Chapter 117
SUBDIVISION OF LAND

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[HISTORY: Adopted by the Board of Supervisors of the Township of Straban 5-5-1997 by Ord. No. 1997-03. This ordinance also repeals the former Subdivision of Land Ordinance, Ord. No. 27, adopted 10-7-1985, as amended. Amendments noted where applicable.]

GENERAL REFERENCES

Driveway construction — See Ch. 62.
Sewage disposal — See Ch. 103.

Streets and sidewalks — See Ch. 112.
Zoning — See Ch. 140.

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7-25-97
§ 117-1. Short title.
This chapter shall be known and may be cited as the “Straban Township Subdivision and Land Development Ordinance.”

§ 117-2. Purpose.
This chapter is enacted for the purpose of assuring suitable sites for building purposes and human habitation, to provide for the harmonious development of the Township of Straban, for the proper coordination of proposed 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 Straban Township. The approval of any subdivision plat shall be based upon consideration as following:

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 ground water table.

B. Recognition of a desirable standard of subdivision design, including adequate provision for pedestrian and vehicular traffic, and for suitable building sites for the contemplated land use.

C. Preservation of such natural assets as ponds, streams, shrubs, trees and watershed areas.

D. Provision for adequate and safe water supply, sewage disposal, storm drainage and other utilities.

§ 117-3. 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 are inconsistent with the provisions of any statute, other ordinance, regulation or requirement, the more restrictive provision shall apply.

ARTICLE II
Definitions

As used in this chapter, words in the singular include the plural, and those in the plural include the singular. The word “person” includes corporation, unincorporated association and partnership, as well as an individual. The word “building” includes the meaning of “structure” and shall be construed as if followed by the phrase “or part thereof.” The following words as used in this chapter shall have the meanings indicated below (see Article X for the definitions of words used in that article):
ACCESS DRIVE — A paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

ACCESSORY BUILDING — A building subordinate to the principal use and detached from the main building and located on the same lot with such principal use or main building.

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

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

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

BLOCK — An area bounded by streets.

BUILDING — Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels, and including covered porches, bay windows and chimneys.

BUILDING SETBACK LINES — Lines parallel to and set back from the front, side or rear lot lines a distance equal to the depth of the yard required.

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

CLEAR-SIGHT DISTANCE — A line of unobstructed vision from a point 3½ feet above the center line of a street to the nearest point on the top of an object 4.25 inches high on the same center line.

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

COMMON OPEN SPACE — A parcel or parcels of land or an area of water or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a particular development, not including streets, off-street parking areas and areas set aside for public facilities. “Common open space” shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents.

COUNTY — The County of Adams, Commonwealth of Pennsylvania.

CROSSWALK:

A. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; and, in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk.
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B. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

CUL-DE-SAC — A street with access closed at one end and with a vehicular turnaround at the closed end.

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

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

DRAINAGE — The flow of water and the methods of directing such flow.

DWELLING — A building or structure designed for living quarters for one or more families, including homes which are supported either by a foundation or by blocks or jacks or are otherwise permanently attached to the land, but not including hotels, rooming houses or other accommodations used for transient occupancy.

A. DWELLING GROUP — A group of two or more single-family, two-family or multifamily dwellings occupying a lot in one ownership.

B. DWELLING, MULTIFAMILY — A building used by three or more families living independently of each other and doing their own cooking, including apartment houses.

C. DWELLING, SINGLE-FAMILY ATTACHED (ROW) — A building used by one family and having two party walls in common with other buildings (except for end units), such as row houses or townhouses.

D. DWELLING, SINGLE-FAMILY DETACHED — A building used by one family, having only one dwelling unit and having two side yards.

E. DWELLING, SINGLE-FAMILY SEMIDETACHED — A building used by one family, having one side yard and one party wall in common with another building.

F. DWELLING, TWO-FAMILY SEMIDETACHED — A building used by two families, with one dwelling unit arranged over the other and having two side yards.

G. DWELLING UNIT — One or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one family.

H. DWELLING, CONDOMINIUMS — A given set of dwelling units, each of which is owned by an individual person or persons in fee simple, and which is assigned a proportionate interest in all common elements, as set forth in the Uniform
Condominium Act of July 2, 1980, P.L. 286 No. 82, Section 1, as amended and supplemented.\(^1\)

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

**ENGINEER** — The Township Engineer or any consultant who is licensed by the Commonwealth of Pennsylvania and designated by the Board of Township Supervisors to review a subdivision plan and perform the duties of engineer in behalf of the township.

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

**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 materials 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.

**GOVERNING BODY** — The Board of Supervisors of the Township of Straban, Adams County, Pennsylvania.

**IMPROVEMENT** — A valuable addition made to real property, amounting to more than mere repairs or replacement of waste, costing labor or capital, and intended to enhance its value, beauty or utility or to adapt it for new or further purposes.

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

A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

   (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

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

\(^1\) Editor's Note: See 68 Pa.C.S.A. § 3101 et seq.
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B. A subdivision of land.

C. "Land development" does not include development which involves the addition of an accessory building less than 1,000 square feet or, in the case of farm accessory buildings, less than 5,000 square feet on a lot or lots subordinate to an existing principal building.

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

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

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

LOT AREA — The area contained within the property lines of a lot as shown on a subdivision plan, excluding space within any street right-of-way and the area of any surface easement, floodplain or servitude which excludes improvements.

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

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

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

MOBILE HOME PARK — A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

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

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 designated planning agency of the Township of Straban whose members are appointed by the Township Supervisors.

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2 Editor’s Note: See 53 P.S. § 301 et seq.
PLANTING STRIP — The unpaved portion of a street right-of-way between the sidewalk-pavement and the property line or between the curbline and the sidewalk.

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

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

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 township or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this chapter.

PUBLIC MEETING — A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the “Sunshine Act,” 65 P.S. § 271 et seq.

RIGHT-OF-WAY, PUBLIC OR STREET — Land set aside for public use as a street, crosswalk or other common means of commutation and travel.

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

SANITARY SEWER FACILITY — A public sanitary sewer system or a comparable common or package sanitary sewer facility approved by the appropriate governmental agency.

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 or any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

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 intercommunications among large areas.
B. COLLECTOR STREET — A major street or highway which carries traffic from minor streets to arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

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

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

E. MINOR STREET — A street used primarily for access to abutting properties.

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 — 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 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 exempted.

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

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

TOP SOIL — Surface soils and subsurface soils which presumably are fertile soils and soil material ordinarily rich in organic matter or humus debris. Top soil is usually found in the uppermost soil layer called the “A” horizon.

TOWNSHIP — The Township of Straban, Adams County, Pennsylvania.

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

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

WATER SURVEY — An inventory of the source, quantity, yield and use of groundwater and surface water resources within the township.
§ 117-5. Conformance; plan required.

From and after the effective date of this chapter, no subdivision or land development of any lot, tract or parcel of land within the township shall be made, and no street, sanitary sewer, storm sewer, water main or other facility in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of this chapter. No lot in a subdivision may be sold; no permit to erect, alter or repair any building upon land may be issued; and no building may be erected unless and until a plan for the subdivision or land development has been approved by the Board of Township Supervisors and recorded, and until the improvements required by the Board of Township Supervisors in connection therewith have either been constructed in strict accordance with the standards and specifications of the township or guaranteed as provided in this chapter.


See also § 117-51 for additional provisions.

A. The Board of Supervisors may grant a modification of the requirements of one or more provisions of this chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this chapter is observed.

B. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this chapter involved and the minimum modification necessary.

C. The request for modification shall be referred to the Planning Commission for advisory comments.

D. The Board of Supervisors shall keep a written record of all action on all requests for modifications.

§ 117-7. Recording plats and deeds.

A. Upon the approval of a final plat, the developer shall within 90 days of such final approval record such plat in the Office of the Recorder of Deeds of Adams County. The Recorder of Deeds shall not accept any plat for recording unless such plat officially notes the approval of the Board of Supervisors and review by the County Planning Agency. If the final plat is not recorded within the ninety-day period, the approval of it by the township shall become null and void.
B. The recording of the plat shall not constitute grounds for assessment increases until such
time as lots are sold or improvements are installed on the land included within the subject
plat.


After a plat has been approved and recorded as provided in this chapter, all streets and public
grounds on such plat shall be and become a part of the Official Map of the township without
public hearing.


Offers of dedication of public grounds or improvements to the township may be made on the
plans by formal notification thereof; or the owner may note on the plans that such
improvements have not been offered for dedication to the township. Every street, park or other
improvements shown on a recorded subdivision plan shall be deemed to be offered for
dedication to the township, but not accepted by the township until accepted by ordinance or
resolution which has been recorded in the Office of the Recorder of Deeds, Adams County, or
until it has been condemned for use as a public street, park or other improvement.

ARTICLE IV
General Procedure and Jurisdiction


A. All subdivision plans shall be subject to approval, modification or rejection by the Board of
Township Supervisors; in the event that such a plan is disapproved, the reasons therefor
shall be set forth in writing and given to the applicant. Prior to action by the Board of
Township Supervisors, all subdivision plans shall be referred to the township Planning
Commission for its review and recommendations.

B. The Board of Supervisors may table a plan, and the time period in which action is to be
taken shall be tolled, when the applicant has failed to file a complete application. This
includes, but is not limited to, failure to pay the proper fees; failure to submit copies to the
County Planning Agency for review; failure to submit the minimum number of copies
required; or other filing irregularities not touching upon the merits or substance of the plat
submitted.


A. Copies of this chapter shall be available for use by any person seeking information
concerning land development and/or subdivision standards and procedures in effect within
the township. Any prospective developer or subdivider may meet with the Township
Planning Commission to discuss and review tentative plans and/or provisions of this
chapter.
§ 117-11 STRABAN CODE § 117-12

B. Prior to the final plan submission, the prospective developer must have complied with the planning requirements of the Pennsylvania Sewage Facilities Act, as administered by the Pennsylvania Department of Environmental Protection. It is suggested that the prospective developer consult the township Sewage Enforcement Officer or the Adams County Office of the Pennsylvania Department of Environmental Protection as to the requirements of that Act.

C. Prospective developers shall consult the County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development. Land that is 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.

D. Sketch plan.

   (1) Prior to the submission of a preliminary plan, developers are encouraged to submit a sketch plan to the Township Planning Commission and the Board of Supervisors. 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 man-made or natural features that will affect the proposal.

       (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 100 feet showing the proposed layout of streets and lots and other features of the subdivision.


The subdivider shall submit preliminary and final copies of subdivision plans to the township Secretary, and the Township Secretary shall distribute the required number of copies to the township agencies concerned, as provided for in § 117-10. All plans when first submitted shall be considered preliminary plans. If the subdivider makes substantial revisions in his plans after they have been approved in preliminary form, such revised plans shall be treated as preliminary plans when resubmitted.

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3 Editor's Note: See 35 P.S. § 750.1 et seq.
§ 117-13. Approval of plats; hearing.

Approval of preliminary plats by the Board of Township Supervisors shall be considered approval of the arrangement and dimensions of streets, lots and other features shown on the plats and may be made conditionally on specified changes to be incorporated in the plats. The Board's approval of the final plats shall be given only after the requirements and conditions indicated on or in connection with the preliminary plats have been met; and said approval shall constitute final township approval for the purpose of recording the plats in the Office of the Recorder of Deeds. Before acting on any subdivision plat, the Board of Township Supervisors may arrange for a public hearing thereon after giving such notice as it may deem necessary and desirable in each case.


The township shall charge such fees for the review of plats as provided in a schedule of fees, adopted from time to time by the Board of Supervisors, and as hereinafter provided.


A. Review fees shall include the reasonable and necessary charges by the township’s professional consultants or engineer for review and report to the township and shall be set by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer or consultant for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the township when fees are not reimbursed or otherwise imposed on applicants.

B. In the event that the applicant disputes the amount of any such review fees, the applicant shall, within 10 days of the billing date, notify the township that such fees are disputed, in which case the township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.

C. In the event that the township and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the fees shall be recalculated and recertified by another professional engineer licensed as such in this commonwealth and chosen mutually by the township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the township and the applicant or developer.

ARTICLE V

Preliminary Plats


In proposed developments where all lots will abut an existing public right-of-way, the submission of a preliminary plat may be waived. However, all other applicable requirements and specifications shall remain the same.
§ 117-17. Submission of plats.

A. Preliminary plans and all required accompanying documentation shall be submitted by a developer or his authorized representative to the township Secretary or such other official as may be designated by the Supervisors.

B. Submission of the preliminary plat, to be accepted, must include:

   (1) Eight completed copies of the appropriate application form available from the township.

   (2) Eight blue-line or black-line paper prints of the preliminary plat showing all the information required in § 117-21.

   (3) Eight copies of all other required documentation.

   (4) A filing fee as established in §§ 117-14 and 117-15.


Copies of the preliminary plat and accompanying documentation shall be immediately distributed by the Secretary or other designated official as follows:

A. One copy of the application, plat and accompanying documentation to the Township Engineer.

B. One copy of the application, plat and accompanying documentation to the township Sewage Enforcement Officer.

C. One copy of the application, plan and accompanying documentation to the County Planning Agency.

D. One copy of the Soil Erosion and Sedimentation Control Plan to the County Conservation District Office.

E. 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.

F. The remaining copies of the application, plan and accompanying documentation to the Township Planning Commission.


A. A review of the preliminary plat shall be taken by the Township Planning Commission not later than 60 days following the receipt of a complete submission by the township. However, no final decision or action shall be taken by the Township Planning Commission until the reports are received from the County Planning Agency and other agencies to whom the plat was sent for review and comment, or until the expiration of 30 days from the date the plats were forwarded to such individuals and agencies.
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B. All actions on the plan by the Township Planning Commission shall be taken at a public meeting whether it be a regularly scheduled or special meeting. If the plat is to be considered at a special meeting, the developer shall be so notified.

C. The decision of the Township Planning Commission concerning the plat shall be in writing. If a plat is not approved, or 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. Copies of the decision shall be sent to the Board of Supervisors and Township Engineer.

§ 117-20. Action on preliminary plat by Board of Supervisors.

A. Following receipt of the written decision from the township Planning Commission, the Board of Supervisors may consider the preliminary plat at its next regularly scheduled or special meeting. If the plat is to be considered at a special meeting, the developer shall be so notified, and in addition, the Board of Supervisors may also schedule a public hearing, pursuant to public notice, before taking any action on the plat.

B. Action on a preliminary plat shall be taken by the Board of Supervisors not later than 90 days following the date of the regular meeting of the township Planning Commission next following the date the application is filed. Should the next regular meeting occur more than 30 days following the filing of the application, said ninety-day period shall be measured from the 30th day following the day the application was filed. In its review, the Board of Supervisors shall consider the reports and recommendations of the township Planning Commission and the various other individuals to whom the plan was sent for review and comment. As a result of its review, the Board of Supervisors may require or recommend such changes and modifications as it shall deem necessary or advisable in the public interest.

C. The decision of the Board of Supervisors concerning the plat shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision. If a plat is not approved, the written decision shall specify the defects and describe the requirements which have not been met, citing in each instance the applicable provisions of this chapter or any statute. Copies of the decision shall be sent to the Township Planning Commission.

D. If the plat is approved subject to conditions, the applicant shall have 14 days to accept such conditions. Failure of the applicant to accept such conditions and to communicate that acceptance to the township within the fourteen-day period shall render the plat disapproved. Upon request of the applicant, the reasons for disapproval and the sections of the ordinances or statutes supporting such disapproval shall be provided.

E. Approval of the preliminary plat shall not constitute approval of the final plat for any purpose or reason but shall constitute conditional approval of the proposed development as to its general character and layout.

A. The preliminary plat submission shall be prepared by a registered surveyor and be drawn on reproducible stable transparency, using black ink for all data, including approval signatures. The scale used on the plat shall be:

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

B. The preliminary plat shall include the following:

1. Name of proposed subdivision and of the municipality in which it is located.
2. Name and address of subdivider and a deed reference for the source tract(s).
3. Name, address, license number and seal of the preparer of the plat issued pursuant to the Engineer, Land Surveyor and Geologist Registration Law.
4. Date of original submission and of each subsequent revised submission.
5. True or magnetic North point.
6. Graphic scale.
7. Written scale.
8. A statement that certifies that the plat is accurate to the best of the information, knowledge and belief of the preparer, signed by the preparer.
9. A key map, for the purpose of locating the property being subdivided, drawn at a scale of one inch equals 1,000 feet and showing the relation of the property to adjoining property and to all streets, roads, municipal boundaries and recorded subdivision plans existing within 1,000 feet of any part of the property. In addition, a title, scale and North point shall be indicated.
10. The total tract boundary lines of the area being subdivided with accuracy to hundredths of a foot and bearings to \( \frac{1}{4} \) of a minute. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one foot in 10,000 feet; provided, however, that the boundary(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.

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4 Editor's Note: See 63 P.S. § 148 et seq.
§ 117-21  SUBDIVISION OF LAND  § 117-21

(11) A plot drawn to a legible scale showing the entire existing tract boundary and the location of the lots being subdivided from said tracts. Where required by Article X (Landscaping) of this chapter, a landscaping plan conforming to the requirements of Article X shall be submitted with the plot.

(12) Boundaries of adjacent properties and recorded name and deed references. When adjacent properties are part of a recorded plat, only the lot number and subdivision name need be shown.

(13) Contour lines at vertical intervals of at least two feet for land with average natural slope of 4% or less and at intervals of at least five feet for land with average slope exceeding 4%.

(14) Location and elevation of the datum to which contour elevations refer; this datum shall be referenced to United States Geological Surveys when public water and/or sewers are proposed.

(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 route, the intersection occupancy permit number(s) shall be indicated for all such intersections.

(17) Location of existing streets and alleys adjoining the tract, including name, width, width of cartway and sidewalks.

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

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

(20) Lot numbers and statement of the total number of lots and parcels.

(21) Lot lines with approximate dimensions.

(22) The building setback lines for each lot or other site.

(23) For developments where on-site sewage disposal systems will be used, the location where the soils evaluation test was conducted for each lot.

(24) A statement of the intended use of all nonresidential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision and, if recorded, including the book and page number.

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

(26) The location of any existing bodies of water or watercourses, tree masses, buildings or structures (including the location of wells at or near the proposed subdivision) and the location of wetlands or a statement that no wetlands are involved.
(27) 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) Location of drainage areas or structures, including marshes, ponds, streams or similar conditions.

(29) Location of parks, playground and other areas to be dedicated or reserved for public use, with any conditions governing such use.

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

C. The preliminary plat shall be accompanied by the following supplementary data, where applicable:

(1) A plan revision module for land development as required by the Pennsylvania Department of Environmental Protection.

(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.5

(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 the preliminary plan. Such profiles shall show natural and finished grades.

(6) The applicant shall, if requested by the township, submit a feasibility report concerning the availability and adequacy of sewer facilities in or near a proposed land development. Said report shall be prepared by a registered professional engineer and be submitted in conjunction with the preliminary plan for review and recommendations by the local office of the Pennsylvania Department of Environmental Protection.

(7) Where deemed necessary by the township, the applicant shall also submit a storm drainage plan and storm drainage calculations. The plan shall also include existing and final grade contours.

(8) Where the preliminary plan covers only a part of the entire land holdings, 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.

5 Editor's Note: See 35 P.S. § 691.1 et seq.
§ 117-21 SUBDIVISION OF LAND

(9) Where the land included in the subject application has an electric transmission line, a gas pipeline or a petroleum (or petroleum products) transmission line located within the tract, the application shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.

(10) Water supply.

(a) 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 Board of Supervisors that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners or by a municipal corporation, authority or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable.

(b) If water is to be supplied by private wells owned and maintained by the individual owners or possessors of lots within the subdivision or development, then the Supervisors may require the applicant to prove that there is a sufficient supply of groundwater to meet the needs of the planned area without depleting the supply of other existing uses in the site area.

(c) If connection to a public water supply system is not possible, a report on the feasibility of constructing a separate water supply system may be required by the township, and a report shall be submitted setting forth the findings. The report shall include, among other factors, a hydrogeologic study of groundwater occurrence and movement, aquifer characteristics, available drawdown, well efficiency, groundwater recharge, location of existing wells, water demands, quality of water and similar relevant factors.

(11) A traffic study which addresses the traffic impact of a proposed development on the existing public streets; traffic circulation; public safety; traffic control; street improvements; and construction and pedestrian movement. Prior to the start of the study, limits of the study must be established and a traffic engineer selected who will perform the study, both of which must meet the approval of the applicant and the township.

ARTICLE VI
Final Plat


A. Submission of a final plat for approval by the township shall occur not more than five years following the date of approval of the preliminary plat. Failure to submit the final plat within this period of time shall make the approval of the preliminary plat null and void unless an extension of time has been granted by the township.
§ 117-22  STRABAN CODE  § 117-25

B. Except for any modifications or changes required by the township, the final plat shall conform basically to the approved preliminary plat. Where significant modifications or changes, other than those required by the township, are made to an approved preliminary plat, the plat shall be submitted again as a preliminary plan.


A. Final plats and all required accompanying documentation shall be submitted by a developer or his authorized representative to the Township Secretary or such other official as may be designated by the Supervisors.

B. Submission of the final plat, to be accepted, must include:

1. Eight completed copies of the appropriate form available from the township.
2. Eight blue-line or black-line paper prints of the final plat showing all the information required in § 117-21B.
3. Eight copies of all other required documentation.
4. A filing fee as established in §§ 117-14 and 117-15 of this chapter.
5. A Mylar copy of the final plat in a form which could be recorded in the Office of the Recorder of Deeds.


Copies of the final plat and accompanying documentation shall be immediately distributed by the Secretary or other designated official as follows:

A. One copy of the application, plat and accompanying documentation to the Township Engineer.

B. One copy of the application, plat and accompanying documentation to the Township Sewage Enforcement Officer.

C. One copy of the application, plat and accompanying documentation to the County Planning Agency.

D. One copy of the plat to the County Conservation District Office.

E. One copy of the plat to the District Office of the Pennsylvania Department of Transportation when a proposed subdivision abuts or is traversed by a state road.

F. The remaining copies of the application, plat, the Mylar copy and accompanying documentation to the Township Planning Commission.


A review of the final plat shall be taken in the same manner as for preliminary plats. In addition, if a final plat is approved, the Planning Commission Chairman and Secretary shall
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sign the Mylar copy and all prints and forward all but one print to the Board of Supervisors along with a copy of their written report.

§ 117-26. Action on final plat by Board of Supervisors.

A. Following receipt of the written report from the Planning Commission, the Board of Supervisors may consider the plat at its next regularly scheduled or special meeting. If the plat is to be considered at a special meeting, the developer shall be so notified, and, in addition, the Board of Supervisors may also schedule a public hearing pursuant to public notice before taking any action on the plat.

B. Action on a final plat shall be taken by the Board of Supervisors not later than 90 days following the date of the regular meeting of the township Planning Commission next following the date the application was filed. Should the next regular meeting of the Commission occur more than 30 days following the filing of the application, said ninety-day period shall be measured from the 30th day following the date the application was filed. In its review, the Board of Supervisors shall consider the reports and recommendations of the township Planning Commission and the various other individuals to whom the plat was sent for review and comment. As a result of its review, the Board of Supervisors may require or recommend such changes and modifications as it shall deem necessary or advisable in the public interest. The time period provided for herein shall be extended by the number of days that the plat was not available due to being removed by the applicant from the township's possession (as when an applicant removes the plat to add notes).

C. The decision of the Board of Supervisors concerning the plat shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision. If a plat is not approved, the written decision shall specify the defects and describe the requirements which have not been met, citing in each instance the applicable provisions of this chapter. Copies of the decision shall be sent to the Township Planning Commission.

D. Completion of improvements or guarantee thereof prerequisite to final plat approval.

(1) No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be otherwise required by this chapter, and any walkways, curbs, gutters, streetlights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this chapter have been installed in accordance with this chapter. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees otherwise required by this chapter, the developer may deposit with the township financial security in an amount sufficient to cover the costs of such improvements or common amenities, including basins and other related drainage facilities, recreational facilities, open space improvements or buffer or screen plantings which may be required.

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

(3) Without limitation as to other types of financial security which the township may approve, which approval shall not be unreasonably withheld, federal or commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.

(4) Such financial security shall be posted with a bonding company or federal or commonwealth chartered lending institution chosen by the party posting the financial security, provided that said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

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

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

(7) The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by the applicant or developer and prepared by a professional engineer licensed as such in this commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this commonwealth and chosen mutually by the township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the township and the applicant or developer.

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

(9) In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plats by sections or stages of development subject to such requirements or guarantees as to improvements in future section or stages of development as it finds essential for the protection of any finally approved section of the development.

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

(11) Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board of Supervisors may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.

(12) If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

(13) If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the
township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

E. If the plat is approved subject to conditions, the applicant shall have 14 days to accept such conditions. Failure of the applicant to accept such conditions and to communicate that acceptance to the township within the fourteen-day period shall render the plat disapproved. Upon request of the applicant, the reasons for disapproval and the sections of the ordinances or statutes supporting such disapproval shall be provided.

§ 117-27. Final plat requirements.

A. Submission, scale and size.

(1) The final plat submission shall be prepared by a registered surveyor and shall be drawn on reproducible stable transparency, using black ink for all data, including approval signatures. The scale used on the plat shall be:

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

(b) Lots of one to 10 acres shall be drawn at a scale of no less than one inch equals 100 feet.

(c) Lots in excess of 10 acres shall be drawn at a scale of no less than one inch equals 200 feet.

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

(2) Finished size of drawings for final plat 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. Such final plat shall have a one-inch allowance on the left margin for the purpose of binding by the county. If the final plat requires more than one eighteen-inch-by-twenty-four-inch sheet, a key diagram showing the relative location of the several sections shall be drawn on each sheet.

B. The final plat shall include the following:

(1) Name of proposed subdivision and of the municipality in which it is located.

(2) Name and address of subdivider and a deed reference for the source tract(s).
(3) Name, address, license number and seal of the preparer of the plat issued pursuant to the Engineer, Land Surveyor and Geologist Registration Law.\(^6\)

(4) Date of original submission and of each subsequent revised submission.

(5) True or magnetic North point.

(6) Graphic scale.

(7) Written scale.

(8) A statement that certifies that the plat is accurate to the best of the information, knowledge and belief of the preparer, signed by the preparer.

(9) A key map, for the purpose of locating the property being subdivided, drawn at a scale of one inch equals 1,000 feet and showing the relation of the property to adjoining property and to all streets, roads, municipal boundaries and recorded subdivision plans existing within 1,000 feet of any part of the property. In addition, a title, scale and North point shall be indicated.

(10) The total tract boundary lines of the area being subdivided with distances accurate to \(\frac{1}{100}\) of a foot and bearings to \(\frac{1}{4}\) of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one foot in 10,000 feet; provided, however, that the boundary(ies) adjoining additional unplatted land of the subdivider (for example, between separately submitted final plat 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 tracts.

(12) Boundaries of adjacent properties and recorded name and deed references. When adjacent properties are part of a recorded plat, only the lot number and subdivision name need be shown.

(13) Contour lines at vertical intervals of at least two feet for land with average natural slope of 4% or less, and at intervals of at least five feet for land with average slope exceeding 4%.

(14) Location and elevation of the datum to which contour elevations refer; this datum shall be referenced to United States Geological Surveys when public water and/or sewers are proposed.

(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.

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\(^6\) Editor's Note: See 63 P.S. § 148 et seq.
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(16) The following data for the cartway edges (curblines) and right-of-way lines of all recorded (except those which are to be vacated) and/or proposed streets, and for the right-of-way lines of all existing streets, within the property:

(a) The length (in feet and hundredths of a foot) of all straight lines and of the radius and the arc (or chord) of all curved lines (including curved lot lines);

(b) The width (in feet) of the cartway, right-of-way and, if required, of the ultimate right-of-way and (in degrees, minutes and quarters of a minute) of the delta angle of all curved lines, including curved lot lines; and

(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.

(18) Location of existing streets and alleys adjoining the tract, including name, width, width of cartway and sidewalks.

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

(20) Location of existing and proposed rights-of-way and easements.

(21) Lot numbers, a statement of the total number of lots and parcels and the street number to be used for each lot.

(22) Lot lines with accurate dimensions.

(23) The building setback lines for each lot or other sites.

(24) For developments where on-site sewage disposal systems will be used, the location where the soils evaluation test was conducted for each lot.

(25) A statement of the intended use of all nonresidential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision and, if recorded, including the book and page number.

(26) Location and size of existing and proposed utility structures and/or transmission lines, including water, gas, electric, petroleum, etc., and all easements or rights-of-way connected with such structures and/or lines.

(27) The location of any existing bodies of water or watercourses, tree masses, buildings or structures (including the location of wells and on-site sewage facilities for such buildings or structures), public facilities and any other man-made or natural features within or near the proposed subdivision and the location of wetlands or a statement that no wetlands are involved.

(28) A certification of ownership, acknowledgment of a plat and offer of dedication shall be lettered on the plat and shall be duly acknowledged and signed by the owner(s) of the company.
(29) An approval block for the use of the Township Supervisors and the township and county planning agencies, to be drawn according to township specifications (Form No. 437).

(30) Highway access and permits.

(a) If access to a state highway is shown on the plan, and no highway occupancy permit has been issued at the time the plan is submitted for review, then the plan must contain a statement that the applicant is aware that:

[1] Such a permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 28), the State Highway Law; and

[2] Access to the state highway must conform to both what is shown on the plan and to that required by the occupancy permit.

(b) If the highway occupancy permit requirements do not conform exactly to what is shown on the plan, another modified plan will have to be prepared, submitted, approved and recorded with the changes to the highway permit.

(31) All supplementary data as was required for the preliminary plat, which data shall be accurate. When required by Part 10 of this chapter, a landscaping plan conforming to the requirements of Part 10 shall be submitted. Such submission shall include changes required by the township as a condition of approval of the preliminary plan.

ARTICLE VII
Design Standards


A. The standards in this article shall be used to judge the adequacy of plats and are to be considered the minimum requirements. The standards as applied to a plat may be modified as necessary to protect the health, safety and general welfare of the public. Where, in the opinion of the Planning Commission, the literal application of these standards as applied to a plat would work undue hardship or would be plainly unreasonable, the Planning Commission may recommend reasonable exceptions as will not be contrary to the public interest.

B. Where there is any conflict between this chapter and any other ordinance of the township (such as a zoning ordinance), the more restrictive part or portion of the conflicting ordinances shall be applied and control.

§ 117-29. General site standards.

The following shall be observed concerning the suitability of the site for subdivision and/or land development:

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7 Editor's Note: See 36 P.S. § 670-101 et seq.
A. The plat shall conform to the Municipal Comprehensive Plan and Official Map or to such parts thereof as shall have been officially prepared and adopted by the township.

B. A land 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 erosion and sedimentation are provided as required by the erosion control regulations of the Pennsylvania Department of Environmental Protection and Soil Conservation District. All such land shall be restored to the original topsoil depth.

D. In a development where the average slope exceeds 15%, the township may require extraordinary design standards not contained herein.

E. In all developments, every precaution shall be taken to preserve all natural and historic features determined to be worthy of preservation by the township. Examples of such features would include, but not be limited to, large trees and stands of trees, watercourses, historic areas and structures and scenic view. To ensure the protection of such features, the township 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. Any plans for the alteration of a watercourse shall be incorporated into the design plans and subject to approval by the township or, where necessary, the United States Army Corps of Engineers and/or Pennsylvania Department of Environmental Protection.

G. Land subject to hazards to life, health or property as may arise from fire, floods, disease, excessive noise, odor or falling aircraft or that is considered uninhabitable for other reasons may not be developed unless the hazards have been removed or the plans show adequate safeguards against them.

H. In those portions of the township where a plan of future streets has been proposed by the township to meet the anticipated or existing needs for access to major streets or to create a system of streets to reduce traffic hazards, the applicant shall show the existence of the proposed streets on the plan. (See 53 P.S. § 1673).

§ 117-30. Street standards.

A. General standards. All streets proposed to be constructed within the township shall conform to the following general design requirements:

   (1) Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites. Finished elevation of proposed streets shall not be more than one foot below the regulatory flood elevation.
(2) Residential streets shall be so laid out as to discourage through traffic; however, proposed streets shall be planned with regard to the existing street system, topographical conditions, public convenience in terms of fire protection and pedestrian traffic, probable volumes of traffic, existing and proposed use of land on abutting properties and future extensions of the street system.

(3) When a development abuts or contains an existing or proposed primary or secondary highway, the township may require a marginal access street, reverse frontage or other treatment which will provide protection for abutting properties, reduction of the number of intersections and separation of local from through traffic.

(4) 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.

(5) Private streets (streets not offered for dedication to public use) are prohibited.

(6) The proposed street system shall extend existing or recorded streets at the same width but in no case at less than the required minimum width.

(7) Where the average lot width is 100 feet or less, curbing shall be required.

(8) Where a proposed street enters any public street or highway, no plan shall be approved which is likely to create substantial traffic hazards endangering the public safety. Requirements which may be imposed in such a review shall include traffic control devices, acceleration or deceleration lanes and traffic and lane markings and signs. The applicant shall be responsible for the cost of any traffic study which may be required and the construction of any such traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings and signs which may be required. The limits of the traffic study and the engineer performing the study must be approved by the township prior to the undertaking of the study, for it to be acceptable.

B. Street width.

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

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Right-of-way (feet)</th>
<th>Cartway (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial (as determined by the township after consultation with PennDOT)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collector</td>
<td>50</td>
<td>22 with 8-foot shoulders</td>
</tr>
<tr>
<td></td>
<td></td>
<td>36 where curbs are required</td>
</tr>
<tr>
<td>Minor</td>
<td>50</td>
<td>20 with 8-foot shoulders 32 where curbs are required</td>
</tr>
<tr>
<td>Alley or service drive</td>
<td>20</td>
<td>20</td>
</tr>
</tbody>
</table>
(2) Provision for additional street width (right-of-way, cartway or both) may be required when determined to be necessary by the township in specific cases for:

(a) Public safety and convenience.

(b) Traffic in commercial and industrial areas and in areas of high-density development.

(c) Widening of existing streets where the width or alignment does not meet the requirements of the preceding subsections.

(d) Where topographic conditions require excessive cuts and fills.

C. Street grade.

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

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Minimum Grade</th>
<th>Maximum Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial (as determined by the township after consultation with PennDOT)</td>
<td>1.0%</td>
<td>7% in all cases</td>
</tr>
<tr>
<td>Collector</td>
<td>1.0%</td>
<td>10% in all cases</td>
</tr>
<tr>
<td>Minor, alleys</td>
<td>1.0%</td>
<td>10% in all cases</td>
</tr>
</tbody>
</table>

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

(3) With permission of the township, minor street grade under special topographic conditions may exceed 10% for distances of less than 100 feet, provided that the grade does not in any case exceed 15%.

(4) All streets shall be designed to provide for the discharge of surface water from the right-of-way. The slope of the crown on a street shall not be less than $\frac{1}{4}$ of an inch per foot and not more than $\frac{1}{3}$ of an inch per foot. Adequate facilities shall be provided at low points along streets and other points necessary to intercept runoff.

D. Street curves.

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

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Minimum Radius (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collector street</td>
<td>300</td>
</tr>
<tr>
<td>Minor street</td>
<td>150</td>
</tr>
</tbody>
</table>

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

(1) Proper sight distance shall be provided with respect to both horizontal and vertical road alignments. The sight distances shall be in accordance with the regulations of the Pennsylvania Department of Transportation, as amended from time to time.

(2) There shall be provided and maintained at all intersections a clear sight triangle with a line of sight between points 100 feet from the intersection of the street center lines. No building or other obstruction that would obscure the vision of a motorist shall be permitted within these areas.

(3) Proper sight distance shall be provided with respect to both horizontal and vertical road alignments at all intersections and shall conform to PennDOT requirements (Pa.Code, Title 67, Ch. 441, as amended).

F. Cul-de-sac streets. Streets which are designed to permanently terminate in a cul-de-sac shall not exceed 500 feet in length and shall be provided with a paved turnaround having a minimum radius of 40 feet and a legal right-of-way having a minimum radius of 50 feet.

G. Intersections.

(1) No intersection shall involve the junction of more than two streets.

(2) Within 100 feet of an intersection, streets shall be at right angles. The township may, under special circumstances where an angle of less than 90° will not create a traffic hazard, permit an intersection of less than 80°, but in no instance, however, shall streets intersect at an angle of less than 75°.

(3) Intersections shall be approached on all sides by leveling areas. Where the grades exceed 7%, such leveling areas shall have a minimum length of 100 feet (measured from the intersection of the center lines) within which no grade shall exceed a maximum of 4%.

(4) All streets intersecting a state road (US, PA or LR) shall be subject to the approval of the Pennsylvania Department of Transportation. The developer shall furnish evidence of such approval in the form of a PennDOT highway occupancy permit or other written form.

(5) The design of the 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 the pavement be less than the following:

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Curve radius (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor with minor street</td>
<td>15</td>
</tr>
<tr>
<td>Minor with collector street</td>
<td>25</td>
</tr>
<tr>
<td>Collector with collector street</td>
<td>35</td>
</tr>
</tbody>
</table>

(6) When new streets intersect existing township roads, the intersection shall be designed to comply with the regulations of the Pennsylvania Department of Transportation, as amended from time to time, for intersections.
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(7) 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 side cannot be aligned, then a distance of at least 150 feet shall be provided between the two intersecting street center lines.

(8) The final plat shall contain a notice that no driveways shall be built to access a township road without first obtaining a permit from the township.

H. Slope of banks along streets. The slope of banks along streets, measured at a perpendicular to the street, shall be no steeper than the following:

(1) One foot of vertical measurement for three feet of horizontal measurement for fills.

(2) One foot of vertical measurement for two feet of horizontal measurement for cuts.

I. Half-streets. The inclusion of half-streets at the perimeter of a development is prohibited, except to complete preexisting half-streets.

J. Street names. Names of new streets shall not duplicate or approximate such names by the use of suffixes such as “lane,” “court” or “avenue.” In approving the names, consideration shall be given to existing or platted 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.

K. Reserve strips. Controlling access to streets, or to adjacent properties, by means of a parcel of land in separate ownership between the streets or between the street and adjacent property (a “reserve strip”) is prohibited.

L. Alleys. Alleys shall be prohibited in single-family residential developments but may be included in townhouse, multiple-family, commercial and industrial developments.


Off-street parking for vehicles shall be provided in accordance with the township’s Zoning Ordinance and the following standards:

A.- Off-street parking may be located on any required side or rear yard. Off-street parking is not permitted to be located between a structure containing a principal use and the adjacent road right-of-way. Single-family detached and single-family semidetached structures, where off-street parking is provided on individual driveways for each dwelling unit, are exempted from the prohibition.

B. No off-street parking area may be located within a road right-of-way.

C. Commercial and industrial parking areas shall be arranged and marked for the orderly and safe movement, loading, parking and storage of vehicles and shall be adequately illuminated if designed for use by more than 10 cars after dusk.

Editor’s Note: See Ch. 140, Zoning.
D. Any lighting proposed to illuminate any residential, commercial or industrial parking areas shall be so arranged as to reflect the light away from adjoining premises and public rights-of-way.


A. Residential. Except for multifamily and condominium residences, access to any public street in a residential area shall be governed by the following:

(1) Within 10 feet of a street right-of-way line, an access drive may not exceed 20 feet in width.

(2) The number of access drives may not exceed two per lot.

(3) An access drive may not cross a street right-of-way line:

(a) Within five feet of the property line, except for common access for two dwellings.

(b) Within 50 feet of the right-of-way line of an intersecting street.

(c) Within 15 feet of a fire hydrant.

(4) An access drive shall be provided with a clear sight triangle of adequate size to provide safe entrance into the traffic flow of the intersecting street. The drive may not exceed a slope of 5% within 25 feet of the street right-of-way lines. Where a drive enters a bank through a cut, the shoulders of the cut may not exceed 50% in slope within 25 feet of the point at which the drive intersects the street right-of-way.

B. Commercial and industrial.

(1) All accessways for multifamily, condominium, commercial or industrial tracts to any public street or highway shall be located at least 200 feet from the intersection of any two street center lines and shall be designed in a manner conducive to safe ingress and egress. Where practicable, exits shall be located on minor rather than major streets or highways.

(2) No design shall be approved which is likely to create substantial traffic hazards endangering the public safety. Safety requirements which may be imposed in such a review shall include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings, and signs. The developer shall be responsible for the cost of any traffic study which may be required, and the construction of any such traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings and signs which may be required. The traffic study shall be prepared by an engineer approved by the township.

(3) Sight distances shall comply with the regulations of the Pennsylvania Department of Transportation, as amended.

(4) All access to and occupancy of any state or township public highway shall meet the provisions of the Pennsylvania Code, Title 67, Chapter 441, as amended (Transportation).
(5) A detailed plan for access from a state or township public highway showing the proposed construction of the access, stormwater drainage study results and stormwater drainage facilities construction plans which relate to the access may be required to be a part of the final plan.

(6) No access drive shall be within five feet of a property line or 15 feet of a fire hydrant. Access drives must be constructed to the street right-of-way according to the standards for minor streets as provided in this chapter.


A. General. The length, width and shape of blocks shall be reviewed to determine the provision of adequate sites for the improvements proposed; compatibility with the topography; harmony with other codes, plans and ordinances; and proper provisions for safe and convenient vehicular and pedestrian circulation (including the least number of intersections with major streets).

B. Block length. Blocks shall not exceed a length of 1,600 feet nor be less than 800 feet.

C. Block depth. Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except:

(1) Where reverse frontage lots are required along a major street.

(2) 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.

D. 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.

E. 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.

§ 117-34. Lots.

A. General provisions.

(1) The size, shape and orientation of lots shall be appropriate for the type of development contemplated. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lot dimensions shall be in accordance with the requirements of the chapter on zoning.\(^9\)

(2) Where feasible, lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.

\(^9\) Editor's Note: See Ch. 140, Zoning.
(3) Generally, the depth of residential lots shall not be less than one nor more than 2½ times their width.

(4) Where the lots in a subdivision are large enough for resubdivision or where a portion of the tract is not developed, suitable access to these areas shall be provided.

(5) Depth and width of parcels intended for nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping and other design standard requirements.

(6) If, after subdividing, there exists remnants of land, they shall either be incorporated into existing or proposed lots or legally dedicated to public use.

(7) No lot shall be created in any manner whatsoever which does not meet the minimum requirements of this chapter.

(8) Where dictated by topography, location, sewage disposal requirements or other such conditions, the township may require that the minimum lot size be increased. In such case, lot sizes within a subdivision may vary, provided that township approval is secured.

B. Lot frontage.

(1) All lots shall front on a dedicated public street, whether such street is existing or proposed.

(2) Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography, orientation or location.

C. Lot soils evaluation tests.

(1) Soil and percolation tests shall be performed for each lot of a proposed subdivision wherein buildings at the time of construction will not be connected to an existing public sewage disposal system. Each lot must be found satisfactory for on-site sewage disposal prior to approval of the final plan.

(2) The soils and percolation 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.

(3) 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 the approval of the final plan.

(4) The location of all soil tests must be shown on the plan.

D. Unconventional lots.

(1) In the case of wedge-shaped lots, no lot shall be less than 35 feet in width measured along the arc at the front street right-of-way line and shall comply with the requirements of the chapter on zoning.10

10 Editor's Note: See Ch. 140, Zoning.
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(2) Flag lots, or panhandle lots, or lots having a narrow strip of property for the sole purpose of providing access to a public street from a lot which would not otherwise front on a public street are prohibited unless no other reasonable method of providing access is available and shall meet the requirements of the chapter on zoning. In no case should this be used as a method of avoiding construction of a street. Minimum width of the panhandle, including frontage, shall be 25 feet.

(3) Corner residential lots shall have enough extra width to permit appropriate setbacks from both streets.

E. Building and setback lines. Building and setback lines shall be in accordance with the requirement in the chapter on zoning. In cases where the rear and sides of the lot are not readily ascertainable, it shall be presumed that the rear is directly opposite the proposed or existing front entrance of a structure on the lot.

F. Calculation of area. All lot area calculations to determine whether there is compliance with the minimum requirements of this chapter shall exclude the area of the lot which is subject to surface easements, rights-of-ways, other servitudes which exclude improvements being erected, delineated wetlands and floodplains. Lot width shall be measured at the front setback line.

§ 117-35. Easements.

A. The minimum width of easements for underground and overhead public utilities shall be 20 feet.

B. Wherever possible, easements for public utilities shall be centered on side and/or rear lot lines.

C. Electric and telephone facilities shall be installed underground unless conditions require otherwise.

D. Drainage easements shall be of such adequate width as to serve the purpose for which they are intended. Such easements shall preserve the unimpeded flow of natural drainage or provide for the construction of drainage facilities. In no case shall they be less than 20 feet.

ARTICLE VIII
Improvement and Construction Requirements


A. Monuments.

(1) Monuments must be placed so that the scored or marked point coincides exactly with the point of intersection of the lines being marked. They must be set so that the top of the monument is level with the finished grade of the surrounding ground. Monuments shall be six inches square or four inches in diameter, 30 inches long; they shall be made of concrete, stone or a four-inch cast-iron or steel pipe filled with concrete.

(2) Monuments shall be set:
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(a) At the intersection of all street right-of-way lines.

(b) At the intersection of lines forming angles in the boundaries of the development.

(c) At such intermediate points as may be required by the township’s Engineer.

B. Markers.

(1) Markers shall be set at all corners, except those marked with monuments, and shall be set prior to the time any lots in the development are offered for sale.

(2) Markers shall be \(\frac{3}{4}\) of an inch square or \(\frac{3}{4}\) of an inch in diameter, 24 inches long. Markers shall be made of iron pipes or steel bars.

C. Removal. Any markers or monuments that are removed must be replaced by a registered surveyor. Replacement costs shall be borne by the person who caused the removal, if that person’s identity is ascertained.

§ 117-37. Streets.

A. General.

(1) Streets must be surfaced to the grades and dimensions shown on the plans, profiles and cross sections submitted to and approved by the township.

(2) Utilities and stormwater drainage facilities for the streets must be installed, and the township’s Engineer and/or Inspector must be given an opportunity to inspect such installations, prior to the streets being paved.

(3) The construction of all streets and alleys shall be in accordance with specifications adopted by the township, either by ordinance or resolution.

B. Arterial streets. For the construction of arterial streets, the developer shall consult with the township and be governed by the Pennsylvania Department of Transportation for the method of construction to be used. The township shall decide if a collector or arterial street is required as a direct result of the construction of the development, in which case the developer is responsible for the cost thereof in accordance with law.

C. Streetlights. In any proposed subdivision or land development involving 10 or more lots or dwelling units with an average lot size or area per dwelling unit of 15,000 square feet or less, a streetlight meeting township requirements shall be installed at one corner of every intersection. The developer shall provide for and install property lights in the front yard, not more than 20 feet from the street right-of-way, on each lot in those developments where sidewalks are required. Such property lights shall be owned and maintained by the property owners; this duty to maintain the property lights shall be inserted by the applicant in the deed conveying the property or shall appear as a note on the final plan.

D. Street signs. Where deemed necessary by the township, street name signs may be required. Such signs, if required, shall be placed at one corner of every intersection. The design of such signs shall be subject to township approval.
§ 117-38. Curbs and gutters.

A. In any development with an average lot size or area per dwelling unit of 20,000 square feet or less, or where the average lot width is 100 feet or less, or where any development is within 1,000 feet of another existing or proposed development which is or will be curbed, or in developments of lesser density where the township deems curbs to be necessary, curbs shall be installed on each side of streets. Curbs shall also be provided in parking areas of multiple dwelling and apartment units, industrial developments and commercial developments. Upon request, the township may waive curbs along alleys and serviceways. Curbs may also be required on existing streets where they are deemed necessary to control the flow of surface water and/or regulate traffic.

B. In any byway or passageway where curbs may not be required, or where installation is waived by the township, suitable gutters shall be installed to prevent erosion.

C. All curbs shall be constructed in accordance with specifications adopted by the township in an ordinance or resolution.

D. Curb cut ramps shall be provided for the physically handicapped in accordance with the design standards prescribed by state and federal law.


A. In any development with an average lot size or area per dwelling unit of 20,000 square feet or less, or where any subdivision is within 1,000 feet of any existing or proposed development having sidewalks, sidewalks shall be installed on each side of the street in accordance with township requirements.

B. The township shall require installation of sidewalks in any development where the evidence indicates that sidewalks are necessary for the public safety and in commercial developments.

C. Sidewalks shall be within the right-of-way line of the street and shall be at least four feet wide. In the vicinity of shopping centers, schools, recreation areas and other such facilities, sidewalks shall be at least five feet wide and located within the street right-of-way.

D. Sidewalks shall be constructed to provide access by the physically handicapped in accordance with state and federal law.

E. All sidewalks shall be constructed in accordance with specifications adopted by the township in an ordinance or resolution.

§ 117-40. Private and on-site sewer systems.

A. All properties shall be connected to a public sanitary sewer system if possible.

B. Where a public sanitary sewer system is not accessible but is proposed for extension within five years to the development or to within 1,000 feet of the development, the developer shall install sewer lines, including lateral connections to provide adequate service to each lot when connection with the public system is made. The sewer lines shall be capped at the
street right-of-way line. When capped sewers are provided, on-site disposal facilities shall also be provided. If the available engineering and design information for the proposed public system is insufficient to ensure the proper installation of capped sewer lines, the developer shall, at the township’s discretion, provide for the eventual installation by creating an escrow account in an amount sufficient to provide for the eventual construction of said sewer lines.

C. If no public system is either proposed within five years or within 1,000 feet of the development, the township Supervisors may require that a study be prepared to determine the feasibility of constructing a separate private system or treatment facility or connecting to an existing private or public system over 1,000 feet away.

D. Upon completion of any sanitary sewer system installation, the plan for the system as built shall be filed with the township.

E. 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.

§ 117-41. 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 such public water facilities, the developer shall provide the development with a complete water main supply system in accordance with the township’s requirements.

B. If connection to a public water supply system is not possible, a study on the feasibility of constructing a separate water supply system may be required by the township 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 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. [See § 117-21C(10)]

   (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.
§ 117-42. Fire hydrants.
A. Fire hydrants shall be provided as a part of any public or private water supply system.
B. Fire hydrants shall be designed and installed:
   (1) With couplings which are compatible with and approved by the Fire Department servicing the development;
   (2) In accordance with specifications as set forth by the National Fire Prevention Association; and
   (3) At intervals of not more than 600 feet, unless otherwise specified by the Middle Department Association of Fire Underwriters.

§ 117-43. Stormwater management.
A. Scope.
   (1) A stormwater management plan shall be submitted for all subdivisions and/or land developments. The plan shall show all drainage within the area affecting the subject property, all existing and proposed drainage facilities and all grading proposed for the subject property, as well as the additional plan information required in this section.
   (2) All land areas shall be graded to secure proper drainage away from buildings, on-lot sewage disposal facilities and the like and to prevent the collection of stormwater in pools. Drainage provisions shall be of such design as to carry surface waters to the nearest practical natural drainage channel, storm sewer system detention basin or other drainage facilities. The landowner or developer shall construct and/or install such drainage structures and/or pipes as are determined necessary by the township to prevent soil erosion, damage and siltation and to satisfactorily carry off surface water. In the design of storm drainage facilities, special consideration must be given to preventing excess runoff onto adjacent developed or undeveloped properties. In no case may any slope exceeding the normal angle of slippage of the material involved. All slopes must be protected against erosion. In no case may a change be made in the existing topography which would:
      (a) Result in a slope of more than 10% within 20 feet of a property line.
      (b) Alter the existing drainage or topography in a way so as to adversely effect adjoining properties.
   (3) Storm sewers, culverts, bridges and related drainage installations shall be provided to:
      (a) Permit unimpeded flow of natural watercourses. Such flow may be redirected as required, subject to the approval of the Pennsylvania Department of Environmental Resources.
      (b) Ensure adequate drainage of all low points as may be related to streets.
      (c) Intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained to prevent flow of stormwater across intersections and to prevent the flooding of intersections during the design storm.
(d) Ensure adequate and impeded flow of stormwater under driveways in, near or across natural watercourses or drainage swales. Properly sized pipes or other conduits shall be provided as necessary.

(e) Prevent excessive flow on or across streets, sidewalks, drives, parking areas and any other paved surface of accessway.

(f) Lead stormwater away from springs.

(g) Provide adequate drainage away from on-site sewage disposal systems.

(4) The stormwater management plan for each subdivision and/or land development shall take into account and provide for upstream areas within the entire watershed in computing discharge quantities, sizing of pipes, inlets and other structures. The runoff from any proposed development shall be subject to evaluation which includes the anticipated runoff from other existing or proposed developments within the same watershed. Stormwater management facilities designed to serve more than one property or development in the same watershed are encouraged, in which case consultation with the township is required prior to design.

(5) All natural streams, channels, swales, drainage systems and/or areas of concentration of surface water shall be maintained in their existing condition unless alteration is approved by the township. In any event, all encroachment activities shall comply with Chapter 105 of the Commonwealth of Pennsylvania Department of Environmental Resources, Dam Safety and Waterway Management Rules and Regulations.

(6) Man-made structures shall be kept to a minimum and bridges, culverts or rip-rap shall be constructed to maintain the natural characteristics of the stream and shall meet the approval of the township.

(7) For the purpose of this subsection, streams and intermittent streams are defined as those watercourses on the Cumberland Township Zoning Map, the USGS Quadrangle Maps of the area, and/or as determined as such pursuant to an on-site survey by the township.

(8) Retention/detention basins shall be designed to utilize the natural contours of the land. When such design is impracticable, the construction of the basin shall utilize slopes as shallow as possible to blend the structures into the existing terrain.

(9) Any subdivision and/or land development within a flood hazard district shall comply with all of the provisions of the Cumberland Township Zoning Ordinance, and the rules and regulations of the Pennsylvania Department of Environmental Resources.

(10) The township may require that a landowner or developer provide reasonable corrective measures to alleviate an existing off-site drainage problem which may be affected by the proposed subdivision and/or land development. It shall be the responsibility of the landowner or developer to obtain all drainage easements in, over or through other properties, and the township, its agents, workmen, servants and employees shall be indemnified and held harmless from any liability.

11 Editor's Note: See Ch. 140, Zoning.
(11) Any water originating from nonnatural sources such as swimming pools, air-conditioning units, sump pumps, roof drains or other similar flow shall be properly discharged into natural watercourses on the property or connected to an existing or proposed storm drainage system as approved by the township. Polluting matter from such sources may not be deposited into natural watercourses or storm drains.

(12) Any water originating from nonnatural sources as referenced above shall not be discharged onto any street or other public right-of-way used for pedestrian or vehicular access.

(13) All lots, tracts or parcels shall be graded to provide proper drainage away from buildings and dispose of the runoff without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding, except where other arrangements are approved by the township. Grading shall not be done in such a way so as to divert water onto the property of another landowner without the expressed consent of the township and the affected landowner.

(14) In addition to any other requirement of this chapter, the landowner or developer may be required to participate in the drainage basin within which the proposed development is located. The specified off-site drainage improvements required shall be those specified by the township to mitigate off-site impacts created by the proposed development.

B. Stormwater management plan.

(1) General requirements. For all subdivisions and/or land developments, a stormwater management plan and report shall be submitted containing but not limited to the information required below. The determination of the need for additional information shall be made by the township after conducting a review of the following:

(a) A map depicting the total watershed. A USGS Quadrangle Map is suitable as the source for such a map. However, the watershed area must be highlighted or otherwise distinguished from other areas outside the watershed.

(b) Maps and drawings showing all existing and proposed drainage facilities affecting the subject property.

(c) A plan of the site, at a scale of no less than one inch equals 50 feet, prepared by a registered engineer or surveyor and including the following:

[1] All existing topographic features with a contour interval of at least two feet.


[3] Location and description of all vegetative and land cover characteristics.


[6] All existing natural or man-made features.

[7] All proposed improvements, including but not limited to proposed buildings, driveways, stormwater drainage systems, sewage disposal
systems, wells, stormwater management facilities, grading, soil erosion and sedimentation control and procedures and the like.

[8] Profiles of all proposed sewers, including elevations, sizes, slopes and materials, at a scale of no less than one inch equals 50 feet horizontal and one inch equals five feet vertical.

[9] Staging of earthmoving activities and program of operation.

[10] Locations, dimensions and design details required for the construction of all facilities.

[11] All soil erosion and sedimentation control measures, temporary as well as permanent, and sufficient detail in order to clearly indicate effectiveness of the plan. The Adams County Conservation District must approve this plan.

[12] Project specifications relative to stormwater control.

[13] When major control facilities, such as detention/retention basins, are planned, soil structures and characteristics shall be investigated and analyzed. Plans and data shall be prepared and submitted by a licensed professional engineer or geologist with experience and education in soil mechanics. These submissions should consider and offer design solutions for frost heave potential, shrink-swell potential, soil settling characteristics, suitability of existing soils for placement of fill and backfilling procedures and soil treatment techniques as required to protect the improvements or structures.

(d) The design computations for the stormwater drainage systems, including storm drain pipes and inlets, runoff control measures and culverts and drainage channels.

(e) A narrative report of the project stating the proposed engineering assumptions and calculations for control measures and facilities. The following information shall be included:


[4] Expected project time schedule, including anticipated start and completion dates.

[5] The stormwater characteristics of the project as related to its location within the watershed(s).


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(f) The stormwater management plan shall comply with all other applicable sections of this chapter and any other township ordinance.

(2) Stormwater drainage plan.

(a) A plan showing all predevelopment and postdevelopment stormwater flow to and from basins. A plan showing all postdevelopment flows to all inlets, headwalls, swales, channels and the like. The drainage areas and the design flow to each inlet or structure shall be delineated on a copy of the stormwater management plan where applicable.

(b) The following stormwater related items shall be included as part of the plan submission:


[a] The watershed and subarea in which the site is located as well as the corresponding release rate percentage, where applicable.

[b] Existing ground cover conditions.

[c] Definition of the existing drainage paths and drainage area boundaries.

[d] Definition of existing on or off-site drainage problems.

[e] Appropriate stormwater management criteria such as release rate percentage, direct discharge and downstream impact elevation.

[f] Layout of existing and proposed streets, buildings, approximate building dimensions, parking areas, walkways and other impervious areas.

[g] Configuration of the storm sewer and sanitary sewer system layouts.

[h] Approximate location and layout of the stormwater management system with a description of its proposed design and operation.

[i] Existing and proposed drainage easements.

[j] Preliminary runoff calculations as set forth in the stormwater management plan.

[k] Ownership and maintenance provisions for all stormwater related facilities.


[a] Data requirements as set forth for the preliminary plan.

[b] Final layout of existing and proposed streets and buildings, actual building dimensions, parking areas and other impervious areas.

[c] Exact location and layout of the stormwater management system with a detailed description of its proposed design and operation.

[d] Detailed surface water runoff calculations as set forth in this section.

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[e] Final provisions for ownership and maintenance of all stormwater related facilities.

C. Standards and criteria.

(1) Storm drainage system.

(a) Design flow rate.

[1] The storm sewer system shall be designed to carry a ten-year peak flow rate, with a twenty-five-year peak flow rate at all low points. The peak flow rate into each inlet shall be indicated on the stormwater drainage plan. The design flow rate shall be determined by the rational formula, \( Q = CIA \).

Where:

\( Q \) = Peak runoff rate, cubic feet per second (CFS).

\( C \) = Runoff coefficient equal to the ratio of the peak runoff rate to the average rate of rainfall over a time period equal to the time of concentration.

\( I \) = Average rainfall intensity in inches per hour for a time equal to the time of concentration.

\( A \) = Drainage area in acres.

[2] Appropriate values for the runoff coefficient and rainfall intensity shall be taken from the following source:

Commonwealth of Pennsylvania
Department of Transportation
Design Manual, Part 2
Highway Design
August 1981 (or the latest revision thereto)

(b) Storm sewer system design.

[1] The storm sewer system shall be designed to the more restrictive of the following: to collect stormwater at any point where three to five cubic feet per second is accumulated during the design storm; and/or inlets/manholes shall not be spaced more than 300 feet apart on pipe sizes up to 24 inches in diameter and not more than 400 feet apart on greater sizes.

[2] Inlets, manholes, grates, covers, frames and the like shall conform to the Pennsylvania Department of Transportation Roadway Construction Standards and Form No. 408 specifications and all amendments, revisions or updates thereto.

[a] All inlets and manholes shall be precast concrete, unless approved otherwise by the township.

[b] Catch basins or sump areas below inlet piping shall not be permitted.

(c) Bridge/culvert/channel design.
[1] Bridges and culverts shall have ample waterway to carry expected flows, based on a minimum storm frequency of 25 years or as required by the PaDER. Bridge and/or culvert design shall be in accordance with the Pennsylvania Department of Transportation and/or the Pennsylvania Department of Environmental Resources requirements. All culverts shall be provided with concrete end walls.

[2] All drainage channels shall be designed to carry a flow rate equal to a one-hundred-year, twenty-four-hour storm.

[3] All drainage channels shall be designed to prevent the erosion of the stream bed and stream bank areas. The flow velocity in all vegetated drainage channels shall not exceed the maximum permissible velocity to prevent soil erosion. Suitable bank stabilization shall be provided where required to prevent soil erosion of the drainage channels. Where storm sewers discharge into existing drainage channels at an angle greater than 30° from parallel with the downstream channel flow, the far side bank shall be stabilized by the use of rip-rap and masonry and/or concrete walls. The stabilization shall be designed to prevent soil erosion and prevent heave under and behind the stabilizing media.

[4] Any vegetated drainage channel requiring mowing of the vegetation shall have a maximum slope of four horizontal to one vertical on those areas to be mowed.

[5] The design of all channels shall, as a minimum, conform to the design procedures outlined in:

[a] The United States Department of Transportation Federal Highway Administration Roadside Drainage Channels Hydraulic Design Series No. 4.

[b] The United States Department of Transportation Federal Highway Association Design Charts for Open Channel Flow Hydraulic Design Series No. 3.

[c] Standards and Specification for Soil Erosion and Sediment Control in Developing Areas, United States Department of Agriculture, Soil Conservation Service, College Park, Maryland.

(d) Overflow system. An overflow system shall be provided to carry flow to the detention basin when the capacity of the storm drain pipe system is exceeded. The overflow system shall have sufficient capacity to carry the difference between the one-hundred-year and the ten-year peak flow rates.

(e) Inlet capacity.

[1] All inlets must be designed to accommodate the ten-year peak flow rate, except at low points where they shall accommodate the twenty-five-year peak flow rate. The capacity of Type C, M or S inlets shall be determined from the following source:
The capacity of each inlet shall be indicated on the stormwater drainage plan. All stormwater management plans shall indicate that inlet grates be installed in such a manner that the roadway stormwater will be directed into the inlet and away from the roadway. All inlets shall be designed to create a one-inch sump condition below finished road surface unless approved otherwise by the township. At curbed street/driveway intersections, inlets shall be placed on the tangent section and not in the curved portion of the curbing.

(f) Straight pipe sections. All storm sewers shall be designed to follow straight courses. No angular deflections of storm sewer pipe sections in excess of 5° shall be permitted. No vertical curves shall be permitted in the storm sewer system.

(g) Minimum grade and size. All storm drain pipes shall be designed to maintain a minimum grade that will result in a full flow velocity of at least two feet per second. All storm sewer pipes shall have a minimum inside diameter of 15 inches.

(h) Pipe capacity. The capacity of all pipe culverts shall, as a minimum, provide the required carrying capacity as determined by the following sources:

[1] The United States Department of Transportation
Federal Highway Administration
Hydraulic Engineering Circular No. 5
Hydraulic Charts for the Selection of
Highway Culverts

[2] The United States Department of Transportation
Federal Highway Administration
Hydraulic Design Series No. 3
Design Charts for Open Channel Flow

[3] The United States Department of Transportation
Bureau of Public Roads
Hydraulic Engineering Circular No. 10
Capacity Charts for the Hydraulic Design
of Highway Culverts

(i) Pipe arches. Where headroom is restricted, equivalent pipe arches may be used in lieu of circular pipes.

(j) Pipe material and gauge thickness. All storm sewers shall be either reinforced cement concrete, corrugated aluminum or corrugated galvanized steel pipe.
Storm sewers shall be of the proper class and thickness to support the above fill material. Pipe class and gauge or thickness shall be noted on the plans. All pipe shall conform to Pennsylvania Department of Transportation specifications.

(k) Allowable headwater depth. At all inlets or manholes, the maximum allowable headwater depth shall be one foot below the top of the inlet grate or the manhole.

(l) Horizontal pipe deflections. A manhole or inlet shall be provided at all horizontal deflections in the storm pipe system exceeding 5°.

(m) Minimum and maximum cover. In lawn areas, a minimum of 18 inches of cover shall be maintained over all storm drain pipes. Under streets, the top of storm drain pipes shall be a minimum of six inches below subgrade elevation. The maximum cover over storm drain pipes shall be 10 feet unless otherwise approved by the township.

(n) Storm sewer system outlets. Storm sewer system outlet pipes shall extend to proposed stormwater management facilities, natural watercourses and the like. A concrete end wall shall be required on all storm sewer system inlet and outlet pipes. All storm/sewer outlets 24 inches in diameter or greater shall be equipped with a galvanized child-proof horizontal bar rack, bolted to the end wall.

(o) Roof drains. Stormwater roof drains shall not discharge water directly over a sidewalk, into any sanitary sewer line or into a street or paved area without a straight curbed gutter.

(p) Drainage easements.

[1] All storm sewer easements through undedicated land shall be a minimum of 20 feet in width.

[2] Where a site is traversed by a watercourse, a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage and provide sufficient width for maintenance shall be created, as determined by the township.

(q) Diversion of surface water runoff. All storm sewers and/or drainage swales shall be designed to carry such runoff into a detention basin or similar facility utilized to control the rate of runoff, unless approved otherwise by the township.

(2) Runoff control measures.

(a) Runoff control. The rate and quantity of stormwater runoff from any proposed subdivision and/or land development shall not exceed the rate and quantity of runoff prior to development (i.e., zero increase runoff). This standard shall be maintained for all storms (i.e., both high-frequency and low-frequency).

(b) Runoff control devices. The increased runoff which may result from subdivisions and/or land developments shall be controlled by permanent runoff control measures that will provide the required runoff control specified above. All runoff control devices will be evaluated for their effectiveness to maintain the above-mentioned standard for all storms with a return period of up to 100 years.
(c) Groundwater recharge. All runoff control measures will be designed to encourage groundwater recharge when suitable subsurface conditions are present. Soils testing and certification by a registered professional engineer, geologist, soils scientist or the like shall be required when groundwater recharge systems are proposed.

(d) Detention basin versus other available methods. Detention basins are an acceptable technique for controlling the rate of runoff from a subdivision and/or land development. However, the use of other available runoff control measures can be employed as approved by the township. Runoff control measures other than detention basins may include on-lot berms, on-lot or centralized seepage beds. All pertinent detention basin design standards shall be applicable to any such on-lot facilities.

(e) Regional detention basins. The use of regional detention basins to combine and eliminate numerous smaller basins is encouraged. Consultation with the township is required prior to design of a regional detention basin.

(3) Detention/retention basins.

(a) Detention basins shall be designed in accordance with the Soil Cover Complex Method and the procedures developed by the United States Department of Agriculture, Soil Conservation Service, as outlined in their Technical Release No. 55, Urban Hydrology for Small Watersheds, with specific attention given to antecedent moisture conditions, flood routing and peak discharge and Hydrology National Engineering Handbook Section 4.

(b) Basin design criteria (SCS).

[1] Basins shall be designed to safely convey the quantity of water resulting from a one-hundred-year, twenty-four-hour storm (6.7 inches of rainfall) under full development conditions. Stormwater management calculations shall ensure that the predevelopment discharge from the site is as follows:

[a] The release rate from storms up to 10 years in recurrence frequency shall be limited to the predevelopment flow rate from a two-year storm.

[b] The release rate from storms up to 100 years in recurrence frequency shall be limited to the predevelopment flow rate from a ten-year storm.

[c] Retention facilities shall be designed to retain the differences in flow rates per above.

[d] The emergency spillways from such facilities shall be designed based on a one-hundred-year storm. The time of concentration method shall be utilized in the development of the runoff hydrography and peak discharges. Storage-discharge curves shall be provided for all basins.

[2] The following criteria shall apply in the calculation of stormwater runoff values:

[a] Meadow conditions shall be used as the basis for establishing the predevelopment runoff values for all areas other than woodland,
including areas which are presently covered by impervious surfaces, except as stated below.

[b] In the case of an expansion of an existing development, allow the exclusion of only existing impervious areas from the requirements of Subsection C(3)(b)[2][a] above, provided that the existing development does not presently contribute to an existing drainage problem downstream upon the approval of the township.

c] A Type II distribution storm.

(c) Outlet control structures.

[1] All outlet control structures shall be constructed of concrete, properly anchored to prevent flotation and equipped with child-proof, nonclogging removable trash racks over all design openings 12 inches or greater in diameter, except those openings designed to carry perennial stream flows.

[2] Temporary sedimentation controls shall be provided during construction to prevent the flow of sediment through the basin outlet pipe. Such measures may include temporary riser pipes, rock-filled gabions, plywood standboxes, silt fences and the like.

(d) Emergency spillways. Whenever possible, the emergency spillway for basins shall be constructed on undisturbed ground. Emergency spillways shall be constructed of reinforced concrete, concrete moundslabs or vegetated earth. All emergency spillways shall be constructed so that the basin berm is protected against soil erosion. The minimum capacity of the emergency spillway shall be designed to pass the one-hundred-year postdevelopment flow. Emergency spillways shall extend along the upstream and downstream berm embankment slopes. The emergency spillway shall not discharge stormwater over earthen fill and/or easily erodible material without adequate protection against soil erosion.

(e) Freeboard. The minimum freeboard shall be one foot. (Freeboard is the difference between the design flow elevations in the emergency spillway and the top of the settled basin embankment.)

(f) Basin outlet pipes. Basin outlet pipes shall be equipped with watertight joints.

(g) Antiseep collars. Antiseep collars shall be installed around the principal pipe barrel within the normal saturation zone of the basin berms. The antiseep collars and their connections to the pipe barrel shall be watertight. The antiseep collars shall be designed in accordance with USDA SCS criteria. Design calculations for antiseep collars must be submitted with the basin calculations.

(h) Basin outlets. Energy dissipating devices (concrete aprons and the like) shall be placed at all basin outlets. Concrete end walls shall be placed at all basin outlets. All basin outlet pipes 12 inches in diameter or greater shall be equipped with child-proof devices to deter entry by pedestrians or animals. Design calculations for proposed energy dissipators must be submitted with basin calculations.
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(i) If the flow from a detention facility would otherwise damage or interfere with the agricultural or residential use of a property over which it would flow, it shall be piped to a stream; provided, however, this provision shall not apply if the owner of the property which would be adversely affected by the flow refuses to grant the subdivider or land developer a right-of-way to pipe the flow from the detention facility underground at a sufficient depth so as not to interfere with agricultural use without damage to growing crops and trees and provided further the pipeline shall be located so as to minimize such surface damage.

(j) Slope of detention basin embankment.

[1] The maximum slope of earthen basin embankments shall be four to one. The top or toe of any slope shall be located a minimum of 15 feet from adjacent property lines with the exception of the downstream property line where the toe of the embankment shall be placed a sufficient distance to allow for energy dissipating devices but in no case less than 40 feet unless approved otherwise by the township.

[2] Whenever possible, the side slopes and basin shape shall blend with the natural topography. Straight side slopes and rectangular basins shall be avoided whenever possible.

(k) Width of berm. The minimum top width of detention basin berms shall be six feet.

(l) Construction specifications. The plans shall indicate the construction specifications and compaction requirements for all detention/retention basins.

(m) Slope of basin bottom. In order to ensure proper drainage of detention basins, a minimum grade of one percent shall be maintained for all basins.

(n) Cut-off trench. A cut-off trench shall be excavated along the center line of dam on earth fill embankments. The minimum depth shall be three feet. The minimum bottom width shall be 10 feet or wide enough to permit operation of compaction equipment. The side slopes shall be no steeper than 1:1. The trench shall be kept free from standing water during the backfilling operations.

(o) Grading and landscaping of basins; cuts and fills. No excavation or fill shall be made with a cut and fill slope steeper than four feet horizontal to one foot vertical. A written statement shall be required from a civil engineer licensed by the Commonwealth of Pennsylvania having experience in soils engineering certifying that he has inspected the site and that any proposed deviation from the slope specified above should not endanger any property or result in personal injury. Retaining walls will be required if a stable slope cannot be maintained. Any retaining wall design must be designed by an experienced structural engineer licensed by the Commonwealth of Pennsylvania. The toe of any cut or fill slope must be located a minimum of 15 feet from adjacent property lines with the exception stated in Subsection C(2)(a) above.

(p) Landscaping.
A minimum of four inches of topsoil shall be placed on all areas affected by the basin construction (bottom of basin, side slopes, top of berm and the like).

All earthen basins shall be standard seed mix with temporary and permanent grasses or other approved ground covers within seven days after final grading.

Fencing may be required around detention/retention basins where the township determines that circumstances warrant the fencing.

All detention/retention basins shall be landscaped.

Permanent pond.

A five-foot-wide bench sloping at 4% shall be provided for all detention/retention basins designed to contain a permanent pond of water.

When a permanent pond is proposed, a report of a certified geotechnical specialist must be provided certifying that the water will not become stagnant. The basin side slopes below the water line must not exceed 4:1.

Positive drainage. Detention basins, not intended as permanent facilities, must be designed to eliminate standing water or swampy conditions after the basin has drained. This must be accomplished either by the installation of stone-trenched underdrains or by providing a minimum basin bottom slope of 1% to the basin outlet. Other arrangements may be presented for review and approval by the township. Whatever design is used, the facility must be entirely dewatered at the completion of its usefulness.

D. Approvals from regulating agencies. All requirements of the Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Resources and/or the USDA Soil Conservation Service, with regards to storm drainage and stormwater management, shall be followed, and evidence of approvals by those agencies shall be submitted to the township as per Articles 3, 6 and 7.

E. Inspections.

(1) All earthwork and materials shall be subject to inspection for conformity with the terms of this section.

(2) During inspections, if it is found that the soil or other conditions are not as stated or shown in the application and plans approved, the township may refuse to approve further work and revoke any or all permits and/or agreements until approval is obtained for a revised soil erosion and sedimentation control plan conforming to existing conditions.

(3) If, at any stage of the work, the township shall determine by inspection that the nature of the work is such that further work as authorized by an existing permit is likely to endanger property or streets or create hazardous conditions, the township may require as a condition to allowing the work to be done that such reasonable safety precautions be taken as the township considers advisable to avoid such likelihood of danger.
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(4) No person shall interfere with or obstruct the ingress or egress to or from any such site or premises by an authorized representative or agent of the Township of Straban engaged in the inspection of work for compliance with the approved plans.

F. Maintenance and responsibilities.

(1) Stormwater management facilities.

   (a) Subdivider or land developer responsibilities.

      [1] All stormwater management facilities, including detention and retention basins designed and constructed for the purposes specified under this chapter, shall be maintained in proper working order in accordance with the plans filed and approved by the township and in accordance with any deed restrictions or notes on the plans. The subdivider or land developer must make adequate provisions for the perpetual maintenance of all stormwater management facilities proposed by the subdivision or land development plan.

      [2] The subdivider or land developer shall, in addition, provide for an easement enabling the township to perform emergency maintenance in the event that the property owner should fail to do so and shall establish a procedure whereby the township shall be able to assess the cost of such emergency maintenance upon the owner of the land where the detention basin or other stormwater management facility is located by the filing of a municipal lien.

   (b) In order to ensure proper maintenance and function of stormwater management facilities, the township or its designee shall perform inspections.

   (c) If, at any time, the township or its designee discovers any violation or condition not conforming with those designs and plans filed with the township in regard to the operation of a stormwater management facility, it shall notify the responsible owners of the violation, informing them of the nature of such violation and the manner in which it can he corrected.

   (d) Under no circumstances shall any person be allowed to remove any previously approved stormwater management facility unless an approved alternate facility is approved by the township.

   (e) Under no circumstances shall any person be allowed to modify, alter or change a previously approved stormwater management facility unless approved by the township.

   (f) In the event that the landowner, developer or homeowners’ association, as the case may be, shall refuse or neglect to comply with the provisions of this section as interpreted by the township, the township may direct the work to correct any violation or noncompliance with the terms of this chapter and all other ordinances and codes of the Township of Straban and institute action for payment of cost incurred.

(2) Storm drainage system and watercourses.
§ 117-43. Maintenance of drainage facilities and watercourses.

(a) Maintenance of all drainage facilities and watercourses within any subdivision and/or land development is the responsibility of the landowner or developer until and unless they are accepted by the township.

(b) It is the responsibility of any landowner or developer doing any act on or across a watercourse or swale or upon the flood plain or right-of-way thereof to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain or right-of-way for the duration of the construction activity and to return it to its original or equal condition after such activity is completed.

(c) Maintenance of drainage facilities or watercourses originating on private property is the responsibility of the owner to their point of open discharge at the property line or at a watercourse within the property.

(d) No landowner or developer shall block, impede the flow of, alter, construct any structure or deposit any material or commit any act which will affect normal or flood flow in any watercourse without having obtained prior approval from the township and the Pennsylvania Department of Environmental Resources.

§ 117-44. Soil erosion and sedimentation.

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

§ 117-45. Underground utility lines.

Electric, telephone and all other utility facilities shall be installed underground and shall be floodproof up to the regulatory flood elevation. 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 Public Utility Commission to allow overhead electric and telephone facilities.

§ 117-46. Petroleum lines.

When any petroleum or petroleum products transmission line traverses a development, the developer shall confer with the applicable transmission or distributing company to determine the minimum distance which shall be required between each dwelling unit and the center line of such petroleum or petroleum products transmission line.
§ 117-47. Natural gas lines.
The minimum distance from a natural gas line to a dwelling unit shall be as required by the applicable transmission or distributing company, or as shall be required by the applicable regulations issued by the Department of Transportation under the Natural Gas Pipeline Safety Act of 1968, as amended, whichever is greater.

§ 117-48. Local recreation sites.
A. In subdivisions which are intended to provide housing for four or more families, the township shall consider the need for suitable open areas for recreation and shall make recommendations thereon.
B. The land to be used pursuant to Subsection A above shall be suitable in size, shape, topography and general character for the proposed use.

<table>
<thead>
<tr>
<th>Families to be Served</th>
<th>Minimum Recommended Area</th>
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<tbody>
<tr>
<td>5 to 15</td>
<td>10,000 square feet</td>
</tr>
<tr>
<td>16 to 49</td>
<td>20,000 square feet</td>
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<tr>
<td>50 to 100</td>
<td>1 acre</td>
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<tr>
<td>Each additional 100</td>
<td>1 acre</td>
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<tr>
<td>or part thereof</td>
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</table>

C. The area for recreation shall not be counted for the minimum density areas prescribed by this chapter or by the zoning requirements of the township. In lieu of the area discussed in this section, the developer and the township may elect to have the developer contribute to an existing or proposed park and/or recreation program.

§ 117-49. Waters and lakes.
In a development abutting a lake, river or other significant water body, the Board of Supervisors, upon consultation with the Planning Commission, may request 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.

ARTICLE IX
Administration; Prevention Remedies;
Enforcement and Penalties

A. Availability. Whenever, in the review of a plat by the Planning Commission or by the governing body, there is discovered minor or technical discrepancies or violations of this
chapter, the reviewing body may (in its sole discretion) grant conditional approval of the plat.

B. Conditions. Whenever conditional approval is granted, the reviewing body shall specify what changes, alterations, revisions, redesigns or other modifications are necessary and required to be made in order to obtain approval.

C. Automatic rescission of conditional approval. If the reviewing body granted conditional approval, the developer must accept the changes, alterations, revisions, redesigns or other modifications no later than 14 days after the conditional approval is granted by the reviewing body or the conditional approval shall be automatically rescinded and the plat deemed rejected on the basis of the conditions stated. The developer must, if there is acceptance of the conditions, acknowledge such acceptance by revision of the plat and resubmission of the revised plat to the reviewing body or its expressly designated delegate.

§ 117-51. Modification of requirements; hardship.

See also § 117-6 for additional provisions.

A. General.

(1) Modifications of the requirements of this chapter may be granted by the governing body only.

(2) Requests for modification shall be in writing and shall accompany the plat submission or other application for approval.

(3) The written request shall state:

(a) All of the grounds and facts of unreasonableness or hardship on which the request is based;

(b) The provision or provisions of this chapter involved, specifying section or sections; and

(c) The minimum modification necessary.

B. Standards. The governing body may, in its sole discretion, grant a modification of one or more requirements of this chapter, upon request, if:

(1) Literal enforcement would exact undue hardship because of the peculiar conditions pertaining to the land in question;

(2) The aforesaid hardship is not of the developer’s own making or causation;

(3) The modification requested will not be contrary to the public interest; and

(4) The purpose and intent of this chapter will be observed.

C. Records. The governing body shall keep a written record of all requests for modification and of all action taken on the request.

D. No deemed approval. The failure of the governing body to act on a request for modification shall be a denial of the request.
§ 117-52. Preventive remedies.

A. Permits required by the township for the erection or alteration of buildings, the installation of sewers or sewage disposal systems or for other appurtenant improvements to, or use of, the land shall not be issued by any township official until it has been ascertained that the site for such building, alteration, improvement or use is located in a development approved and publicly recorded, if required, in accordance with the provisions of this chapter.

B. The Township Building Permit Officer shall require that applications for building permits contain all the information necessary for him to ascertain that, and he shall not issue any building permit until he determines that, the site and plan for the proposed building, alteration or other improvement is acceptable in accordance with the provisions of this chapter.

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

D. The township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:

1. The owner of record at the time of such violation;
2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation;
3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation; and/or
4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

§ 117-53. Enforcement; violations and penalties.

A. Enforcement of this chapter shall be by an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The fine for each violation of this chapter shall not exceed $1,000 or imprisonment as prescribed by law for failure to pay a fine. Each day that a
violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter 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.

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

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

D. District Justices shall have initial jurisdiction in proceedings brought under this section.

§ 117-54. Authority; other remedies.

The governing body is authorized to pursue, in addition to the other remedies stated in this article, and all remedies available at law or in equity, civil or criminal, to compel compliance with this chapter or to punish violations thereof.

ARTICLE X
Landscaping


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

DECIDUOUS PLANT — A woody perennial which loses its foliage at the end of each growing season.

DENSE SCREEN — A series of vegetative plantings which provides essentially an opaque screen.

EVERGREEN PLANT — A woody perennial which retains its foliage for more than one growing season.

GROUNDCOVER — A low perennial (excluding annuals and turf grasses) with a mature height of between three inches and 18 inches.

LANDSCAPED DIVIDER STRIP — A landscaped island separating and running the length of two rows of contiguous parking spaces within a parking lot and which provides opportunities for landscaping and traffic circulation control.

LANDSCAPING — The addition of trees, plants and other natural and decorative features to the land.
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MIDROW LANDSCAPED ISLAND — A landscaped island located within a row of contiguous parking spaces in a parking lot and which provides for landscaping opportunities within parking lots.

PARKING AREA — That area within an off-street parking lot which includes any paved surface within 10 feet of a parking space.

PLANTING UNIT (PU) — A unit of measure used to determine the quantity of plantings required in a residential, commercial, industrial or other development project. For the purposes of this chapter, one planting unit (PU) equals one major deciduous tree; two minor deciduous trees; two evergreen trees; five shrubs; or 500 square feet of groundcover, exclusive of residential yard area.

SHRUB — A low, multi-stemmed woody plant with a mature height of between 18 inches and 10 feet.

TERMINAL LANDSCAPED ISLAND — A landscaped island located on either end of rows of parking spaces within a parking lot which provides opportunities for landscaping and which defines the ends of parking aisles, thus contributing to traffic circulation control.

TREE, EVERGREEN — An evergreen plant with a mature height exceeding 15 feet and a height at planting of between five and six feet.

TREE, MAJOR DECIDUOUS — A canopy tree with a mature height exceeding 25 feet and a minimum caliper at the time of planting in excess of two inches.

TREE, MINOR DECIDUOUS — A tree with a mature height of between 10 feet and 25 feet and a minimum caliper at the time of planting of between one inch and two inches.

§ 117-56. Intent; landscape plans.

A. Purpose. In expansion of § 117-2 of this chapter, it is the purpose of this section to establish minimum standards for the provision, installation and maintenance of landscape plantings in order to achieve a healthy, beautiful and safe community. Furthermore, it is the intent of this section to:

(1) Improve the appearance of all areas through the incorporation of open space into development in ways that harmonize and enhance the natural and built environment.

(2) Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment, including but not limited to the improvement of air quality, the maintenance of areas essential for stormwater management and aquifer recharge and reducing air, noise, heat and chemical pollution.

(3) Maintain and increase the value of land by requiring landscaping to be incorporated into development, thus becoming by itself a valuable capital asset.

(4) Provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce noise and glare and to soften the harsher aspects of development.
(5) Preserve existing natural vegetation and incorporate native plants and plant communities into landscape design.

(6) Establish procedures and standards for the administration and enforcement of the landscaping requirements of this chapter.

B. Contents of landscape plans. All landscape plans required by this chapter shall:

(1) Be drawn to scale and include appropriate dimensions and distances;

(2) Delineate any existing and/or proposed parking spaces or other vehicular areas, access aisles, driveways, building footprints and similar features;

(3) Designate by name and location the plant material to be installed or preserved in accordance with this chapter;

(4) Identify and describe the location and characteristics of all other landscape materials to be used;

(5) Include a table clearly displaying the relevant information necessary for the Board of Supervisors to evaluate compliance with the provisions of this chapter. Such a table shall include gross acreage, acreage of preservation areas, amount of vegetation to be planted or preserved and other such information as the Board of Supervisors may require.

§ 117-57. Requirements for specific projects.

A. Attached residential development. For single-family attached (townhouse) or multifamily residential development projects, or for residential projects including a mixture of dwelling unit types, the following landscaping standards shall be applied:

(1) Quantity of landscaping. A minimum of two planting units shall be required for every proposed dwelling unit.

(2) Credit for existing vegetation. For multifamily residential development projects, or those projects which include a mixture of dwelling unit types, credit for up to 50% of the minimum landscaping quantity requirements may be given for retaining existing major deciduous trees on the site, provided that the following conditions apply:

(a) The major deciduous trees are in good health.

(b) The major deciduous trees are located within 25 feet of at least one dwelling unit.

(c) The applicant agrees to replace any major deciduous tree which contributes to the minimum quantity of landscaping with another major deciduous tree if it should die within two years of the completion of the development.

(3) Common residential parking lots. Common residential parking lots shall be designed and landscaped in accordance with § 117-31 of this chapter. Interior and perimeter landscaping elements required by § 117-31 may contribute to no greater than 50% of the minimum landscaping quantity requirements for a residential development project established by Subsection A(1).
B. Detached residential development. For single-family detached or single-family semidetached residential development projects, the following landscaping standards shall be applied:

(1) Quantity of landscaping. A minimum of one planting unit shall be required for every proposed dwelling unit.

(2) Shade trees. At least one major deciduous tree shall be planted at intervals of between 50 feet and 70 feet along both sides of all streets of the residential development. Such major deciduous trees shall be located between the sidewalk and the building setback line.

(3) The required shade trees shall be planted at least five feet from the sidewalk. No shade trees shall be planted between the sidewalk and the curb.

C. Nonresidential development. For all nonresidential development, the following landscaping standards shall be applied:

(1) Quantity of landscaping. The following quantities of landscaping shall be provided:
   (a) A minimum of one planting unit shall be provided for each 20 linear feet of center line along adjacent and interior roads.
   (b) A minimum of two planting units shall be provided for every 1,000 square feet, or fraction thereof, of building coverage.

(2) Credit for existing vegetation. Credit for up to 50% of the minimum landscaping quantity requirements may be given for retaining major deciduous trees on the site, provided that the following conditions apply:
   (a) The major deciduous trees are in good health.
   (b) The major deciduous trees are located within 25 feet of the nonresidential use.
   (c) The applicant agrees to replace any major deciduous tree which contributes to the minimum quantity of landscaping with another major deciduous tree if it should die within two years of the completion of the development.

(3) Additional requirements. The following additional landscaping requirements shall be applied to nonresidential development projects:
   (a) A minimum ten-foot wide planting area shall be provided along all property lines which abut residential zoning districts or properties. A dense screen of deciduous trees, evergreen trees and/or shrubs, planted in such a pattern to form a six-foot-high screen within three years, is required.
   (b) Where a residential project is proposed which requires 25 or more planting units of landscaping, the landscaping plan required by this chapter shall be prepared by a licensed landscape architect.
   (c) Where a nonresidential project is proposed which requires five or more planting units of landscaping, the landscape plan required by this chapter shall be prepared by a licensed landscape architect.
D. Parking lots. Parking lots shall be designed to conform with the following requirements:

(1) Landscaping within the parking area of all off-street parking lots containing 25 or greater parking spaces shall be required and shall be provided with the following:

(a) Terminal landscaped islands shall be provided at both ends of all rows of parking spaces. Terminal landscaped islands shall be designed to protect parked vehicles, to help define the traffic circulation pattern of the parking lot and to provide landscaping area.

(b) Each terminal landscaped island shall measure not less than five feet in width and 15 feet in length.

(c) Each terminal landscaped island shall include at least one minor deciduous tree, with the remaining area landscaped with appropriate ground cover or grass.

(d) Where parking space rows are proposed with 20 or more parking spaces, one midrow landscaped island shall be provided for every 20 contiguous parking spaces. Midrow landscaped islands shall have the same dimensions as terminal landscaped islands.

(e) A landscaped divider strip between abutting rows of parking shall be installed. Landscaped divider strips shall be designed to help define the traffic circulation pattern, to provide visual breaks within the parking area and to help separate pedestrian and vehicular traffic. Landscaped divider strips shall be a minimum of five feet in width.

(f) At least one minor deciduous tree shall be planted for every twenty-foot interval within the landscaped divider strip. The remaining area of the divider strip shall be landscaped with ground cover or grass. Unpaved pedestrian walkways may be substituted for a portion of the required ground cover or grass to facilitate pedestrian movements through the parking lot.

(g) Curbing or wheel stops shall be provided around all terminal landscaped islands and landscaped divider strips to prevent vehicular encroachment.

(2) All parking lots shall be surrounded by a perimeter landscaping strip which meets the following requirements:

(a) Perimeter landscaped areas shall be provided around the perimeter of all parking areas, except where the one side of the parking area is bounded by a principal structure.

(b) The minimum width of the perimeter landscaping area around a parking area shall be 10 feet, measured outward from the edge of the parking lot.

(c) At least one minor deciduous tree shall be planted for every twenty-foot interval within the perimeter landscaping area. The remaining area of the perimeter landscaping strip shall be landscaped with appropriate ground cover or grass.

A. The landscape contractor shall furnish and install and/or dig, ball, burlap or transplant all plant materials listed on the landscape plan. Bare root is not permitted for any tree.

B. All plants shall be nursery grown. Plants taken from cold storage shall not be acceptable.

C. A professional horticulturist/nurseryman shall be consulted to determine proper time to move and install plant material so that stress to the plant is minimized. Planting of deciduous material may occur during winter months, provided that there is no frost in the ground and frost-free topsoil planting mixtures are used.

D. The landscape contractor shall excavate all plant pits, hedge trenches and/or shrub beds as follows:

   (1) All pits shall be generally circular in outline, with vertical sides. Tree pits shall be deep enough to allow 1/8 of the ball to be above the existing grade. Tree pits must be a minimum of 10 inches larger on every side than the ball of the tree.

   (2) If areas are designated as shrub beds or hedge trenches, they shall be cultivated to at least 18 inches in depth. Areas designated for ground cover shall be cultivated to at least 12 inches in depth.

E. After cultivation, all plantings shall be mulched with a minimum three-inch layer of organic mulch or another similar material, approved by the Township Supervisors, over the area of the planting.

§ 117-59. Maintenance requirements.

A. General. The owner or assigns of land subject to this chapter shall be responsible for the maintenance of landscaping in good condition so as to present a healthy, neat and orderly landscape area.

B. Pruning. All pruning should be accomplished according to good horticultural standards. Plants shall be pruned only as necessary to promote healthy plant growth. Unless approval is provided by the Board of Supervisors, plants shall be allowed to attain their normal size and shall not be severely pruned in order to permanently maintain growth at a reduced height.

C. Mowing. Grass shall be mown as required to encourage deep root growth.

D. Edging. All roadway, curb and sidewalk components included in such landscape plans shall be edged in order to prevent encroachment from adjacent landscaped areas.

E. Watering.

   (1) General. All watering of planted areas shall be managed so as to:

      (a) Maintain healthy flora;

      (b) Make plant material more drought tolerant;

      (c) Avoid excessive turf growth;
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(d) Minimize fungus growth;
(e) Stimulate deep root growth;
(f) Minimize leaching of fertilizer; and
(g) Minimize cold damage.

(2) Promote vegetation growth. Watering of vegetation should always be in a sufficient amount to thoroughly soak the root ball of the plant and surrounding area, thereby promoting deep root growth and drought tolerance.

F. Safety. All sight triangles shall remain clear, and any plant which could endanger safety such as unstable limbs shall be removed and the plant material replaced. It shall be the responsibility of the property owner to ensure all plantings and architectural elements are maintained to provide a safe environment.

G. Landscape guarantees. All landscaping required by this chapter shall conform to the following guarantees:

(1) The installation of required landscaping, in accordance with the approved landscape plan, shall be guaranteed in accordance with the requirements of § 117-26D of this chapter.

(2) In addition, any required vegetative element which dies within 18 months of planting shall be replaced by the developer. Any vegetative element which, within 18 months of planting or replanting, is deemed, in the opinion of the Building Permit Officer, not to have survived or to have grown in a manner uncharacteristic of its type shall be replaced. Substitutions for certain species of plants may be made only when approved by the Board of Supervisors.

ARTICLE XI
Mobile Homes and Mobile Home Parks

§ 117-60. Purpose; contents.

This article contains:

A. The minimum standards for the design, construction, alteration, extension and maintenance of mobile home parks and related utilities and facilities;

B. Regulations for the erection of single mobile homes;

C. Provisions for the issuance of permits for the construction, alteration and extension of mobile home parks, which provisions supplement those required pursuant to Article XVI of the Straban Township Zoning Ordinance; and

D. Provisions for the licensing of operators of mobile home parks and inspections of the parks by the township.

In addition to the definitions provided in Article II, § 117-4, of the Straban Township Subdivision and Land Development Ordinance, the following terms when used in this article shall have the meanings provided herein:

ACCESSORY STRUCTURE — Any subordinate structure incidental to and located on the same lot as the principal structure. For this chapter, “accessory structure” would also include any addition or enlargement of a mobile home, including the construction of any porch to said mobile home.

LICENSE — Written annual approval, in whatever form, as issued by the township authorizing a person to operate and maintain a mobile home park.

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

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

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

§ 117-62. Permit required; application; review; fees.

A. Permits required. It shall be unlawful for any person to construct, alter or extend any mobile home park unless a valid permit has been issued pursuant to Article XVI of the Straban Township Zoning Ordinance (ordinance of August 24, 1992), as supplemented by this article.

B. Application for permit. In addition to the requirements set forth in Article XVI of the Straban Township Zoning Ordinance (see § 140-94B), every application for a permit to construct, alter or extend a mobile home park shall contain the following:

1. The name of the mobile home park.
2. The name and address of the owner of the park and of the applicant if someone other than the owner.
3. The name, address and seal of the engineer or other person who prepared the plan.
4. Drawings that are at a scale of one inch equaling fifty feet.
5. Site data detailing the number of mobile home lots, the total number of acres to be developed and of the entire site, the number of lots per acre and the number of off-street parking spaces.
6. The location of tree masses, existing and proposed utilities and other facilities and all man-made or natural features.
7. The location and dimension of all mobile home stands.
(8) The location of all existing and proposed streets with information concerning pavement width, types of paving and street names.

(9) A typical cross-section of all streets.

(10) The street center line profiles.

(11) The location of all off-street parking areas.

(12) The location and dimension of all pedestrian walkways and sidewalks.

(13) The location of proposed recreation areas.

(14) The location of all plantings and landscaping and the species proposed.

(15) The location, dimensions and proposed use of all service and accessory structures.

(16) The location and type of waste containers.

(17) The location of all fire extinguishers.

(18) A certification that survey and plan are correct.

(19) A block for approval by the Planning Commission.

(20) A block for approval by the Board of Supervisors.

(21) A block for acknowledgment of review by the County Planning Agency.

C. Review and issuance or denial of permit. The procedure for the review of an application for a permit to construct, alter or extend a mobile home park shall be as prescribed for final plats pursuant to Article VI of the Township Subdivision and Land Development Ordinance. If the application is approved by the Board of Supervisors of the township and meets the requirements of the Straban Township Zoning Ordinance, then the Zoning Officer may issue the permit upon the payment of the proper fee.

D. Permit fees. Each application for a permit under this article shall be accompanied by the fee required as set forth by a fee resolution adopted by the township from time to time. The fee shall be retained by the township whether approval of the permit is or is not obtained.

§ 117-63. Registration and licensing.

A. License required. It shall be unlawful for any person to operate any mobile home park within the limits of the township without a license issued annually by the township.

B. Renewal licenses. Annual licenses shall be issued by the Township Supervisors upon the furnishing of proof by the applicant that the park meets the standards prescribed by the Pennsylvania Department of Environmental Protection and by this chapter.

C. Application for license or renewal license. Applications for a license (new or renewal) to operate a mobile home park shall be made to the township upon a form as prescribed by the township. Each application shall be accompanied by the fee required as set forth by a fee resolution adopted by the township from time to time. All applications for a renewal license shall contain a description of all changes made to the park since the time the last application was submitted.
D. Transfer of ownership. Whenever an interest in a mobile home park is sold, conveyed, devised or bequeathed, or in any other way transferred, the recipient of the interest shall notify the township and the Department of Environmental Protection, in writing, of such transfer. The recipient shall also apply for a transfer license on a form prescribed therefor and shall pay the fee prescribed by resolution of the township.

E. Suspension of license. Whenever, upon inspection of any mobile home park, it is determined that conditions or practices exist which are in violation of any provision of this chapter, or of any regulations adopted pursuant thereto, the township shall give written notice to the licensee advising that unless such conditions or practices are corrected within a reasonable period of time specified in the notice, the license shall be suspended. At the end of such period, such mobile home park shall be inspected, and if such conditions or practices have not been corrected, and the licensee has not requested a hearing, the township Supervisors shall suspend the license and give notice, in writing, of such suspension to the licensee.

§ 117-64. Inspection.

The township, by its Supervisors, Zoning Officer, Engineer or any delegate, shall have the right at any time to enter upon the lands of a mobile home park and inspect the park for compliance with this chapter or any other applicable law. Interference with this right by any licensee, or its agent, servant or employee, shall be deemed grounds for suspension of the licensee’s license.

§ 117-65. Mobile home park standards.

A. Site location.

(1) Mobile home parks shall be located in accordance with the Straban Township Zoning Ordinance.\(^{12}\)

(2) No mobile home park shall be located where it is subject to noise, vibration, heat, glare or air pollution in excess of that prescribed by performance standards of the Straban Township Zoning Ordinance.

B. Site drainage.

(1) The ground surface in all parts of a park shall be graded and equipped to drain surface water in a safe, efficient manner. Where necessary, storm sewers, culverts and related facilities shall be provided to permit drainage of all locations within the park.

(2) A stormwater management plan (as described in § 117-43, Straban Township Subdivision and Land Development Ordinance) shall be prepared and submitted for review and approval by the township prior to the granting of a permit to construct any mobile home park. The plan shall show existing and final grade contour lines.

C. Ground cover requirements.

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\(^{12}\) Editor's Note: See Ch. 140, Zoning.
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(1) Ground surfaces in all parts of every park shall be paved or planted with a vegetative growth that is reasonably capable of preventing soil erosion and the emanation of dust during dry weather.

(2) All paving and/or planting shall be installed in accordance with the stormwater management plan.

(3) Park grounds shall be maintained free of vegetative growth which is poisonous or which may harbor rodents, insects or other pests.

D. Uses.

(1) No part of any park shall be used for nonresidential purposes, except such uses that are required for recreation, direct servicing, management or maintenance of the park and its residents. In addition, no part of any park shall be used for the storage or repair of vehicles, equipment and/or supplies not directly involved in the operation of the mobile home park or its attendant facilities.

(2) Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home lot and connected to utilities.

E. Setbacks, buffer strips and screening.

(1) Mobile homes in parks shall be located at least 70 feet from the center line of any abutting existing or proposed public local street and 80 feet from the center line of any abutting existing or proposed public collector street.

(2) There shall be a minimum distance of 35 feet between an individual mobile home, including accessory structures attached thereto, and any adjoining pavement of a park street or common parking area or other common areas and structures.

(3) Mobile homes shall be located at least 25 feet from any park property line and at least 20 feet from any side or rear mobile home lot line.

(4) Mobile home setbacks shall be measured to include decks, porches and similar structures as part of the mobile home.

(5) Mobile home parks shall be required to provide screen planting (trees, shrubs) along the property boundary.

F. Placement of mobile homes.

(1) Mobile homes, including any additions or accessory structures attached thereto, shall be separated from each other and from other buildings by at least 35 feet on all sides.

(2) All mobile homes shall be properly placed upon a mobile home stand and securely fastened to the foundation. In no instance shall it be placed upon jacks, loose blocks or other similar arrangements. The mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. Anchors or tie-downs, such as cast-in-place concrete dead men, eyelets embedded in concrete screw augers or arrowhead anchors shall be placed at each corner of the
mobile home stand and at intervals of at least 20 feet. Each device shall be able to sustain a minimum load of 4,800 pounds.

(3) An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

G. Park street system; parking.

(1) All streets within a mobile home park shall be privately owned and maintained. Such streets must be kept in as good maintenance and condition as is the public street or streets providing access to the park's street system.

(2) All streets within the mobile home park shall be designed and built in accordance with the street standards of the township's Subdivision and Land Development Ordinance (see §§ 117-30 and 117-37). Such streets shall be 28 feet wide.

(3) Two paved parking spaces shall be provided for each mobile home lot. Such spaces shall be apart from the park street system. Each space shall be a minimum of 10 feet by 20 feet.

H. Sidewalks, gutters and curbs. The design and construction of sidewalks, gutters and curbs shall be in accordance with Article VIII of the township's Subdivision and Land Development Ordinance.

I. Mobile home lots.

(1) All lots shall abut and be accessible from a park street.

(2) Mobile home lots within the park shall have a minimum area of 8,400 square feet and a minimum width of 84 feet frontage (with a maximum of 4.5 units per acre).

(3) Mobile home lots must be submitted for subdivision approval prior to sale of the lot.

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

(1) Not be located in areas which are unsuitable or hazardous;

(2) Be so located as to provide reasonable access by all park residents; and

(3) Not include less than 10% of the gross area of the mobile home park.

K. Water quantity and quality.

(1) An adequate supply of safe water of satisfactory quality under adequate pressure shall be provided in all parks, to all mobile homes, service buildings and other accessory facilities. Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made thereto and its supply shall be used exclusively.

(2) Where a satisfactory public water supply system is not available, water shall be provided by a private water supply system which has been approved by the Pennsylvania Department of Environmental Protection.
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L. Sewage disposal.

(1) An adequate and safe sewage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Where a public sewage system of adequate capacity is available, connection shall be made thereto and it shall be used exclusively.

(2) Where a satisfactory public sewage system is not available, a private system shall be provided which has been approved by the Pennsylvania Department of Environmental Protection.

M. Electrical distribution system.

(1) General. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with the local electric power company's specifications regulating such systems.

(2) Distribution lines. All power distribution lines shall be installed underground in accordance with the supplier's regulations. All other utilities, such as telephone, community cable television service, etc., shall also be installed underground in accordance with the individual utility's specifications governing such systems.

(3) Mobile home lot connections. Each mobile home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.

(4) Grounding. Non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

N. Service or recreational buildings. All service or recreational buildings shall be built to be protected from damage by ordinary uses, decay, corrosion, termites or other destructive forces. The exterior shall be composed of treated or painted wood, brick, vinyl siding, aluminum siding or stucco; exteriors covered by tar paper, asphalt or fiberglass shingles (except on roofs) or materials not generally used for residential exteriors are prohibited.

O. Refuse handling; pest control.

(1) The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution and shall comply with all applicable township and state regulations.

(2) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall comply with all applicable township and state regulations.

P. Energy storage and supply systems.
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(1) All storage and supply systems for liquified petroleum gases shall be provided with safety devices to relieve excessive pressure, with its termination point at a safe location. An accessible shut-off valve for each mobile home served by such a system shall be located outside the mobile home and maintained in operating condition.

(2) All liquified petroleum piping located outside a mobile home shall be buried and protected from mechanical damage or crushing. No such gas in liquid form shall be conveyed through a supply system. No liquified gas container, tank or other vessel shall be stored in or underneath any mobile home or accessory structure.

(3) All natural gas systems shall have an approved shut-off valve installed upstream of the gas connection with the mobile home, which shall be accessible and equipped with an approved cap to prevent accidental discharge of gas.

(4) All fuel oil tanks shall be so located and protected with barriers to prevent puncture or upset. Fuel oil supply systems shall have shut-off valves located within five inches of the storage tank and shall be accessible from the exterior of the mobile home.

(5) No energy storage tank, cylinder, vessel or other container shall be located within a five-foot radius of any mobile home or accessory structure accessway or emergency exit.

§ 117-66. Mobile home standards outside of mobile home parks.

All mobile homes placed or erected in the township, but not located in a mobile home park, shall meet the following standards specified in this Article XI, which shall be in addition to the requirements and standards otherwise set forth in this chapter and in the Straban Township Zoning Ordinance:¹³

A. Section 117-65F (placement; fastening; base enclosure; etc.);

B. Section 117-65G(3) (parking spaces);

C. Section 117-65M(3) and (4) (electric service); and

D. Section 117-65P (energy storage and supply systems).


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

B. The licensee shall supervise the placement of each mobile home on its mobile home lot, which includes securing its stability and installing all utility connections.

C. The licensee shall give the Zoning Officer or other authorized township representative free access to all mobile home lots, service buildings and other community service facilities for inspection purposes.

¹³ Editor's Note: See Ch. 140, Zoning.
D. The licensee shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park. The licensee shall notify the appropriate officer in accordance with the state and local taxation laws of the arrival and departure of each mobile home.

§ 117-68. Notice of violation to park licensee.
Whenever the township determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, or of any regulation adopted pursuant thereto, it shall give notice of such alleged violation to the licensee. Such notice shall be in writing; include a statement of reasons for its issuance; allow a reasonable time for the performance of corrective measures that are specified, if any; and shall be served upon the licensee or the licensee's on-site agent personally, or by certified mail with a return receipt requested mailed to the address provided on the license application. The date of mailing shall be deemed the date of service by mail.

§ 117-69. Enforcement; violations and penalties.
Any person who violates this Article XI of this chapter shall be subject to the enforcement remedies provided in § 117-53 of this chapter.

§ 117-70. Authority; other remedies.
The governing body is authorized to pursue, in addition to the other remedies stated in this article, and all remedies available at law or in equity, civil or criminal, to compel compliance with this chapter or to punish violations thereof.

ARTICLE XII
Repealer

A. The former Straban Township Subdivision and Land Development Ordinance, Ordinance of October 7, 1985, No. 27 of 1985, as amended, is hereby repealed.

B. Nothing herein shall be deemed to be a repealer of the Straban Township Zoning Ordinance, Ordinance of August 24, 1992, No. 44 of 1992, as amended.