of septic tank effluents are likely to result in hazardous conditions.
5. Recreation Areas to Be Provided in All Residential Developments. All residential subdivisions and land developments creating one or more additional lots or dwellings shall provide for the dedication of recreation

areas according to the following standards: **[Amended by Ord. 2016-111, 7/19/2016]**

A. Where there is a proposed park, playground, open space, trail, greenway or other local or neighborhood recreation site in the Eastern Adams County Joint Comprehensive Plan, the Adams County Greenways Plan, the Adams County Comprehensive Plan, or the Oxford Township Recreation Plan, the Township may require the dedication of all or a portion of such site in accordance with the following standards:

- (1) The amount of land so required for this purpose shall be 0.026 of an acre per dwelling unit of the proposed development, or such amount as amended by resolution.
- (2) The land is a minimum of five acres in size, contiguous in shape, and has suitable topography and soil conditions for developing recreational facilities.
- (3) The land is configured to include natural, historic, and cultural features worthy of preservation.
- (4) The land is easily and safely accessible from all areas of the subdivision or land development. Sidewalk connections are provided where feasible. No roadways shall traverse the site.
- (5) A maximum of 15% of the area can consist of floodplains, wetlands, steep slopes, utility easements or rights-of-way, or other features that render the lot undevelopable.
- (6) The land should be accessible to utilities such as sewer, water and power. If such utilities exist within the proposed subdivision or on any tract of land adjoining the proposed recreation land, the developer shall extend said utilities to the tract.
- (7) The land should, where possible, be adjacent to existing or proposed open space, parkland, other dedicated lands or undeveloped tracts to create a single larger tract.

B. If no suitable land is available for recreation or upon agreement with the developer, and for all subdivisions in which the land dedication shall be less than the five-acre minimum, the developer shall pay a fee in lieu of the dedication of recreational land in an amount determined by resolution for each proposed dwelling unit or residential lot. The following procedures with regards to payment of such fee to the Township prior to the approval of the final plan must be followed:

- (1) The land or fees, or combination thereof, are to be used only for the purpose of providing park or recreational facilities.

- (2) Any recreation fees received by the Township shall be deposited in a interest-bearing account, clearly identifying the specific recreation facilities for which the fee was received. If the Township fails to use the fee within three years from the date of payment, the payer may request a refund of the fee, together with all interest earned.
  - (3) Upon request of any person who paid any fee under this section, the Township shall refund such fee, plus interests accumulated thereon from the date of payment, if the Township had failed to utilize the fee paid for the purpose set forth in this section within three years from the date such fee was paid.
- C. In lieu of requiring the dedication of a recreation or park site, or a fee for this purpose, the Board of Supervisors may permit a private site to be used if:
- (1) In its judgment the purposes of these regulations regarding recreation and park sites will be accomplished; and
  - (2) The private site is permanently devoted to recreation and park use and adequately secured for such use by deed covenants or other private restrictions.
- D. Provision for maintenance of the recreation area shall be completed prior to final subdivision approval, either through the creation of a private association provided with the authority to assess members for this purpose or by other means satisfactory to the Township.

**§ 22-408. Easements.**

1. The minimum width of easements for underground and overhead public utilities shall be 10 feet.
2. Wherever possible, easements for public utilities shall be centered on side and/or rear lot lines.
3. Electric and telephone facilities shall be installed underground, unless specific geographic conditions require otherwise.
4. Drainage easements shall be of such adequate width as to serve the purpose for which they are intended. Such easements shall preserve the unimpeded flow of natural drainage or provide for the construction of drainage facilities. In no case shall they be less than 20 feet wide.

**§ 22-409. Provision of Water Supply.**

1. Connection to Public Water Supply. Where a water main supply system is within 1,000 feet, or where plans approved by the Township provide for the installation of such public water facilities, the subdivider or developer shall provide the subdivision or development with a complete water main supply system to be connected to the existing or proposed water main supply system if, in the opinion of the Board of Supervisors, such connection is feasible. The design and installation shall be in accordance with Township specifications to be prepared and reviewed by the Township Engineer.
2. Private Water Supply. Where installation of a public water main supply system is not required, the subdivider or developer shall provide either a private community water supply system or, for each lot, an individual water supply system approved, where applicable, by the Pennsylvania Department of Environmental Protection. If a private community water supply system is proposed for any subdivision or development, such system also shall be subject to the applicable approval of the Pennsylvania Department of Environmental Protection as a condition to approval of the subdivision or the development by the Township. Ownership and maintenance of all private, community water systems shall be clearly established as a condition to final plan approval by the Township.
3. Fire Protection.
  - A. Public Water Supply. Where a subdivision or development is required to be connected to a public water supply system under § 22-409, Subsection 1, fire hydrants shall be installed as an integral part of the water main supply system in accordance with § 22-506. Placement of hydrants shall be in accordance with the requirements of the agency supplying water and the local fire department providing coverage of the applicable subdivision or development.

B. Private Water Supply.

- (1) If a private, community water system is proposed, the subdivider or developer shall install fire hydrants in accordance with the requirements set forth in § 22-409, Subsection 3A, connected to said system.

**§ 22-410. Lot Grading Standards.**

1. General. No land or parcel of land within the Township shall be graded or filled by any landowner, developer or subdivider unless and until there has been compliance under the provisions of this section.
2. Applicability. The provisions of this section shall apply if the existing condition of any land or parcel of land is proposed to be changed under any one of the following sets of circumstances:
  - A. Land is to be graded or filled to alter the existing contours thereof more than an average of two feet in elevation over any area in excess of 6,000 feet.
  - B. Land is to be filled to a depth of five feet or more over any area in excess of 1,000 square feet.
  - C. Land is to be graded or filled within an existing watercourse or one-hundred-year floodplain (whether an intermittent or flowing stream, or any normally dry swale which carries any amount of water during rainfall).
3. Approval of Land Grading Plan. All landowners, developers or subdividers intending to grade or fill land under any of the circumstances set forth in Subsection 2 above shall prepare and submit a land grading plan for approval by the Board of Supervisors. The land grading plan and all information and procedures relative thereto shall in all respects be in compliance with the provisions of this section, except where variation therefrom may be specifically authorized by the Board of Supervisors.
4. Requirements for Land Grading Plan. The following requirements shall apply to all land grading plans:
  - A. The plan shall be prepared by and certified by a registered surveyor or registered professional engineer. A workmanlike execution of the plan shall be made in every detail. A poorly drawn or illegible plan shall be subject to rejection by the Board of Supervisors.
  - B. The plan shall include a traverse map of the perimeter of the land being graded or filled. The traverse shall have an error of closure of not more than one in 5,000.

- C. The plan shall depict all existing topographic contours of the area to be graded or filled at contour intervals of two feet and depicted by a broken line, unless the Planning Commission determines that a different contour interval is required. The proposed finished-grade contours shall be shown at contour intervals of two feet and depicted by solid line.
  - D. The plan shall depict all existing watercourses within 500 feet of the area to be graded or filled, whether on land owned by the applicant or owned by others.
  - E. If any existing watercourse will be affected by the proposed grading or filling, the stormwater management provisions of this Code of Ordinances shall be applicable to the plan, and the proposed stormwater management facilities required by said provisions shall be depicted on the plan.
  - F. The plan shall denote the total acreage of the applicant's subject tract of land.
  - G. The plan shall denote the location and identification of all existing and proposed public and private easements.
  - H. The plan shall denote all existing and proposed streets.
5. Additional Requirements for Land Grading Plan. In addition to the requirements set forth in Subsection 4 above, the following data shall be shown on the plan:
- A. The plan shall be drawn to scale of not less than one inch equals 50 feet and shall indicate the magnetic North point and the applicant's name and address.
  - B. The plan shall show abutting property lines and the names of abutting landowners.
  - C. In cases of wooded areas, the outline of the wooded areas and the location of trees which are to remain shall be shown.
  - D. The plan shall include a location map, at a scale of one inch equals 400 feet, which shall be drawn showing:
    - (1) Orientation of the subject tract to adjoining property.
    - (2) Related road and highway system within 1,000 feet of the subject tract.
  - E. The plan shall include a statement that the applicant is the owner, equitable owner or authorized by the owner in writing to make application for the proposed grading or filling.

6. Construction Requirements.
  - A. Fill. Fill shall not contain boulders or fractured rock or broken concrete over one foot in the largest dimension or any organic material, trash, garbage, or broken asphalt paving. Fills of more than five feet deep shall be compacted while being placed by a method approved by the Township Engineer.
  - B. Slopes. All constructed slopes shall not exceed the following:
    - (1) Cut slopes in earth: two horizontal, one vertical.
    - (2) Cut slopes in rock: one horizontal, one vertical.
    - (3) Fill slopes: three horizontal, one vertical.
  - C. Drainage. All drainage construction shall meet the requirements of all other applicable provisions of this chapter.
7. Other Requirements.
  - A. During grading operations, dust-control measures will be implemented where necessary to minimize the impact of dust on neighboring properties.
  - B. Grading equipment shall not be allowed to cross streams. Provisions will be made for the installation of temporary or permanent culverts or bridges where stream crossing is desired.
  - C. Where any excavation or grading is proposed or where any existing trees, shrubs or vegetative cover will be removed, the landowner, subdivider or developer will consult the Adams County Conservation District representative concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site so that a determination can be made as to the type and degree of development the site may accommodate. The specific comments of the Adams County Conservation District representative shall be included as part of the land grading plan submission.
  - D. In a subdivision where the slopes on the site average more than a 15% change in elevation, the Planning Commission may recommend larger lot sizes than otherwise required by the provisions of this Part.

**§ 22-411. Restrictions in Presence of Carbonate Features.**

1. No buildings, structures, or stormwater management basin shall be placed in or over the following features if unremediated: sinkholes, closed depressions, lineaments, or faults.

2. Buildings, structures, and stormwater management basins shall be located no closer than 100 feet from the rim of unremediated sinkholes and no closer than 50 feet from unremediated lineaments, faults, or closed depressions.
3. Outflow from a stormwater management basin and/or postdevelopment stormwater shall not be directed to any sinkholes, closed depressions, lineaments, or caverns.
4. All stormwater management basins in sinkhole-prone areas shall be lined. The liner used in a basin may consist of a clay liner, a composite synthetic and soil liner or a synthetic liner. The type of liner required shall depend on the condition of the basin bottom and the probability of sinkhole occurrence resulting from the construction of the basin. The Township Engineer shall make the final determination as to what is an acceptable liner for the proposed basin.
5. If carbonate features are located on the subject property or within 500 feet of its property lines, the applicant shall sign an indemnification agreement, in a form to be provided by the Township, indemnifying and holding the Township harmless from any claims relating to injuries to persons or property resulting from the existence or occurrence of carbonate features and the Township's approval of the proposed plan.
6. If carbonate features are located on the subject property or within 500 feet of its property lines, the applicant shall include in any deeds for the sale of this property a notice stating that such features exist and indicating that a carbonate assessment is available for review at the Oxford Township offices.
7. If the carbonate assessment does not recommend the proposed improvements in light of the existing carbonate features, then the plan shall not be approved until the subject property is made safe for the purpose for which the land is proposed to be used.



## PART 5

## IMPROVEMENT AND CONSTRUCTION REQUIREMENTS

**§ 22-501. Oxford Township Construction and Material Specifications. [Ord. 2014-99, 7/9/2014<sup>7</sup>]**

This section incorporates by reference the Oxford Township Construction and Material Specifications, published separately and as amended from time to time.

**§ 22-501.1. Monuments and Markers. [Ord. 2014-99, 7/9/2014]**

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

## A. Monuments.

- (1) Monuments shall be set:
  - (a) Monuments shall be set: **[Amended by Ord. 2016-111, 7/19/2016]**
    - (a) At exterior subdivision boundaries, when corners are being remarked.
    - (b) At two adjacent accessible property corners to serve as control for future lot surveys.
  - (2) Monuments shall be six inches square or four inches in diameter, 30 inches long and made of concrete, stone, or a four-inch cast-iron or steel pipe filled with concrete.

## B. Markers.

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

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

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<sup>7</sup>Editor's Note: This ordinance also repealed former Part 5, Improvement and Construction Requirements.

**§ 22-502. Streets. [Ord. 2014-99, 7/9/2014]**

Streets may be surfaced to the grades and dimensions drawn on the plans, profiles, and cross-sections submitted by the subdivider and by the Township. Before paving the street surface, the subdivider must install the required utilities and provide, where necessary, adequate stormwater drainage for the streets, as acceptable to the Township. All streets shall conform to the Oxford Township Construction and Material Specifications as amended.

**A. Urban or Suburban Developments.**

- (1) Arterial Streets. For the construction of arterial roads or highways, the subdivider shall consult with and be governed by the Pennsylvania Department of Transportation for the method of construction to be used. The Planning Commission shall decide if a collector or arterial street is required as a direct result of the construction of his subdivision in which case the subdivider is responsible for paving the additional width required.
- (2) The wearing course on all streets proposed to be dedicated to the Township shall not be placed until at least 80% of the lots within the development or a phase of the development have been built upon, or upon the expressed desire of the Board of Township Supervisors. In no instance shall the time from placement of the nineteen-millimeter course until the placement of the final wearing course exceed five years.
- (3) When the wearing course is not to be placed until 80% of the lots are developed; the top of inlets, manholes, and valve boxes shall be set at the same elevation as the nineteen-millimeter paving course.<sup>8</sup>

**B. Private Streets.**

- (1) All private streets shall be constructed in accordance with § 22-502 or bonded in accordance with § 22-515 of this chapter prior to approval of the final plan. **[Amended by Ord. 2016-111, 7/19/2016]**
- (2) Whenever a subdivider proposes to establish a street which is not offered for dedication to public use, the Supervisors shall require the subdivider to enter into and also to record with the Plan an agreement between the subdivider and the Township to be binding on the subdivider, his heirs and assigns, and which agreement shall establish the conditions under which the street may later be offered for dedication, and shall stipulate among other things:
  - (a) That the street shall conform to appropriate specifications or that the owners of the abutting lots shall include with the offer

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<sup>8</sup>Editor's Note: Former Subsection A(4), regarding the construction schedule, was repealed by Ord. 2016-111, 7/19/2016.

of dedication sufficient money, as estimated by the Township Engineer, to restore the street to conformance to specifications.

- (b) That an offer to dedicate the street shall be made only for the street as a whole.
  - (c) That the method of assessing repair costs be as stipulated.
  - (d) That agreement by the owners of more than 50% of the front footage thereon shall be binding on the owners of the remaining lots.
- C. Street Lights. If required by the Township in which the subdivision or land development is located, a street light meeting Township specifications shall be installed at one corner of every intersection.
- D. Street signs. Street name signs shall be placed at one corner of every intersection. Traffic control and safety signs shall be placed at the direction of the Township. All sign materials, installations, and designs must be in accordance with Township and Pennsylvania Department of Transportation specifications.
- E. Street Trees.
- (1) The trees shall be located between the sidewalk and building setback lines and at least five feet from the sidewalk. Trees shall be planted between the sidewalk and curb only if the curb and sidewalk are at least 10 feet apart.
  - (2) Each tree shall be at least eight feet in height and have a diameter of at least 1 1/2 inches measured four feet from the ground surface.
  - (3) A list of acceptable street trees shall be established by the Board of Supervisors by resolution from time time.<sup>9</sup>

**§ 22-503. Curbs and Gutters. [Ord. 2014-99, 7/9/2014]**

1. Curbs shall be installed on each side of each street within any proposed subdivision or land development, and along the side of any existing street adjacent to or contiguous with the proposed subdivision or land development if curbs have not already been installed thereupon. The Board of Supervisors may, in its sole discretion, waive the required installation of curbs upon being satisfied that the public safety, welfare or convenience does not warrant said installation.
2. Upon the recommendation of the Township Engineer, the Township may require the installation of gutters, curb gutters, or both, in addition to or

<sup>9</sup>Editor's Note: The list of acceptable and prohibited street trees is on file in the Township offices.

instead of curbs, along both or either side of any street within, adjacent to or contiguous with any proposed subdivision or land development to control erosion and the flow of surface water.

3. All curbs, gutters and curb gutters required hereunder shall be constructed in accordance with the Oxford Township Construction and Material Specifications as amended. The Township shall withhold approval of any curbs or gutters that fail to meet said standards or specifications.

**§ 22-504. Sidewalks. [Ord. 2014-99, 7/9/2014]**

1. Sidewalks shall be installed on each side of each street within any proposed subdivision or land development, and along the side of any existing street adjacent to or contiguous with the proposed subdivision or land development if sidewalks have not already been installed thereupon. The Board of Supervisors may, in its sole discretion, waive the required installation of sidewalks upon being satisfied that the public safety, welfare or convenience does not warrant said installation.
2. Sidewalks shall be within the right-of-way of the street and shall extend in width from the right-of-way line toward the curb line.
3. All sidewalks required hereunder shall be constructed in accordance with the Oxford Township Construction and Material Specifications, as amended. The Township shall withhold approval of any sidewalks that fail to meet said standards or specifications.
4. All sidewalk and pedestrian facilities shall be installed in accordance with the current requirements of the Americans with Disabilities Act. **[Added by Ord. 2016-111, 7/19/2016]**

**§ 22-505. Sewer and Water Supply Systems. [Ord. 2014-99, 7/9/2014]**

1. Private and On-Site Systems.
  - A. All properties shall be connected to a public sanitary system if possible.
  - B. Where a public sanitary sewer system is not accessible but is proposed for extension within five years of the development, the developer shall install sewer line, including lateral connections, to provide adequate service to each lot when connection with the public system is made. The sewer lines shall be capped at the street right-of-way line. When capped sewers are provided, on-site disposal facilities shall be provided. A public sanitary sewer shall be deemed to have been proposed if the Supervisors, the New Oxford Municipal Authority, Pennsylvania Department of Environmental Protection or other similar body working in conjunction with the Township has considered providing such service to the location in light of sewer needs of the

area. No binding agreements or actual funding applications shall be deemed to have been proposed if the Supervisors have not considered providing service to the area prior to the developer's application. **[Amended by Ord. 2016-111, 7/19/2016]**

- C. If no public system is either proposed within five years or within 1,000 feet of the development, the Planning Commission may require that a study be prepared to determine the feasibility of constructing a separate private system or treatment facility, or connecting to an existing private system over 1,000 feet away.
  - D. Upon completion of any sanitary sewer system installation, the plan for the system as built shall be filed with the New Oxford Municipal Authority. Where none of the above alternatives are possible or feasible, an individual sewage disposal system consisting of a septic tank and tile absorption field or other approved sewage disposal system shall be provided for each lot at the time improvements are erected or installed thereon. All such individual sewage disposal systems shall be constructed in accordance with the Pennsylvania Department of Environmental Protection regulations. **[Amended by Ord. 2016-111, 7/19/2016]**
2. Private and On-Site Water Systems.
- A. Where a water main supply system is within 1,000 feet of, or where plans approved by the Township provide for the installation of public water facilities, the developer shall provide the development with a complete water supply system to be connected to the existing or proposed water main supply system in accordance with Township specifications.
  - B. If connection to a public water supply system is not possible, a report on the feasibility of constructing a private water supply system may be required by the Planning Commission and a report shall be submitted setting forth the findings.
  - C. The plans for installation of a private water supply system shall be prepared by the land developer, and approved by the Pennsylvania Department of Environmental Protection. Upon completion of any water supply system, the plan for the system as built shall be filed with the Township.
  - D. Where none of the above alternatives are possible or feasible, an individual water supply system shall be installed.
    - (1) The water supply yield shall be adequate for the type of development proposed.

- (2) The installation of such systems shall not endanger or decrease groundwater supplies of adjacent properties.
- (3) Any such individual system shall meet any applicable Pennsylvania Department of Environmental Protection regulations.

**§ 22-506. Fire Hydrants. [Ord. 2014-99, 7/9/2014]**

Fire hydrants shall be provided as an integral part of any public or private water supply system pursuant to § 22-409.3:

- A. Fire hydrants shall be installed if their water supply source is capable to serve them in accordance with the requirements of the local fire authority.
- B. Fire hydrants shall be in accordance with specifications set forth by the National Fire Protection Association, or as amended.
- C. Placement of fire hydrants shall be in accordance with the requirements of the agency supplying water and the local fire department providing coverage of the applicable subdivision or development. The maximum spacing between hydrants and between hydrants and proposed structures shall be 600 feet. **[Amended by Ord. 2016-111, 7/19/2016]**

**§ 22-507. Storm Drainage. [Ord. 2014-99, 7/9/2014]**

1. General.
  - A. Whenever the evidence available to the Township indicates that natural surface drainage is inadequate, the developer shall install storm sewers, culverts and related facilities as necessary to:
    - (1) Permit the unimpeded flow of natural water courses.
    - (2) Ensure the drainage of all low points along the line of streets.
    - (3) Intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.
    - (4) Provide positive drainage away from on-site disposal facilities.
  - B. Storm sewers shall not be connected to sanitary sewers.
  - C. Storm water drainage plans which involve a state road shall be subject to the approval of PennDOT. Approval of a plan by the Supervisors shall not be construed as an indication that the plan complies with the standards of any agency of the commonwealth.
2. Design.

- A. Storm drainage facilities must be designed not only to handle anticipated peak discharge from the property being developed, but also the anticipated increase in runoff that may occur when all the property at a higher elevation in the same drainage basin is fully developed.
  - B. The developer shall also study the effect of the development on the existing downstream drainage facilities outside the area of the development. Where the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility the Planning Commission shall not approve the subdivision until provision is made for the improvement of said condition.
3. Existing Facilities. Where existing storm sewers are reasonably accessible, and of sufficient capacity, the developer must connect storm water facilities to these existing storm sewers.
  4. Abutting Properties.
    - A. In the design of storm drainage facilities, special consideration must be given to preventing excess runoff onto adjacent developed or underdeveloped properties. In no case may a change be made in the existing topography which would:
      - (1) Increase the slope to more than one foot of vertical measurement for three feet of horizontal measurement for fills, or one foot of vertical measurement for two feet of horizontal measurement for cuts within a distance of 20 feet from the property line unless an adequate retaining wall or other structure is provided.
      - (2) Result in a slope which exceeds the normal angle of slippage of the material involved.
    - B. All slopes must be protected against erosion.
  5. Chapter 26 Specifications. All design and installation of storm drainage facilities shall be done pursuant to the specifications set forth in Chapter 26 of the Code of Ordinances of the Township.

**§ 22-508. Erosion and Sedimentation. [Ord. 2014-99, 7/9/2014]**

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

**§ 22-509. Floodplain. [Ord. 2014-99, 7/9/2014; as amended by Ord. 2016-111, 7/19/2016]**

All development applications shall conform to the current Oxford Township Floodplain Ordinance.<sup>10</sup>

**§ 22-510. Underground Utility Lines. [Ord. 2014-99, 7/9/2014]**

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

**§ 22-511. Petroleum Lines. [Ord. 2014-99, 7/9/2014]**

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

**§ 22-512. Natural Gas Lines. [Ord. 2014-99, 7/9/2014]**

The minimum distance from a natural gas line to a dwelling unit shall be as required by the applicable transmission or distributing company, or as shall be required by the applicable regulations issued by the Department of Transportation under the Natural Gas Pipe Line Safety Act of 1968, as amended, whichever is greater.

**§ 22-513. Water Areas. [Ord. 2014-99, 7/9/2014]**

In a development abutting a lake, river, or other significant water body, the Supervisors shall require the dedication or reservation of:

- A. Any title to the water body the developer may possess beyond the wharf or dock line for public use;
- B. Up to 20% of the land abutting the shore for public use.

**§ 22-514. Reservations. [Ord. 2014-99, 7/9/2014]**

On sites reserved for eventual public acquisition, no building development is permitted during the period of reservation, said period of time not to be extended more than 12 months without consent of the developer. Such reservations shall be noted on the final plan.

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<sup>10</sup>Editor's Note: See Ch. 8, Floodplains.

**§ 22-515. Completion of Improvements or Guarantee Thereof; Prerequisites to Final Plan Approval. [Ord. 2014-99, 7/9/2014]**

1. No plan shall be finally approved unless the streets shown on such plan have been improved as required by this Part and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains and other improvements as may be required by this Part have been installed in accordance with this Part. In lieu of the completion of any improvements required as a condition for the final approval of a plan, the Supervisors may require for deposit with the Township, a corporate bond, or other security acceptable to the Township in an amount sufficient to cover the costs of any improvements which may be required, plus 10%. Such bond, or other security, shall provide for, and secure to the public, the completion of any improvements required for the final plan approval. In the case where development is projected over a period of years, the Planning Commission may authorize submission of final plans by sections or stages of development subject to such requirements or guarantees as it finds essential for the protection of any finally approved section of the development.
2. In the event a corporate bond or other security has been offered in lieu of completion of improvements for final plan approval, the developer shall construct and maintain a passable roadway, along with any other improvements required, for lots which are sold or occupied prior to acceptance of the roadway and/or other improvements by the Township. Such maintenance shall continue for the entire bonded period.

**§ 22-516. Inspection During Construction. [Ord. 2014-99, 7/9/2014]**

1. The Board of Township Supervisors shall authorize and direct the Township Engineer to cooperate with the applicant in arranging for the Engineer's periodic presence at the site of the work and construction of the required facilities and improvements during such phases thereof as in the judgment of the Engineer will enable him to determine whether or not such construction is in general conformity with the final plan and all Township requirements.
  - A. No construction shall begin until after the preconstruction meeting between the developer, the contractor, the Township Engineer/Inspector, and others as may be requested to attend. The preconstruction meeting will be scheduled upon request of the developer, and will only be held if all of the above named participants are represented.
  - B. Notice shall be given to the Township at least 48 hours in advance of commencement of any construction operation to provide for required inspection. If construction is intermittent, separate notice will be required each time the contractor restarts work. If scheduled work is not canceled 24 hours prior to the scheduled time or if the work is

otherwise not performed, the Engineer will be compensated for four hours.

- C. There will be full-time inspection for the installation of sanitary sewer, water, storm sewer and roadway paving. General site work will be inspected on a part-time basis, except when additional inspection is directed by the Township.
- D. No underground pipes, structures, subgrades, binders or base courses shall be covered until inspected and approved by the duly authorized official of the Township. Failure in compliance with this regulation shall provide cause for uncovering of such work, at the applicant's expense, to permit the required inspection.
- E. In those cases where the Township Engineer deems necessary, the developer, through his contractor, shall retain the services of a certified soils engineer to perform moisture and density testing in order to determine compaction or the extent thereof as related to the requirements of such Township Construction and Materials Specifications as have been or may be adopted by the Board of Township Supervisors.
- F. The wearing course on all streets proposed to be dedicated to the Township shall not be placed until at least 80% of the lots within the development or a phase of the development have been built upon, or upon the expressed desire of the Board of Township Supervisors.
- G. Whenever any work or materials are found to be not in compliance with the final approved preliminary plan, final plan and/or applicable Township requirements, the Township Engineer or any other duly authorized Township representative, will as such noncompliance becomes known notify the contractor. If the work in question is not corrected, a written noncompliance report will be issued to the contractor and the developer. A noncompliance report will serve as official notice that the work in question will not be accepted by the Township. Upon correction of the noncomplying work, a compliance report will be issued to the contractor and the developer.
- H. When a contractor or developer wishes to make a change to the approved drawings, a request shall be submitted in writing to the Township Engineer. The Township Engineer will review the request and submit their recommendation to the Township. The Township Supervisors will act on the request and determine whether or not a plan revision is necessary.
- I. Whether or not such construction or work shall have been accomplished in accordance with Township requirements shall be determined by the Township Engineer upon the basis of his onsite inspections during such phases thereof as in his judgment will enable

him to make such determination. The Engineer shall submit a written report to the Board of Township Supervisors in regard thereto.

**§ 22-517. Release from Improvement Bond. [Ord. 2014-99, 7/9/2014]**

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Township in writing, by certified mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Township shall, within 10 days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report, in writing, with the Township and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Township Engineer of the aforesaid authorization by the Township, said report shall be detailed and shall indicate approval or rejection of said improvements either in whole or in part, and if said improvements or any portion thereof, shall not be approved and shall be rejected by the Township Engineer, said report shall contain a statement or reasons for such nonapproval or rejection.
2. The Township shall notify the developer, within 15 days of receipt of the Engineer's report, in writing by certified or registered mail of the action of the Township with relation thereto.
3. If any portion of the said improvements shall not be approved or shall be rejected by the Township, the developer shall proceed to complete the same and upon the completion, the same procedure of notification, as outlined in this Part, shall be followed.
4. Nothing in this Part, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Township or the Township Engineer.
5. Where reference is made in this Part to Township Engineer, he shall be a duly registered professional engineer employed by the Township or engaged as a consultant to the Township.
6. If the Township or its Engineer fails to comply with the time limitation provided herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

**§ 22-518. Remedies to Effect Completion of Improvements. [Ord. 2014-99, 7/9/2014]**

In the event that any improvements which are required have not been installed as provided in this Part or in accord with the approved final plan, the township shall have the power to enforce any corporate bond or other security by appropriate legal

and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by such security, the Township may, at its option, install part of such improvements in all or part of the subdivision of land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements.

**§ 22-519. Dedication of Improvements. [Ord. 2014-99, 7/9/2014]**

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

## PART 6

## FEES

**§ 22-601. Sketch Plans. [Ord. 2014-99, 7/9/2014<sup>11</sup>]**

No fee shall be required for sketch plan review.

**§ 22-602. Preliminary Plans. [Ord. 2014-99, 7/9/2014]**

Preliminary plans submitted to the Township shall be accompanied by payment of the following:

- A. Filing Fees and Administrative Fees. Preliminary plans presented for filing with the Township shall be accompanied by the appropriate filing fees and administrative fees in an amount established from time to time by resolution of the Board of Supervisor.
- B. Deposit. In addition to the filing fees and administrative fees set forth above, all preliminary plans presented for filing shall be accompanied by a deposit in an amount established from time to time by resolution of the Board of Supervisors to cover the cost of inspections as established in Part 5 herein and professional fees as set forth in § 22-607. All costs for review of the plan and inspections shall be charged against the deposit. Upon approval of the preliminary plan, the deposit account shall be reconciled by the Township and any overages refunded to the applicant. In the event that the deposit account is exhausted during the review and/or inspection period, reviews and/or inspections shall cease until the deposit account is replenished by applicant. Upon final reconciliation, any balanced owed on applicant's account shall be paid in full by the applicant prior to the release of the approved preliminary plan for recording.

**§ 22-603. Final Plans. [Ord. 2014-99, 7/9/2014]**

Final plans submitted to the Township shall be accompanied by payment of the following:

- A. Filing Fees and Administrative Fees. Final plans presented for filing with the Township shall be accompanied by the filing fees and appropriate administrative fees in an amount established from time to time by resolution of the Board of Supervisor.
- B. Deposit. In addition to the filing fees and administrative fees set forth above, all final plans presented for filing with the Township shall be accompanied by a deposit in an amount established from time to time by resolution of the Board of Supervisors to cover the cost of inspections as established in Part 5 herein and professional fees as set forth in § 22-607. All costs for review of the plan and inspections shall be charged against the deposit. Upon approval

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<sup>11</sup>Editor's Note: This ordinance also repealed former Part 6, Fees.

of the final plan, the deposit account shall be reconciled by the Township and any overages refunded to the applicant. In the event the deposit account is exhausted during the review and/or inspection period, reviews and/or inspections shall cease until the deposit account is replenished by applicant. Upon final reconciliation, any balanced owed on applicant's account shall be paid in full by the applicant prior to the release of the approved final plan for recording.

**§ 22-604. Resubmission of Plans. [Ord. 2014-99, 7/9/2014]**

Where plans are resubmitted following disapproval by the appropriate governmental agency, no fee shall be charged for resubmission provided the re-review involves changes only to those items for which the plan was originally disapproved. Otherwise, a new fee on the fee schedule must be paid.

**§ 22-605. Fee Schedule. [Ord. 2014-99, 7/9/2014]**

1. Fees shall be in an amount as may be established, from time to time, by resolution of the Board of Supervisors.
2. For residential land developments such as mobile home parks, apartments or condominiums, fees shall be in an amount as may be established, from time to time, by resolution of the Board of Supervisors.
3. For commercial and industrial developments, fees shall be in an amount as may be established, from time to time, by resolution of the Board of Supervisors.
4. If the size or complexity of a development or subdivision requires expenditures by the Township of engineering fees in excess of the rate established by the fee schedule established from time to time by resolution of the Board of Supervisors, the subdivider or developer shall pay such deficit to the Township prior to the release for the plan for recording.

**§ 22-606. Revision of Fees. [Ord. 2014-99, 7/9/2014]**

All fees established by this Part shall be revised, from time to time, by resolution of the Board of Supervisors.

**§ 22-607. Professional Fees. [Ord. 2014-99, 7/9/2014]**

1. Upon filing, the applicant shall deposit together with the filing fee, an amount as set by resolution of the Board of Supervisors from time to time for professional fees related to plan review and inspection in accordance with §§ 22-602 and 22-603 above.
2. Upon receipt of a bill for professional fees by the Township, a detailed copy of the invoice shall be forwarded to the applicant at the time the fees are deducted from applicant's deposit. In the event applicant's deposit is

insufficient to cover the cost of the invoice, payment shall be made to the Township within 30 days.

3. If professional fees are not paid in accordance with this section, professional plan review shall cease, and the plan will not be approved. If a development is being constructed and professional fees are not paid in accordance with this section, inspections shall cease, and a stop-work order shall be issued.

**§ 22-608. Failure to Pay Invoices. [Ord. 2014-99, 7/9/2014]**

Any landowner or developer who is delinquent in the payment of invoices, in addition to a stop-work order and cessation of plan review, shall be denied issuance of any further approvals or permits by the Township, whether such approvals or permits pertain to the development for which said invoice was rendered or any other land or development within the Township.

**§ 22-609. Disputes Over Inspection Fees. [Ord. 2014-99, 7/9/2014]**

1. If the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within 10 working days of the date of billing, pay the undisputed amount if not already deducted from applicant's deposit, and notify the Township of such expenses that are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
2. In the event that the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution as set forth below:
  - A. If within 20 days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review such expenses and make a determination as to the amount thereof which is reasonable and necessary.
  - B. 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 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately unless the amount has already be deducted from applicant's deposit. In the event of a finding in favor of applicant that amounts deducted from applicant's deposit were unreasonable, the Township shall immediately refund those amounts to applicant.

- C. In the event that the Township and the applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of York County (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five years.
- D. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay 1/2 of the fee of the appointed professional engineer.

## PART 7

**MODIFICATIONS OF REQUIREMENTS****§ 22-701. Grant of Modification.**

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

**§ 22-702. Procedure.**

1. Any request for a modification shall be in writing and shall accompany and be a part of the submission of the plan, preliminary and/or final, to which it refers. The request shall state in full the ground and facts of unreasonableness or hardship on which the request is based, the provision(s) of this Part involved, and the exact modification therefrom which is requested.
2. The Planning Commission shall consider the request for a modification and communicate a recommendation to the Supervisors within 45 days of the filing of said request. The Supervisors shall act on said request and render and communicate its decision to the applicant within 90 days of the filing of said request. Said decision shall be mailed to the applicant within 15 days of the decision. Failure to meet these time limits shall be deemed an approval of said request, unless a proper extension has been agreed to.
3. All proposals for modification from the provisions of this Part shall be reviewed by the Planning Commission.
4. A record of the action on all modifications from the provisions of this Part shall appear in the official minutes of the Planning Commission.



PART 8  
PENALTIES**§ 22-801. Penalties.**

1. Any person, partnership, or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under this Part or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500, plus all court costs, including 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 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.
2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per-diem judgment pending a final adjudication of the violation and judgment.
3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township of Oxford the right to commence any action for enforcement pursuant to this section.

**§ 22-802. Action for Relief by Township.**

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

**§ 22-803. Other Actions.**

Nothing herein shall prevent the Township from taking such other action necessary to prevent or remedy any violations.

**§ 22-804. Appeals.**

All appeals shall be governed by the applicable provisions of the Pennsylvania Municipalities Planning Code.<sup>12</sup>

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<sup>12</sup>Editor's Note: See 53 P.S. § 10101 et seq.

**§ 22-805. Severability.**

If any section, clause, provision or portion of this chapter shall be held invalid or unconstitutional by a recognized court of the commonwealth, such decision shall not affect the legality of the remaining sections, clauses, provisions or portions of this chapter.

**§ 22-806. When Effective.**

This chapter shall take effect immediately upon adoption and publication according to law.