

No. 2013- ____

MONROE TOWNSHIP
SUBDIVISION
AND
LAND DEVELOPMENT
ORDINANCE

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ARTICLE I – GENERAL PROVISIONS

1.01 Short Title

1.01 This Ordinance shall be known and may be cited as the “Monroe Township Subdivision and Land Development Ordinance.”

1.02 Authority

1.021 The Board of Supervisors of the Township of Monroe, pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, reenacted and amended by Act 170 of 1988, and a subsequently amended, hereby enacts and ordains the following Ordinance governing subdivisions and land developments within the limits of Monroe Township.

The Board of Supervisors shall administer and enforce this Ordinance.

1.03 Intent And Purpose

1.031 The intent and purpose of this Ordinance is to promote and protect public health, morals and safety, and to provide for the general welfare by regulating subdivision and land development while holding in the highest regard the land and environment while following the rules and regulations of governmental agencies.

1.04 Definitions

Unless otherwise expressly states, or unless the context clearly indicates a different meaning, the following words, terms, or phrases shall, for the purpose of this Ordinance, have the meanings indicated below:

Access: The means by which vehicles or pedestrians obtain entrance or entry into a parcel, lot or building, or into a subdivision or land development.

A. Easement of Access-An easement granted for use by the public for the Purpose of providing vehicular and/or pedestrian access to a parcel, lot, building, subdivision, or land development.

B. Right-of-Access-The right of the public to have vehicular and/or pedestrian access over a specifically designated area, easement, or property.

Access Drive: A private improved surface other than a street or driveway designed and constructed to provide for vehicular movement from a street to a parking area, garage, dwelling, building, or other structure within a lot or property containing any use other than one single-family dwelling unit or farm. For purposes of this Ordinance, access drives shall be required for all commercial, institutional, multi-family, and all other uses not served by a Driveway as defined in this Ordinance.

Alteration of Building and/or Land Usage: 1) owner (or in lieu of owner a notarized statement designating the representative) must apply to Monroe Township for a new and appropriate permit; 2) the alteration(s) must meet current regulatory standards for any proposed new use.

Add-on-Plan: Minor modifications of an original plan. Limit one time at the discretion of the Monroe Township Supervisors.

Agricultural Operation: An enterprise that is actively engaged in the commercial production and/or preparation for market of crops, livestock and livestock products, and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silviculture, and aquaculture crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with technological development within the agricultural industry.

Agricultural Building: A structure utilized to store farm implements, hay, feed, grain, or other agricultural or horticultural products or to house poultry, livestock, or other farm animals, a milk house, and a structure to grow mushrooms. The term includes a carriage house owned and used by members of a recognized religious sect for the purposes of housing horses and storing buggies. The term shall not include habitable space or spaces in which agricultural products are processed, treated, or packaged and shall not be construed to mean a place of occupancy by the general public. Section 103 of the Pennsylvania Construction Code.

Alley: A permanent service way providing a secondary means of access for abutting lands.

Application: A landowner, developer, or subdivider, 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 approval of a subdivision plat or plan, or for the approval of a land development plan,

Arterial Street: A major street located and designed for the continuous movement of heavy volumes of all types of comparatively sort-haul vehicular traffic between communities and for collecting and distributing traffic to and from expressways.

Buffer Area: An area within a property or site generally adjacent to and parallel with the property line, either consisting of natural vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to limit the view, sound, and/or light from the site to adjacent sites or properties.

Building Setback: A minimum distance outside of the standard or ultimate right-of-way lines where no building may be constructed.

Cartway: The portion of any road intended for vehicular travel, including shoulders.

Clear Site Triangle: An area of unobstructed vision at the intersection of roads defined by lines of sight between points at given distances from the intersection of the center lines of the roads.

Cluster Development: Concept of design and site planning in which several dwellings or multiple dwelling buildings are grouped together on a parcel of land. Each group is set off from others by open space often held for the common use or enjoyment of the residents or the public at large.

Collector Street: A Street located and designed for all types of intra-community vehicular traffic, functioning to carry traffic from local streets to arterial streets.

Commercial Facility: For the purpose of building and development shall be defined as follows: a business built to a commercial code, owned, operated, and supported by private individuals or a corporation, on a for profit basis for the benefit of the general public or private clubs such as but not limited to sports arenas, exhibit buildings, boarding stables, speedways. The permit process for this type of facility will be initiated with the Monroe Township Board of Supervisors and upon their approval will be forwarded to the Code Officer hired by Monroe Township.

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

Community Sewage System: A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment and disposal, or both, of sewage on one or more of the lots or at another site.

Community Water System: A system, whether publicly or privately owned, for the purpose of serving water, from one or more sources, to two (2) or more units or lots by one (1) system.

Comprehensive Plan: The Juniata County Comprehensive Plan, consisting of maps, charts, and textual matter, as well as any future revisions.

Corner Lot: A lot or parcel of land abutting upon two or more roads at their intersection, or upon two parts of the same road forming an interior angle of less than 135 degrees.

County: Juniata County, a political subdivision of Pennsylvania.

Cross-section: A profile view of a right-of-way for the purpose of showing construction methods.

Cul-de-sac: A road with access at only one end to a public road system and terminated at the other end by a paved vehicular turn-around.

Dead-end Road: A road having no turnaround area at its closed end.

Density: The number of dwelling units per developable acre.

DEP: Pennsylvania Department of Environmental Protection.

Designated Engineer: The Engineer or other qualified representative, designated by Monroe Township to perform various engineering duties required by this Ordinance.

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

Development: The entire area encompassed by a land development or subdivision.

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

Driveway: A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

Dwelling: A building containing one (1) or (2) dwelling units.

Dwelling Unit: One (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.

Easement: A right-of-way or other right granted by a landowner for the use of a designated part of his land.

Endorsement: Words showing the final approval of a plan and the date of such approval signed by an authorized officer of the Monroe Township Supervisors.

Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania.

Engineer Review: A consultation with or a review by a professional engineer, recognized as such for Monroe Township. Additional cost beyond stated Township fees will be paid by the applicant/owner/developer.

Erosion: The removal of surface materials from land by the action of natural elements.

Excavations: Any act by which natural materials are dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed, as well as the conditions resulting therefrom.

Financial Security: A deposit made out to the benefit of Monroe Township Supervisors in an amount sufficient to guarantee and cover the entire costs of any required improvement or maintenance that is the responsibility of the Applicant to provide under the terms of this Ordinance but that will allow Monroe Township to complete said improvements or maintenance in their entirety, without any additional cost to Monroe Township, in the event of a default, negligence, cost overrun, or inflationary increase in price or failure of any type of applicant to provide or complete said required improvements or maintenance.

Said Financial Security shall be approved by the Monroe Township Supervisors and may include irrevocable letters of credit and restrictive or escrow accounts in a Federal or Commonwealth chartered lending institution or other type of Financial Security acceptable to Monroe Township and such security shall be posted with a bonding company or with a Federal or Commonwealth chartered lending institution authorized to conduct business in the Commonwealth.

Flag Lot: A lot with less lot frontage on a public or private street than is normally required. The flagpole is a narrow access corridor to a lot located behind other lots that usually meet the required lot frontage.

Frontage: The distance between the points of intersection of the side and front lot lines. On a corner lot, frontage is the distance between the corner of the property abutting the intersection of right-of-ways and the intersection of the side lot lines and the front property lines.

Grade: A slope of a road or parcel of land specified in percent (%) and shown on plans as specified herein.

Height: The height of a building shall be measured from the mean level of the ground surrounding the building to a point midway between the highest and the lowest points of the roof; provided, that chimneys, spires, towers, tanks, and similar projections shall not be included in calculating the height.

Horizontal Curve: A curve of a right-of-way being used to change direction on a level plain.

Impervious Area: The total area of a lot covered by an impervious surface. The impervious area is generally represented as a percentage of the overall lot area.

Impervious Surface: A surface that prevents the percolation of water into the ground. For the purpose of this Ordinance, stoned parking areas shall be considered as an impervious surface.

Improvements: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots or sites.

Individual Sewage System: A system of piping, tanks, or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into the waters of the Commonwealth or by means of conveyance to another site for final disposal.

Industrial Subdivision and/or Land Development: A subdivision and/or land development of any size for any manufacturing produced in bulk or unrefined and done with the primary objective of making money.

Key Map: A map of an entire area for subdivision or land development when such area is too large to be put on one map sheet, indicating the location of each section of the area shown on a separate map sheet.

Land Development: any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land involving:
 - a. a group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - b. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features;
- (2) A subdivision of land.

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

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

Lot Area: The area contained within the property lines of the individual parcels of land as shown on a plan, excluding any area within an existing or proposed street right-of-way, but including the area of any other existing or proposed easement.

Lot Depth: The mean horizontal distance between the front and rear lot lines.

Lot Line, Front: The front lot line shall be that boundary of a lot, which is along an existing or proposed public road. A corner lot has two front lot lines.

Lot Line, Side: The side lot line shall be that boundary line of a lot which converges with the front lot line and which is along an existing or proposed contiguous lot. A corner lot has two side lines and no rear lot line.

Lot Line Adjustment: The process of adjusting or eliminating an existing lot line that divides (1) lot from another lot, from a public street, private street, or any other public space. The act of adjusting a lot line requires submission of a revision/update of the original plan.

Lot Width: The width of the lot at the front building line measured parallel to the street tight-of-way line or in the case of a curvilinear street parallel to the chord of the arc between the intersection of the side lot lines and the street tight-of-way. For a flag lot, the lot width shall be measured at the flag. The relation of the depth of any single-family detached dwelling lot to its width shall not be greater than three (3) to one (1).

Major Land Development: Soil disturbance for the purpose of subsequent construction of four or more structures of any size and the construction of these structures and/or improvements.

Major Subdivision Plan: The division or re-division of a lot, tract, or parcel of land by any means into four or more lots, tracts, or parcels of land.

Minor Land Development: Soil disturbance for the purpose of subsequent construction from one to three structures of any size and the construction of the structure(s) and/or improvements.

Minor Subdivision Plan: The division or re-division of a lot, tract, or parcel of land by any means into three or less lots, tracts, or parcels of land.

Mobilehome: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of being separated for repeated towing, which arrives at the 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 mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection of a single mobilehome.

Mobilehome Pad: A section of an individual mobilehome lot which has been reserved for the placement of the mobilehome, appurtenant structures, or additions.

Mobilehome Park: A parcel of land under single ownership, which has been planned and improved for the placement of mobilehomes for non-transient use, consisting of two or more mobilehome lots.

Modifications/Waivers: Relief from strict compliance with the literal requirements or the provisions of this Ordinance, pursuant to Sections 7.04 and 7.05.

Mud Free Road: Roads designed and constructed to be Mud-Free and permanently passable. No mud shall be pulled onto public roads.

Multiple Dwelling Building: A building having three (3) or more separate dwelling units, or a building having one (1) or more dwelling units and rooms devoted to other purposes.

Municipalities Planning Code: The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. No. 805, No. 247, as reenacted and amended, 53 P.S. Sections 10101 et seq.

Net Area: Gross area less area of road right-of-ways.

On-lot Sewage Permit: A permit issued pursuant to the Pennsylvania Sewage Facilities Act, Act 537 required to construct and use an individual or community on-lot sewage disposal system, including holding tanks and privies. Consult the Township's Sewage Enforcement Officer for full requirements.

On Lot Sewage System: A system of piping, tanks, or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or by means of conveyance to another site for final disposal.

Open Space: Land and/or water area with its surface open to the sky (undeveloped or predominantly undeveloped). See Common Open Space.

Ordinance Enforcement Officer: The specific person designated by the Monroe Township Board of Supervisors to perform administrative duties required by this Ordinance.

Parking Space: A space, surfaced to whatever extent necessary to permit use under all normal seasonal conditions of weather, available for the off-road parking of a motor vehicle.

Penn DOT: Pennsylvania Department of Transportation.

Person: Every natural person, association, corporation, partnership, or trust. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person" as applied to associations, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

Plan: Graphic and written materials disclosing detailed intentions as to a subdivision or land development.

Planning Commission: Juniata County Planning Commission.

Plat: The map or plan of a subdivision or land development, whether preliminary or final.

Private Street, Road, or Drive: A street, road, or drive that may serve up to three (3) dwellings and is constructed in accordance with the applicable provisions of this Ordinance that is not owned by a public entity. Neither Juniata County nor the Municipality in which the private street, road, or drive is located shall be responsible for maintenance or the improvement of the private street, road, or drive.

Public Grounds: includes:

- (1) Parks, playgrounds, trails, paths, and other recreational areas and other public areas;
- (2) Sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities.
- (3) Publicly owned or operated scenic and historical sites.

Revision and/or Update of Original Plan: A change in order to correct, update, improve, or adapt a plan, such as adding an additional building, to an original plan. Update-Reinstatement of an expired plan. Plans approved by Monroe Township Supervisors must be recorded by the landowner/developer in the office of the Juniata County Recorder of Deeds within 90 days (SALDO, Article II, Section 2.044) or there will be an additional fee charged as on all approved plans for re-approval.

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

Seasonal: Use of property not exceeding 180 continuous days in duration.

SEO: Sewage Enforcement Officer, an official of the Township certified by the Department of Environmental Protection as such, for purposes of administering the Pennsylvania Sewage Facilities Act on behalf of the Township.

Security: A deposit of cash, bond, certified check, binding letter of credit, escrow account, or negotiable securities and an agreement to the effect that the developer will install the required improvements or forfeit the deposit.

Sketch Plan: A legibly drawn plan, with sufficient detail to show the basic intent of the subdivision or land development.

Skirts: Panels specifically designed for the purpose of screening the underside of a mobile home by forming an extension of the vertical exterior walls of the mobile home and covering the entire distance between the bottom of the exterior walls and the ground elevation below.

Soil Survey: The Soil Survey of Juniata County, Pennsylvania, published by the US Soil Conservation Service.

Stormwater Maintenance Agreement: An agreement with Monroe Township giving it the right to enforce the proper functioning of a private Stormwater facility. This agreement gives Monroe Township the right to correct improperly functioning facilities at the owner's expense.

Stormwater Management Plan: A drawing that contains the design information necessary to construct the stormwater management facilities.

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

Subdivider: See Applicant, Developer.

Subdivision: The division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building, or lot development.

Subdivision & Land Development Ordinance (SALDO) Book: This book contains all the provisions required by the township for subdivision and land development in Monroe Township. Upon request, the Township Secretary will provide you with a copy of the SALDO book for the current fee (printing, paper, etc.).

Surveyor: A surveyor licensed by the Commonwealth of Pennsylvania.

Township: Monroe Township, Juniata County, Pennsylvania.

Township Secretary: Secretary of Monroe Township, Juniata County, Pennsylvania.

Township Supervisors: Board of Supervisors of Monroe Township, Juniata County, Pennsylvania.

Travel Trailer: A structure built on wheels designed for towing as a temporary dwelling for travel, recreation, vacation, and other short-term uses, having a body width not exceeding eight (8) feet and a body length not exceeding thirty-two (32) feet, titled and registered pursuant to law as a motor vehicle.

Ultimate Right-of-Way: The planned future width of an existing substandard road right-of-way based on the criteria established by this Ordinance, applicable County or municipal plans, or PennDot requirements.

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

1.05 Interpretation

1.051 The provisions of this Ordinance shall be construed so as to require no more than is reasonably necessary for the promotion and protection of health, morals, safety and the general welfare, and in this regard, no notice shall be taken of very small or trifling matters or of matters having slight likelihood of significantly affecting public health, morals or safety or the general welfare. (The "*de minimis*" rule.)

1.052 Unless otherwise expressly stated each of the following terms shall, for the purposes of this Ordinance, be construed as follows:

1.0521 Words in the singular include the plural and those in the plural include the singular.

1.0522 Words in the present tense include the future tense.

1.0523 Words "should" and "may" are permissive while the words "shall" and "will" are mandatory and directive.

1.0524 Words used in the masculine gender shall include the feminine and neuter.

1.053 Words and phrases in this Ordinance shall be construed according to the rules of grammar and according to their common and approved usage, but technical words and phrases and such others as have acquired a peculiar and appropriate meaning or as are defined in this Ordinance, shall be construed according to such peculiar and appropriate meaning or definition, unless the context clearly requires a different construction.

1.054 When the words of this Ordinance are clear and free from all ambiguity, the letter of them shall not be disregarded under the pretext of pursuing their spirit.

1.06 Application Of Ordinance

1.061 This Ordinance shall be applicable to every subdivision and land development unless specifically exempt. Every subdivision and land development within the Township shall be done in accordance with the terms and provisions of this Ordinance. In every application of this Ordinance, the encouragement and promotion of flexibility, economy and ingenuity in the use and development of land shall be among the foremost priorities.

ARTICLE II - PLAN SUBMISSION PROCEDURE

2.01 Sketch Plan Submission

2.011 Prior to incurring any appreciable engineering or survey costs, each applicant is strongly urged to submit a sketch plan to the Township Supervisors and include at least those items listed in Section 3.01. Sketch plans need not be in any specific form, but should be of sufficient detail to relay to the Township Supervisors the substance of the applicant's proposal. Submission of a sketch plan can and usually does save the applicant time and engineering costs.

2.012 Submission of a sketch plan shall not constitute official submission of a plan to the Township Supervisors, but shall be considered a request for informal and confidential advise from the Township Supervisors.

2.013 Based on the information shown on the sketch plan, the Township Supervisors will advise the applicant, and his surveyor or engineer, if one is involved, or the extent to which the proposed subdivision or development conforms to the applicable requirement of this Ordinance. The Township Supervisors will also suggest any modifications of the plan, which are deemed advisable or necessary to secure approval.

2.02 Plan Submission

2.021 The applicant shall submit:

2.0211 One (1) hard copy and one (1) digital copy of the plan, together with applicable County application form and County fee, to the Juniata County Planning Commission.

2.0212 For the purpose of these regulations the official submission date is the date when all of the plans and materials, including review fees, are received at the Monroe Township Office by the Secretary or a designee. Plans shall be submitted to the Monroe Township Supervisors no less than fifteen (15) days in advance of the regular meeting of the Board at which the plan is to be considered. The appropriate filing fee, along with three (3) copies of the plan, shall be submitted with the application in the form of a check or money order payable to Monroe Township.

2.022 Whenever copies of the submitted plan are to accompany DEP "Planning Module for Land Development", two (2) additional copies shall be submitted.

2.023 Any subdivision or land development shall require the submission of an approved sewage planning module (pursuant to Pennsylvania Sewage Facilities Act, Act 537) along with the proposed plan. Final approval of a plan is contingent on the existence of a sewage planning module approved in accordance with the Pennsylvania Sewage Facilities Act, Act 537, as amended.

2.03 Fee Schedule

2.031 The fees for filing and review of subdivision plans pursuant to the provisions of the Ordinance shall be as established from time to time by Resolution of the Board of Supervisors.

2.0311 Plan Review fee.

2.0312 County review - Such fee as required by the Juniata County Planning Commission for its review.

2.0313 In cases where additional costs and professional fees may be reasonably and necessarily incurred by the Township in order to facilitate proper review of plan, the applicant shall be notified of, billed, and shall pay such additional costs and fees. In the event that the applicant shall dispute the amount of any such review fees, the applicant shall, within fourteen (14) 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 Applicant's request over disputed fees. In the event that the parties cannot agree on the amount of review fees which are reasonable and necessary, then the parties shall follow the following procedure for dispute resolution (as set forth in Section 510(g) of the Municipalities Planning Code.

2.04 Review And Action By The Monroe Township Supervisors

2.041 Within seventy-five (75) calendar days after submission of a plan, the Township Supervisors shall review and act on the plan; provided at least forty-five (45) days have passed since the plan was submitted to the Juniata County Planning Commission, or comments have been received back from the Juniata County Planning Commission. **IT IS THE RESPONSIBILITY OF THE APPLICANT TO FILE SUFFICIENT COPIES OF THE PLAN, TOGETHER WITH ANY REQUIRED COUNTY APPLICATION FORM AND PAY THE REQUIRED COUNTY REVIEW FEE. FAILURE TO DO SO WILL RENDER THE APPLICATION TO THE TOWNSHIP INCOMPLETE, AND THE PLAN MAY BE REJECTED ON THAT BASIS ALONE.**

2.042 If a plan is rejected by the Township Supervisors, all reasons for such a rejection shall be explicitly stated in a letter of rejection sent to the applicant within fifteen (15) days of such action. The applicant whose plan is rejected may either submit a new plan or may appeal the action of the Township Supervisors under Article X of this Ordinance.

2.043 If, in the opinion of the Supervisors a plan complies with most but not all of the terms and provisions of the Ordinance, the Supervisors may grant preliminary approval of the plan. All reasons for granting only preliminary approval of a plan shall be explicitly stated in a letter sent to the applicant within fifteen (15) days of the Supervisors action. The applicant whose plan is granted preliminary approval may either comply with the conditions and requirements for obtaining final approval of his plan or may appeal the action of the Township Supervisors under Article X of this Ordinance.

2.044 If, in the opinion and sole discretion of the Township Supervisors substantially complies with the terms and provisions of the Ordinance or is within the scope of Article VII of this Ordinance, the Township Supervisors may grant final approval of the plan and place their endorsement on it. Within fifteen (15) days after any final approval, the Township Supervisors shall give the applicant a copy of the plan endorsed with final approval and direct him to record it in the Office of the Juniata County Recorder of Deeds within ninety (90) days.

2.045 No plan shall receive final approval by the Township Supervisors unless the applicant shall have installed all improvements required under Article V of this Ordinance, or shall have filed security with the Township Supervisors for installation of all such required improvements. To obtain final approval, the security must be satisfactory in amount, form, and substance to the Township Supervisors.

2.046 No plan that will require access to a public highway shall be finally approved unless the plat contains a notice that a PennDot and/or Township highway occupancy (driveway) permit has been issued.

2.05 Recording The Plan

2.051 No plan shall be legally recorded unless and until it bears the endorsement of the Township Supervisors.

2.052 The plan to be recorded shall be a clear and legible blue-on-white, or black-on-white print.

2.053 The applicant shall record the plan with the Juniata County Recorder of Deeds within ninety (90) days of the date of final approval. If the applicant fails to record the plan within such time period, the action of the Township Supervisors shall be null and void, unless an extension of time is granted in writing by the Township Supervisors upon written request of the applicant.

2.054 Recording of the approved plan shall have the effect of an irrevocable offer to dedicate all roads, easements, and public grounds shown thereon to public use, unless a notation is placed on the plan by the applicant stating that there is no offer of dedication of certain roads, easements or grounds. Recording of the plan, however, shall not impose any duty upon the Township Supervisors to accept any dedication. Acceptance of any dedication shall occur only at the discretion of and by separate legal action of the Township Supervisors. Recording of the approved plan also shall have the effect of an irrevocable offer to reserve or transfer, for the use of future lot owner, all areas, easements, grounds and roads, as specified on the plan, that may be of benefit and use to persons who acquire lots in the subdivision.

2.06 Release Of Security For Improvements

2.061 Security for the installation of improvements posted by the applicant with the Township as a condition for final approval shall be released by the Township pursuant to and in accordance with Section 509(g) and 510 of the Municipalities Planning Code.

2.062 Any and all costs, expenses, and fees incurred by the Township for the inspection or inspections of the improvements and preparation of the report by the engineer shall be paid by the applicant and the security for the improvements shall not be released until such payment is made by the applicant, pursuant to Section 510 of the Municipalities Planning Code.

ARTICLE III - PLAN REQUIREMENTS

3.01 Sketch Plan Requirements

3.011 If submitted, the sketch plan should include a map legibly drawn to an approximate scale, not necessarily shown precise dimensions, that contains the following data:

3.0111 Name of landowner, address, and telephone number.

3.0112 Tract boundaries, accurately labeled.

3.0113 North indicator, scale, and date.

3.0114 A location map with sufficient information to enable the Township Supervisors to locate the land.

3.0115 Significant man-made and natural features (i.e. roads, structures, watercourses, woods, etc.)

3.0116 Identifications of existing roads.

3.0117 Proposed location of roads and lot layout.

3.012 A written description of the concept of the development should be included as part of the sketch.

3.013 The types of sewage disposal and water supply facilities proposed shall be specified in the sketch plan.

3.02 Plan Requirements

3.021 A plan shall include a map of the land drawn to a scale of one hundred (100) feet or less to the inch. The map shall consist of black-on-white or blue-on-white prints on sheets no smaller than eighteen (18) inches by twenty-four (24) inches, and no larger than twenty-four (24) inches by thirty-six (36) inches. If the map is drawn in two (2) or more sections, a key map showing the locations of the sections shall be placed on each sheet.

3.022 The following information shall be shown on the map:

3.0221 Title block, containing the name of the subdivision or development, name of landowner, tax map and parcel numbers, date, scale, and name of individual who prepared the plan.

3.0222 North indicator.

3.0223 Sufficient information to accurately locate the land by indicating its distance from the nearest public road intersection, and the distances to and/or from major references, such as towns or villages.

3.0224 The larger tract boundaries showing bearings to the nearest minute and distances to the nearest one hundredth (0.01) of a foot, if known, with the names of record owners of adjoining lands. The portion to be divided from the larger tract shall be accurately located.

3.0225 Existing significant natural or man-made features as follows:

3.0225A Water courses, natural or otherwise, and wooded areas. A survey is not necessary for accuracy.

3.0225B Bridges and roads: A centerline survey with bearings and distances is necessary. The rights-of-way widths must be noted along with the cartway widths. The bridge width and type may be noted.

3.0225C Transmission lines, whether electric, gas, sewer, telephone, television cable, or water, and whether underground or overhead, may be shown by indicating the locations of poles, manholes curb shutoff valves, and other evidences of location of such lines.

3.0225D On-lot sewage disposal systems and/or water supply systems shall be sized and located by survey to and/or from any convenient boundary intersection.

3.0225E Boundaries of flood-prone and wetland areas.

3.0225F Location of existing buildings and other significant manmade features.

3.0226 Contours at intervals of five (5) feet and datum to which contour elevations refer.

3.0227 Existing and proposed lot lines shall be surveyed and shown on the map with straight lines using distances to the nearest one hundredth (0.01) of a foot, and bearings to the nearest minute of a degree, or radii and arcs with distances to one hundredth (0.01) of a foot and the central angle of arcs noted to the nearest minute of a degree. All boundaries shall meet standards of closure allowing one (1) foot or less of error for each five thousand (5000) feet of boundary. Lot number, on-lot sewage disposal application number, and lot area shall be shown for lots.

3.0228 Facilities and grounds to be dedicated to or reserved for the public.

3.0229 Common and recreation areas, if any, that will be reserved for the occupants of the subdivision or development and will not be dedicated to public use.

3.02210 Existing or proposed roads and easements shall be shown with bearings and distances. The full right-of-width shall be shown and dimensioned as required by Section 4.031, along with the building setback lines a required by Section 4.053.

3.02211 Existing or proposed driveways with notation regarding the issuance of appropriate permits.

3.02212 Location map showing relation of tract to adjoining properties, related road and highway system, municipal boundaries, and community facilities with a minimum of on-half (1/2) mile from the proposed subdivision.

3.02213 Certification, with seal, by a registered professional engineer or surveyor to the effect that the survey and map are correct.

3.02214 Notarized statement and intent.

3.02215 Township Final Plan approved statement.

3.02216 County Planning Commission Review and statement.

3.023 The following shall be submitted as part of the plan:

3.0231 Detail drawings and specifications for:

3.0231-A Each proposed road.

3.0231-B Each proposed bridge.

3.0231-C All proposed storm water facilities.

3.0231-D All proposed overhead and subsurface transmission lines.

3.0232 A statement from the Richfield Area Joint Authority that public sewage facilities are available, if a connection to such facilities is proposed.

3.0233 Proposed deed restrictions, if any.

3.0234 A soil erosion control plan consistent with, and any permits required by DEP regulations.

3.0235 Provisions for compliance with the Township's Flood Plain Ordinance (Ord: No: 2012-1), and its amendments, if applicable.

3.0236 A subdivision or development improvements agreement, signed by the Township Supervisors, and by the applicant, stating that all required improvements have been installed in accordance with the provisions of this Ordinance, or that satisfactory security therefore has been deposited with the Township Supervisors.

3.0237 Any subdivision of any parcel of land shall require the submission of an approved DEP planning module, or appropriate modification as provided for in the Pennsylvania Sewage Facilities Act is obtained. Final approval is contingent on the existence of an approved planning module.

ARTICLE IV - DESIGN STANDARDS

4.01 Application And General Standards

4.011 The provisions of the Article IV are believed to be the minimum necessary to accomplish the purposed of this Ordinance in the maximum number of cases, and all plans shall conform to such provisions to the extent such provisions are applicable under the circumstances.

4.012 Full compliance with the provisions of this Article IV may be modified by the Township Supervisors, under Article VII in any case, if, in the sole judgment of the Township Supervisors, the purposes of this Ordinance will not be frustrated.

4.013 Land subject to hazards which affect life, health, or property, such as may arise from fire, floods, hazardous wastes, unstable or impermeable soils, or other causes, shall not be planned for subdivision or development unless such hazards have bee eliminated or unless the subdivision plan shows safeguards that are satisfactory to the Township Supervisors and every other appropriate regulatory agency.

4.014 Development plans shall give due recognition to the Comprehensive Plan.

4.02 Roads: General Standards

4.021 General Standards:

4.0211 The location and width of all new roads shall be consistent with the Comprehensive Plan.

4.0212 Where a subdivision or land development abuts a major collector or arterial street, the Township Supervisors may require an internal street system, marginal access streets, rear service streets, reverse frontage lots, or such other treatment which provides protection for abutting properties, reduction in the number of intersections and driveways with the major collector or arterial streets, and separation of local and through traffic.

4.0213 The proposed road system shall extend existing or recorded roads a no less than the same right-of-way and cartway widths, but in no case at less than the required minimum widths.

4.0214 Where it is desirable and practical to provide for read access to adjoining land, the Township Supervisors may require that road stubs be extended to the boundary line of such land.

4.0215 Private roads and accesses shall be allowed, provided the following conditions can be satisfied:

4.0215-A A private access road to serve three (3) one-unit dwelling lots or less shall have a right-of-way width of at least thirty (30) feet. Subdivision or land development of tracts containing more than three (3) one-unit dwelling lots, or a commercial or an industrial lot, private roads shall not be used for access. For purposes of this section, the number of lots and or lot use shall be determined as of the effective date of this Ordinance.

4.0215-B Private roads shall be so indicated on the map. A notation on the map shall indicate that either: (1) the applicant is responsible, or (2) the applicant has provided a legal arrangement for the future maintenance and improvement of such roads that will prevent them from becoming a burden on the Township.

4.0215-C Private roads shall be constructed to be mud-free, such that mud shall not come on to a public road when entering from the private road.

4.0215-D Private roads shall be constructed to be mud-free, and such that mud shall not come on to a public road when entering from the private road.

4.0216 Public alleys shall not be planned in residential developments except where the applicant establishes the necessity for such alleys.

4.0217 The Township's Driveway Ordinance and any of its amendments establishes minimum design, engineering and construction standards for driveways, and the plan must show compliance with the provisions of that Ordinance. (See Appendix)

4.0218 Road base designs with grades and cross-sections and designs for subsurface drainage facilities and transmission lines shall be included in the plan

4.0219 All roads shall be designed so as to provide for the discharge of surface water from their cartways.

4.0220 A new partial road shall not be planned except where it is essential to a reasonable subdivision of a tract of land in compliance with other requirements and standards of this Ordinance and where, in addition, satisfactory security for the development of the remaining part of the road is given to the Township Supervisors.

4.0221 The Township Supervisors reserve the right to determine and assign road names but will consider suggestions from the applicant.

4.0222 When a new development road system is proposed, and it is practical and desirable on account of development size and/or expected traffic volumes and/or types to do so, the Township Supervisors may require that the new development road system include multiple development accesses from the existing public road system.

4.03 Roads: Engineering Standards

4.031 Road Widths

4.0311 Except as specifically provided otherwise, minimum road right-of-way and cartway widths shall be as follows:

4.0311-A Roads:

Right-of-Way	50 feet
Cartway	36 feet*

4.0311-B Turn-Around or Cul-de-sac (diameter):

Right-of-Way	120 feet
Cartway	100 feet*

(* Note: Cartway width may be reduced if off-road parking areas are provided.)

4.0312 Additional road width (right-of-way, cartway, or both) may be required when determined to be necessary by the Township Supervisors in specific cases for:

4.0312-A Parking in commercial and industrial areas and in areas of high density development.

4.0312-B Adequate vehicle parking where off street parking is not otherwise provided.

4.032 Road Grades

4.0321 The minimum centerline grades of roads shall be 0.75%.

4.0322 The minimum centerline grades on vertical curves shall conform as much as possible to the local road design requirement of Penn DOT.

4.0323 Sight distance must be provided with respect to both horizontal and vertical alignment. Sight distance shall be measured along the centerline and shall conform to the criteria and requirements of Penn DOT for the road classification and design speed.

4.033 Side Slopes Along Roads

4.0331 The slopes of banks along roads, measured perpendicular to the road centerline, shall be not steeper than the following:

4.0331-A One (1) foot of vertical measurement for three (3) feet of horizontal measurement for fills.

4.0331-B One (1) foot of vertical measurement for three (3) feet of horizontal measurement for cuts.

4.034 Intersections

4.0341 Intersections involving the junction of more than two (2) roads are prohibited. Permitted intersections shall conform to the following:

4.0341-A Roads shall intersect as nearly as possible at right angles. No road shall intersect another at an angle of less than seventy-five (75) degrees.

4.0341-B Roads intersecting another road shall either intersect directly opposite each other, or shall be separated by at least one hundred fifty (150) feet between center lines, measured along the centerline of the road being intersected.

4.0341-C At the intersection of roads, the radii of the cartways shall be not less than twenty-five (25) feet. Right-of-way lines at corner properties also shall have radii of at least twenty-five (25) feet.

4.0341-D Clear sight triangles shall be provided at all intersections. No buildings or obstructions shall be permitted in the clear sight area. Clear sight triangles shall be measured at a height of four (4) feet above the centerline from the point of intersection to a point of the roadway at the following distances:

- (1) Intersection of two (2) roads: 100 feet.
- (2) Intersection of road with Township Road: 200 feet.

4.0341-E Where an intersection occurs between a proposed new road and a Pennsylvania Legislative Route, a Pennsylvania Route, or a United States Route, the plan shall include a permit from Penn DOT for such intersection.

4.035 Curves

4.0351 Where connecting road lines deflect from each other at any one point by more than five (5) degrees, the lines must be connected with a true, circular curve. The minimum radius of the centerline for the curve must be one hundred (100) feet. Straight portions of the road must be tangent to the beginning or end of curves and there must be a tangent of at least fifty (50) feet between reverse curves.

4.036 Cul-de-sacs and Dead-End Roads

4.0361 Dead-end roads are prohibited unless designed with cul-de-sacs, or designed for future access to adjoining land.

4.0362 Any road dead-ended for future access to adjoining land, or because of authorized stage development, shall be provided with a temporary, all weather, turnaround within the development. The use of such turnaround shall be guaranteed to the public until such time as the road is extended.

4.0363 Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to the tract boundary with additional width provided along the boundary line to permit extension of the road at full width.

4.0364 Where it will preserve the natural setting of the land and improve the development design, a cul-de-sac may be designed as a "T". If so designed, it shall measure one hundred (100) feet long across the bar, its right-of-way shall be fifty (50) feet wide and it shall be improved in a manner comparable to the road cartway.

4.0365 Preferably, drainage of a cul-de-sac shall be toward the open end.

4.0366 The Township Supervisors reserve the right to determine and designate road names but will consider suggestions from the applicant.

4.0367 Provisions shall be made, by extended easements or otherwise, for areas to accumulate plowed snow within the road right-of-way.

4.04 Stormwater Management

4.041 The stormwater management requirements of this ordinance are required for any project that will increase stormwater runoff irregardless of whether or not the project meets the definition of subdivision or land development.

4.042 In the event a project isn't a subdivision or land development (i.e. agricultural buildings, accessory buildings, parking lots, etc.) but the stormwater management still needs to be addressed, a drainage plan which includes all necessary features that would be required for design and construction (i.e. grading, contours, profiles, details, setbacks, adequate easements, location map, etc.) shall be provided. A stormwater management plan will not be required if the exemption criteria are met. However, in this event, a sketch plan will still be required in order to document the improvements. Once improvements have accumulated to the exemption threshold (from a parent tract), the stormwater management requirements will need to be addressed. This may also include the previous improvements at the discretion of the Township Supervisors that were exempted to now be included in the current stormwater management design.

4.043 A stormwater plan, when a project doesn't meet the definition of subdivision or land development, is required and shall be recorded. Easements, contours, improvements, details, location map, storm pipe profiles, setbacks, and any other information that is typical to support a design shall be on this plan. In addition, all setback criteria of this Ordinance shall be met.

4.044 A stormwater report is required which contains the stormwater calculations. All necessary calculations to support the design shown on the plan shall be provided and presented in a professional manner.

4.044-A Post-development runoff rates shall be less than the pre-development runoff rates for the 2-, 10-, 25-, 50-, and 100-year storm events once the increase is more than 1cfs. If the post-development increase is less than 1cfs, then stormwater detention per this section is not necessary as long as there are no existing problems close to the property and no problems to the roadway or adjacent properties are created. In that event, it is encouraged (not required) to address the existing stormwater problem as opposed to providing detention which would have little effect. For this exemption to apply, no concentrated runoff problems (to neighbors or adjacent roadways) may be caused as a result of the project.

4.044-B In lieu of showing that the runoff increase will be less than 1cfs, the following Table may be used. The maximum impervious coverage for the individual lots being subdivided shall be based on the size of the parent tract and allocated accordingly based on the proposed lot size. The allowable impervious coverages for the individual lots shall not be greater than that allowed for the parent tract. In addition, previous subdivisions from the parent tract shall be considered when determining the applicability of the exemption criteria in order to prevent a loophole from having to provide proper stormwater management for the entirety of a project by subdividing it in different phases in order to keep it under the threshold. The entirety of the development of the parent lot shall be considered.

TABLE 5: STORMWATER EXEMPTION CRITERIA

<u>Total Parcel Size</u>	<u>*Minimum Distance (feet)</u>	<u>Impervious Area Exemption (sf)</u>
<10,000 sf	10 ft.	2,500 sf
10,000 sf – 0.99 acres	10 ft.	5,000 sf
1 – 2 acres	50 ft.	10,000 sf
2 – 5 acres	100 ft.	15,000 sf
> 5 acres	250 ft.	20,000 sf

* The minimum distance between the proposed impervious area and/or stormwater control/structure discharge point to the down slope property boundary. Setback distances may be adjusted at the discretion of the Planning Commission based on factors such as topography, soil conditions, and location of structures.

4.044-C For the pre-development analysis, actual cover conditions may be considered for cultivated areas instead of having to consider them as meadow.

4.044-D Stormwater runoff shall not create any hazards to adjoining property owners, the general public, and any on-lot sewage system, or domestic water supply.

4.044-E For ground cover conditions that change depending on the season, winter/poor versus winter/poor and summer/good versus summer/good coefficients shall be used for the pre-development versus post-development analysis, respectively.

4.044-F A stormwater management plan shall be required for all new impervious surfaces unless they meet the exemption criteria. The new surfaces include items that would not be considered land development on their own such as parking areas and accessory buildings which include storage units, farm buildings, poultry barns, etc. and shall be considered cumulatively. This means that if exemption criteria are initially met at the time of a project that once the criteria limit is exceeded at a future date (for additional improvements) that a stormwater plan must take into consideration all the previous improvements as well.

4.044-G All stone/gravel areas shall be considered impervious in the calculations. The reason is that an owner is able to pave these areas without the need for a new plan to be submitted.

4.044-H For drainage areas less than twenty (20) acres, the Rational Hydrograph Method found in the VT/PSUHM computer program may be used for the sizing of a stormwater management facility. This method is not to be confused with the Modified Rational Method, which is not acceptable.

4.044-I For drainage areas above twenty (20) acres, the SCS method shall be used for the pre-development versus post-development analysis.

4.044-J Any culvert to be placed under a Township Road (to be dedicated) shall meet PADOT specifications for design and construction.

4,044-K No driveway shall be designed to concentrate runoff onto the roadway which would cause icing or erosion problems. This is a special concern for steep driveways.

4.044-L In the design of storm drainage facilities, problems which may arise from the concentration of stormwater runoff onto adjacent properties shall not be created.

4.044-M Offsite runoff coming onto the site shall be considered in the stormwater design. While it does not need to be part of the pre-development versus post-development comparison, it does need to be addressed. It is best to bypass the offsite runoff around any basin. For design purposes of the stormwater facilities that receive offsite runoff, the runoff from the offsite areas shall be calculated based on winter or poor conditions (worst case). Stormwater facilities shall be designed to capture and contain this flow and be based on the 100-year storm event.

4.044-N For any stormwater facilities that will use infiltration, an accepted method of infiltration testing must be performed to substantiate the design. Notification of when the testing is to be performed must be given a week ahead of time so that a representative of the County has an opportunity to be at the site and ensure that the testing follows the prescribed procedure.

Roof drain sumps

1. All storm water run-off from newly constructed roofs, whether by way of new building or addition to existing building, having an area in excess of six hundred (600) square feet, may be diverted to roof drain sumps, provided the area of placement is a well drained soil as per percolation rate of sixty (60) minutes/inch or less.
2. Such roof sump shall:
 - a. have a total volume for such newly constructed roof of one-half (0.5) cubic foot for every square foot of new roof area,
 - b. be a minimum of four(4) feet in depth below inlet pipe,
 - c. have a top-soil cover of at least one (1) foot,
 - d. be at least twice as long as it is wide,
 - e. be at least 15 feet from the building, at least 10 feet from the property line, and at least 50 feet from any on-lot septic system,
 - f. be substantially in accordance with the design depicted in "Figure A",

- g. shall not be covered for at least 72 hours after prior notice has been given to the Township for inspection.

4.044-O Detention and retention basins which are designed to have an earthen berm (as opposed to an entirely cut condition) shall be designed to meet the following standards:

1. The minimum top width of all berms shall be five (5) feet.
2. The interior side slopes shall be no steeper than 5:1. The exterior side slopes shall be no steeper than 3:1.
3. A clay core and cutoff trench (or other impervious material) shall be used in berms (fill portion only) that are over five (5) feet high.
4. All pipes through berms shall have properly spaced anti-seep cutoff collars.
5. An emergency spillway based on the 100-year storm shall be provided and be designed based on the primary outlet being clogged. A minimum of one (1) foot of freeboard above the 100-year design elevation for the spillway shall be provided.
6. A minimum of two (2) feet above the 100 year storm elevation of any basin or surface conveyance facility shall be provided for the finished first (1st) floor elevations of structures.

4.044-P Storm Drainage Systems/Facilities

1. Storm sewers, culverts, and related installations shall be provided, as necessary, to:
 - a. Permit unimpeded flow of natural water courses.
 - b. Ensure adequate drainage of all low points along the line of streets.
 - c. Intercept stormwater runoff along streets at intervals related to the extent and grade of the area drained.

- d. Provide positive drainage away from on-site sewage disposal facilities.
 - e. Take surface water from the bottom of vertical grades, lead water from springs, and avoid excessive use of cross gutters at street intersections and elsewhere.
2. Storm sewers and related installations shall be required when the runoff from a ten (10) year storm would exceed half the travel way of a street.
 3. Where existing storm sewers are reasonably accessible, proposed subdivisions shall be required, if necessary, to connect therewith.
 4. Storm pipe systems within a development shall be sized for the ten (10) year storm at a minimum. It shall be shown that the one hundred (100) year storm can get to the detention facilities without bypassing them once the piping system surcharges.
 5. The design of stormwater drainage facilities shall not rely on offsite, upstream features which can be altered or removed and are beyond the control of the proposed project's applicant (owner/applicant) to maintain. The design shall consider the offsite water that would come onto the site without these features.
 6. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainage way, channel, or stream, and of such width as will be adequate to preserve the unimpeded flow of natural drainage facilities. Any changes in the existing drainage way shall be subject to the approval of DEP as per their jurisdiction.
 7. Inlet capacity/capture calculations shall be provided and based on HEC-22 or manufacturer's specifications. Inlets shall be depressed a minimum of two (2) inches unless more is required.

8. Inlet boxes shall be grouted to the pipe inverts in order to prevent standing water.
9. Storm pipes shall be a minimum of 15 inches and shall have adequate cover.

4.045 All stormwater design information (i.e. details, grading, profiles, etc.) shall be included within the subdivision or land development plan set sheets. Information only on separate plans for other approvals such as E&S or NPDES plans shall not be acceptable.

4.046 All stormwater management facilities shall be contained within an easement that gives the Municipality the right to inspect it and enforce its proper function.

4.047 A stormwater maintenance agreement shall be established with the Township Supervisors.

4.05 Lots

4.051 Layout of Lots

4.0511 Side lot lines should be substantially at right angles or radial to road lines.

4.0512 In subdivisions and/or land developments which include more than three (3) residential lots, or a commercial or industrial lot, each and every lot shall have frontage on and direct access to and from a public road.

4.052 Dimensions and Area of Lots

4.0521 The dimensions and areas of lots shall conform to the following requirements:

4.0521-A A one (1) unit dwelling lot not served by public water and public sanitary sewer shall be not less than one hundred seventy-five (175) feet wide measured at the front building setback line nor less than one (1) net acre.

4.0521-B A one (1) unit dwelling lot served by public water but not by community or public sanitary sewer shall not be less than one hundred (100) feet wide measured at the front building setback line, nor less in area than permitted by DEP regulations.

4.0521-C A one (1) unit dwelling lot served by public or community sanitary sewer shall not be less than eighty (80) feet wide measured at the front building setback line and shall have a minimum area of eight thousand (8,000) square feet.

4.0521-D A corner lot designed for a dwelling shall be at least ten (10) percent wider than adjacent lots to permit appropriate building setback from, and orientation to, both roads.

4.053 Building Setback Lines

4.0531 Building setback lines on the front of a lot shall be at least thirty (30) feet from the right-of-way line of the road.

4.0532 On a corner lot, the building setback line from each adjacent road shall be applicable.

4.0533 Building setback lines on the side of a lot shall be at least ten (10) feet from the lot line.

4.0534 Building setback line in the rear of a lot shall be at least twenty-five (25) feet. from the lot line.

4.06 Driveways

4.061 Procedures

4.061-A Any subdivision or land development proposing a new driveway accessing a **State Highway** requires a Highway Occupancy Permit issued by the Pennsylvania Department of Transportation (PennDOT) before construction can be initiated. Additionally, the subdivider must submit to the Township Supervisors a copy of the PennDOT Permit prior to subdivision approval.

4.061-B Any subdivision on land development proposing a new driveway accessing a Township road shall comply with the Township Driveway Ordinance.

4.062 Number of Driveways/Access Points

4.062-A Single-unit land development proposing more than one (1) access point shall required a modification/waiver.

4.062-B In multi-unit and non-residential development where more than one (1) access point is appropriate, the number shall be minimized by combining access points when possible. Sharing of access driveways is to be encouraged.

4.062-C In multi-unit development, shared driveway access shall be encouraged.

4.07 Easements

4.071 The minimum width of easements other than for roads shall be thirty (30) feet unless the applicant satisfies the Township Supervisors that a lesser width is appropriate.

4.08 Public Facilities and Grounds

4.081 In reviewing development plans, the Township Supervisors will consider the adequacy of existing and proposed public facilities and grounds to serve the additional population implied by the plan, and may request the dedication or reservation of land for such facilities and grounds. An applicant's compliance or noncompliance with the request for such dedication or reservation shall not affect in any manner the action on the plan.

4.09 Common and Recreational Area Reservations

4.091 For the developments containing ten (10) or more lots, the Township Supervisors may recommend the reservation of land for common and recreational areas.

4.10 Sewage Disposal Facilities

4.101 Every development plan shall have provisions for the disposal of sewage.

4.102 The requirements for the plan are as follows:

4.102-A If connection to a public sewer without extending or providing any new mains is proposed, the map shall show the location of the existing main and the existing and required easements for connection. There must be a statement in the plan, signed by the Richfield Area Joint Authority, verifying the acceptance of the proposed connection.

4.102-B If an extension of the public sewer system is proposed, the map shall be drawn to scale with lines, manholes, and clean-outs shown and their sizes noted. The line invert elevations at each manhole and clean-out, the proposed finished ground elevation, and the datum to which they refer shall be noted on the map. All easements required by this Ordinance or by others shall be clearly shown and dimensioned on the map. There must be a statement in the plan, signed by the Richfield Area Joint Authority, verifying the acceptance of the proposed extension.

4.102-C If individual sewage systems are proposed, the SEO shall conduct tests for the issuance of permits for every lot shown on the map. The location for the seepage area for each lot shall be shown on the map with distances from any two (2) boundary line intersections to any two (2) corners of the seepage area. The permit number for each lot shall be noted in the plan.

4.102-D For a proposed lot with existing on-lot sewage disposal, the map shall show the location of the existing system by bearing and distances measured at ninety (90) degree angles from any two (2) existing boundary lines. If known, the size and type of systems, the permit number and the year of installation shall be noted on the map. Location of any water well also shall be shown.

4.102-E A plan with a proposed community sewage system shall:

- (1) Provide evidence of a DEP permit for the system.
- (2) Show the location of the system by surveyed bearings and distances from any convenient surveyed boundary intersection.
- (3) Indicate the type and size of the disposal system required.
- (4) Show all subsurface collection lines and any other lines between components of the system. All subsurface lines shall be shown by surveyed bearings and distances from a fixed point previously established by the survey.
- (5) Include an operation and maintenance agreement where owned in common.

4.102-F For a plan which proposes a land use that would not require sewage disposal:

(1) Such intended land use must be disclosed in the plan with a statement that no sewage disposal will be necessary and a restriction against all uses generating sewage.

(2) An application for a modification must accompany the plan.

4.103 Approval of a plan in which the use of an individual or a community sewage system is proposed shall not constitute or indicate approval of such system and in no wise warrants that such system will operate effectively or in a manner that will serve the needs of the applicant or any owner or user of the system.

4.11 Water Supply Facilities

4.111 Whenever an existing public or approved community water system is geographically and economically accessible to a proposed development, an extension to that system, designed to furnish an adequate supply of water to each lot, with line sizes and fire hydrant locations adequate to meet the specifications of the Association of Fire Underwriters, shall be included in the plan, with a copy of the approval of such system by DEP and suitable agreements for the ownership, maintenance, operation and use of the system. A plan that includes construction, either of a new system or an extension of an existing system, shall show all sources of supply, distribution lines, shutoffs, service lines and fire hydrants. These shall be shown by survey with the sizes and depths noted on the map.

4.112 Whenever an existing system is not accessible, particularly where individual sewage systems are planned, a community water supply shall be planned, if feasible, in which case all the items specified in Section 4.111 shall be included in the plan.

4.113 Where individual on-site water supply systems are planned, each lot shall be of a size and shape to allow safe location of such a system, and not water well shall be planned within one hundred(100) feet of any part of a subsurface sewage disposal system.

4.12 Flood Plain Provisions

4.121 A prospective applicant shall request a plan from a surveyor to determine whether or not the proposed subdivision or development is located in a flood plain area.

4.122 If any part of the proposed subdivision or development is located in a flood plain area, the plan shall include provisions for compliance with the requirements of the Township's Flood Plain Ordinance (Ord. No. 2012-1) and its amendments. (See Appendix).

ARTICLE V - IMPROVEMENTS STANDARDS

5.01 General

5.011 The provisions of the Article V govern the construction and installation of all improvements included in a plan.

5.012 Submission or recording of a plan constitutes a representation by the applicant that, upon endorsement of his plan, he will construct or install, or that, after endorsement of his plan, he has constructed and installed, all required improvements included in his plan, except those that are expressly designated for construction or installation by some other person, who, except for improvements on his own lot, shall not be a person who acquires a lot in the applicant's proposed development.

5.013 As a condition to the endorsement of his plan, the applicant shall either construct and install all improvements included in his plan, or shall agree in writing to construct and install them and provide security as herein below set forth. Before the plan shall be endorsed, the Township Supervisors shall determine that the required improvements are satisfactorily constructed or installed, or that the applicant has executed an appropriate agreement, with the Township and, when appropriate, with the Richfield Area Joint Authority or other public utility and has deposited sufficient and satisfactory security for the construction and installation of the improvements.

5.0131 In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees required pursuant to Section 5.0137, the developer may deposit with the Township financial security in an amount sufficient to cover the cost of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.

5.0132 When requested by the developer, in order to facilitate financing, the Township 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 Township Supervisors; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

5.0133 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 institution shall be deemed acceptable financial security for the purposed of this section. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements, which may be required on or before the date fixed in the formal action of the approval or accompanying agreement for completion of the improvements.

5.0134 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 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%. The developer in accordance with this subsection shall post any additional security. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such costs. The Township 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 The estimate certified by mutually chosen engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that such additional engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.

5.0135 If the party posting financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure. In the case where development is projected over a period of years, the Township may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

5.0136 As the work of installing the required improvements proceeds, the party posting the financial security may request the Township Supervisors to release or authorize the release, from time to time, such portions of the financial security necessary for payments to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Township Supervisors, and the Township Supervisors shall have 45 days from the receipt of such request within which to allow the engineer employed by the Township for such purpose, to certify, in writing, to the Township Supervisors that such portion of the work upon the improvements has been completed, or if the Township Supervisors fail to act within said 45 day period, the Township Supervisors shall be deemed to have approved the release of funds as requested. The Township Supervisors may, prior to final release at the time of completion and certification by the engineer, require retention of 10% of the estimated cost of the aforesaid improvements.

5.0137 If water or sanitary sewer lines or both along with the 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 municipality, financial security to assure proper completion and maintenance there of shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall be included within the financial security as otherwise required by this section.

5.014 All improvements constructed or installed by the applicant shall be constructed or installed in accordance with the provisions of his endorsed plan and the provisions of all applicable Township ordinances and Penn DOT specifications and regulations.

5.015 When constructing or installing improvements the applicant shall repair any damage to public roads, stormwater facilities and other public improvements arising out of his activities.

5.016 Reasonable times for completion of required improvements and repairs to public improvements may be set by the Township Supervisors with the advice of the applicant.

5.017 Where the Township 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.

5.018 Reasonable times for completion of required improvements and repairs to public improvements may be set by the Township Supervisors with the advice of the applicant.

5.02 Required Improvements

5.021 The term "required improvements" as used in this Ordinance includes the following:

5.0211 All roads included in a plan, except existing public roads.

5.0212 All stormwater facilities included in a plan, except existing stormwater facilities.

5.0213 At least three (3) monuments or as required by the Township Supervisors, of thirty -six (36) inches (minimum) steel encased in thirty (30) inches of concrete four (4) inches in diameter set into the ground thirty (30) inches, that are sufficient reference points for locating on the land all tract, road right-of-way, easement, and lot lines in the development plan, unless sufficient natural or artificial monuments exist on the development boundaries.

5.0214 All public or community sewage disposal facilities included in the plan. However, the applicant should perform any connection or extension Agreement entered into with the Richfield Area Joint Authority.

5.0215 All public or community water supply facilities included in the plan. However, when applicable, the applicant should perform any connection or extension Agreement entered into with the Richfield Area Joint Authority, or other appropriate public utility.

5.0216 In subdivisions or land developments where one or more new street(s) or road(s) are being established, the developer, or general contractor, or principal owner shall be responsible for providing to Monroe Township authorities an adequate number of such street signs and metal poles of appropriate length. These signs will either be installed by the Township, or by the Developer under Township supervision.

5.03 Recommended Improvements

5.031 The term "recommended improvements" as used in this Ordinance includes the following:

5.0311 All Sewage disposal facilities included in the plan except those designated as required improvements in Section 5.0214.

5.0312 All water supply facilities included in the plan except those designated as required improvements in Section 5.0215.

5.0313 All monuments and line corner markers included in the plan, except those designated as required improvements in Section 5.0213.

5.04 As- Built Drawings

5.041 Upon completion of construction and installation of the improvements in the development, the applicant shall furnish the Township Supervisors with two (2) sets of as-built drawings showing details of the roads and stormwater facilities, as well as any public or community sewage disposal and water supply facilities, constructed or installed in the development.

ARTICLE VI - SPECIALIZED DEVELOPMENTS

6.01 General

6.011 The provisions of this Article VI apply to plans for the specialized developments mentioned herein. Plans for such developments shall conform to such provisions as well as all other applicable provisions of this Ordinance not in conflict therewith.

6.02 Innovative Design

6.021 Innovative designs that will provide for all foreseeable problems and that will enhance the character of the Township will provide for all foreseeable problems and that will enhance the character of the Township will be permitted. The Township Supervisors will encourage ingenuity and innovation in the design of specialized developments so that economy of effort, enhancement of quality of life, and stimulation of growth can be achieved throughout the Township.

6.03 Cluster Housing Developments

6.031 The following standards allow the clustering of dwellings or multiple dwelling buildings on reduced sized lots and the grouping of open spaces. This type of development should be designed to achieve:

6.0311 A characteristic of design and site planning in which buildings are clustered together on a tract of land and each cluster of buildings serves as a module, which is set off from others like it by intervening open space that helps give visual definition to each individual cluster.

6.0312 The preservation and utilization of unusual and important physical features and open space to be held for the common enjoyment of the occupants of the development or the public at large.

6.0313 More efficient use of the land and of public facilities required to serve new residential development.

6.032 Site Standards

6.0321 A plan for a proposed cluster housing development shall include a tract of land of at least three (3) acres.

6.0322 The site shall be served by an approved public or community sewage disposal system and, if feasible, an approved public or community water supply system.

6.0323 The site shall have existing road frontage sufficient to construct the necessary roads to service such development.

6.0324 Appropriate storm water facilities shall be provided.

6.033 Density

6.0331 The maximum number of dwelling units permitted shall be determined by multiplying total acreage of the tract of land by six (6), if one (1) unit dwellings are proposed, or by seven (7), if two (2) unit dwellings are proposed, or by eight (8), if multiple dwelling buildings are proposed.

6.034 Open Space

6.0341 The Township recommends that a minimum of twenty percent (20%) of the tract to be developed should be provided as open space on the plans submitted. Consideration should be given to the location of the open space so as to be within easy access and view of the dwelling units. All areas set aside for open space should be suitable for the designated purpose, and should not include road right-of-way or off-road parking areas, or an area subject to a utility easement that would restrict other use of the enjoyment of the open space.

6.035 Roads

6.0351 All roads shall meet the standards established by the Township Mud Free Road Ordinance. (See Appendix)

6.036 Setback Distances

6.0361 No main building shall be located within twenty (20) feet of any other main building.

6.0362 No building shall be located within thirty (30) feet of the right-of-way line of any road.

6.037 Off-Road Parking

6.0371 A minimum of two (2) off-road parking spaces per dwelling unit shall be located within two hundred (200) feet of each dwelling unit at the discretion of the Township Supervisors.

6.04 Multiple Dwelling Building Developments

6.041 Multiple dwelling building development plans shall conform to the standards of Section 6.04 as well as all other applicable provisions of this Ordinance not in conflict therewith.

6.042 Public sewer and water supply systems, or a private community sewage disposal system and, if feasible, an approved community water supply system shall be included in the plan.

6.043 The Township recommends that a minimum of five hundred (500) square feet of usable open space, exclusive of roads, parking areas, structures and service areas, should be planned for each dwelling unit within the development.

6.044 Setback Distances

6.0411 The minimum space between buildings shall not be less than the height of the tallest buildings or twenty (20) feet, whichever is greater.

6.0442 Minimum building setbacks from road right-of-way lines shall be thirty (30) feet. Minimum setback distances from all development boundaries shall be thirty (30) feet.

6.045 A minimum of three (3) off-road parking spaces per dwelling unit shall be located within two hundred (200) feet of each dwelling unit.

6.046 Appropriate storm water facilities shall be provided.

6.05 Mobilehome Park Developments

6.051 General Standards

6.0511 Mobilehome park development plans shall comply with the standards of Section 6.05 as well as all other applicable provisions of this Ordinance not in conflict therewith.

6.0512 Mobilehome pad: A pad, properly graded, placed, and constructed so as to be durable and adequate for support of the maximum anticipated loads during all seasons shall be planned for each mobilehome.

6.0513 Anchoring: Provision shall be made for every mobilehome to be anchored to the mobilehome pad where it is located prior to the unit being occupied or used in any way. The anchoring system shall be designed to resist a maximum wind velocity of ninety (90) miles per hour.

6.0514 Skirts: Provision shall be made for every mobilehome, prior to occupancy or other use, to have skirts installed which are designed to complement the appearance of the mobilehome.

6.052 Site Standards

6.0521 The minimum tract area for mobilehome parks shall be five (5) acres.

6.0522 There shall be no more than six (6) dwelling units per gross area.

6.0523 A minimum of twenty percent (20%) of the tract, excluding reads and parking areas, is recommended for open space.

6.0524 A minimum frontage of fifty (50) feet along a public road is required for the tract.

6.0525 Public or community sewage disposal systems shall be required in accordance with the provisions of this Ordinance.

6.0526 Public or community water systems shall be required in accordance with the provisions of this Ordinance.

6.0527 All roads shall meet the standards of this Ordinance and the Township's Mud Free Road Ordinance, and its amendments. (See Appendix)

6.0528 A minimum of two (2) parking spaces at a minimum of two hundred (200) square feet each shall be provided for each mobilehome lot.

6.0529 All utilities shall be placed underground.

6.05210 For mobilehome parks between seven (7) and ten (10) acres in area, a minimum of two (2) access points to a public road or is required, and, if over ten (10) acres, three (3) access points are recommended.

6.05211 All lots within the park shall be provided with a minimum of fifty (50) feet in lot frontage and/or lot width.

6.05212 Mobilehome and building setback and spacing requirements:

6.05212-A Thirty (30) feet from the right-of-way line of roads.

6.05212-B A minimum of seventy-five (75) feet from railroads and transmission lines.

6.05212-C A minimum of twenty-five (25) feet must be provided between any two (2) mobilehomes or buildings on two (2) separate lots.

6.05213 Appropriate storm water facilities must be provided.

6.06 Commercial Developments

6.061 General Standards

6.0611 Commercial development plans including but not limited to those for shopping centers, shall comply with the standards of Section 6.06 as well as all other applicable provisions of this Ordinance not in conflict therewith.

6.062 Site Standards

6.0621 The site when developed, shall be served by an approved public or community sewage disposal system, and when feasible, an approved public or community water supply system.

6.0622 Appropriate storm water facilities shall be provided.

6.063 General Design

6.0631 The layout within commercial development areas shall be designed in accordance with applicable laws, ordinances and regulations, and with consideration of site conditions to ensure:

6.0631-A Desirable land utilization.

6.0631-B Convenient traffic circulation and parking.

6.0631-C Adequate service, delivery, and pickup.

6.0631-D Design coordination with adjacent lands.

6.064 Circulation

6.0641 Access to public roads shall be limited to well-defined entrance and exit lanes. Exit lanes shall be separated from entrance lanes by dividers or planting islands.

6.0642 Painted lines, arrows, and dividers shall be provided to control parking and circulation of traffic.

6.0643 Where possible, customer parking and circulation shall be separated from delivery service drives and unloading areas.

6.065 Parking Area Requirements

6.0651 Five and one-half (5-1/2) parking spaces per one thousand (1,000) square feet of gross leaseable or saleable area of each building shall be provided.

6.0652 Parking areas shall be set back a minimum of fifteen(15) feet from the road right-of-way lines and tract boundaries.

6.0653 All parking areas, service drives, and exit and entrance lanes shall be graded and paved according to the specifications of the Township's Driveway Ordinance and its amendments. (See Appendix)

6.066 Landscaping

6.0661 Screen plantings shall be provided where the Township Supervisors deems necessary due to conditions surrounding the site.

6.07 Industrial Developments

6.071 Industrial development plans shall comply with the standards of Section 6.07 as well as all other applicable provisions of this Ordinance not in conflict therewith.

6.072 The layout of the industrial development shall conform to any applicable zoning or other ordinance and shall provide:

6.0721 The most efficient arrangement for present use and future expansion.

6.0722 Adequate and safe space for employee and visitor access and parking.

6.0723 Adequate screening from adjacent residential or other incompatible use areas. All storage, service, or other unsightly areas within the industrial development shall be fully screened from adjacent developments and streets.

6.073 All plans for proposed industrial developments shall conform to DEP regulations as to water supply, sewage disposal and air and water pollution control. Provision shall also be made for control of noise and solid wastes. Industrial developments shall connect to existing public water and sewer systems unless a report, prepared by a professional engineer, indicates that such connections are not feasible.

6.074 Off-street parking shall be provided for all employees plus extra spaces for visitors. At least one (1) parking space for one and two-tenths (1.2) employees on the major work shift shall be provided.

6.075 Appropriate storm water facilities must be provided.

6.08 Seasonal Developments

6.081 Seasonal development plans shall comply with the standards of Section 6.08 and all other applicable provisions of this Ordinance not in conflict therewith.

6.082 All lots shall have access to public roads by either private or public roads. Proposed new roads shall meet the public road requirements of this Ordinance with the following exceptions:

6.0821 Access to three (3) lots or less may be provided by a private road not less than thirty (30) feet in width with building setback of thirty (30) feet from the right-of-way line of the road, or where lot widens out to required standards. The road shall be designed in accordance with the Township's Driveway Ordinance and its amendments. (See Appendix)

6.0822 Access to more than three (3) lots shall be by a road fifty (50) feet in width with building setback of thirty (30) feet from the right-of-way line of the road. The road shall be designed in accordance with the Township's Subdivision Ordinance and its amendments.

6.083 Lots shall be as specified in Section 4.05 of this Ordinance.

6.084 Sewage disposal facilities shall be planned as specified in Section 4.09 of this Ordinance.

6.085 Appropriate storm water facilities must be provided.

6.09 Travel Trailer Park and Campground Developments

6.091 Travel trailer park and campground development plans shall conform to DEP regulations and to all standards set forth in this Ordinance for mobilehome parks with the following exceptions:

6.0911 Lot or space requirements:

6.0911-A Gross density: The maximum number of lots or camping spaces within each park or campground shall be no more than fifteen (15 per net acre).

6.0911-B Minimum lot sizes: The minimum lot or camping space shall be thirty (30) feet wide by fifty (50) feet deep.

6.0911-C Lot access: Each lot and camping space shall abut and have thirty (30) feet of frontage along the park or campground road system.

6.0912 Road system: Road improvements and widths: A system of private roads shall be provided and constructed in accordance with the Township's Subdivision and its amendments. On-road parking shall be prohibited on any road with a right-of-way width of thirty (30) feet or less. Cartways of twenty (20) feet will be acceptable.

6.0913 Parking: A minimum of one and one-half (1-1/2) vehicle parking spaces shall be provided for each lot or camping space within the park or campground.

6.092 Appropriate storm water facilities must be provided.

ARTICLE VII - EXEMPTIONS AND MODIFICATIONS

7.01 General

7.011 The Township Supervisors have determined that plans for certain types of subdivisions and developments may be exempt from full compliance with the specifications, standards, and requirements of this Ordinance. If the sketch plan indicates that an applicant's plan should be exempt, the Township Supervisors shall notify the applicant in writing of such exemption.

7.02 Specific Exemptions

7.021 Plans for the following types of subdivisions may be deemed to be exempt from full compliance with this Ordinance:

7.0211 A subdivision where a landowner desires to convey a lot or parcel of land as an addition to an adjoining parcel or lot of land

7.0212 A subdivision where a landowner desires to dedicate or convey a lot or parcel of land to the local, state, or federal government, or to an agency or unit thereof

7.03 Procedure For Exemption

7.031 An applicant whose plan may be exempt from this Ordinance shall comply with the requirements of Section 3.01 of Article III in regard to the contents of his sketch plan.

7.032 The applicant shall submit the sketch plan along with a request for exemption in the same manner as a non-exempt plan under Article II of this Ordinance. The plan shall proceed through the review processes specified in Article II. The applicant shall have the right to appeal should he be aggrieved by the action on his request for an exemption.

7.04 Modifications/Waivers

7.041 The Township Supervisors have the right to modify compliance with any or all items, provisions, standards, and requirements of this Ordinance when acting on a plan. The Township Supervisors will only grant a modification when the purposes of this Ordinance will not be frustrated thereby.

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

7.043 The granting of a modification as to any provision of this Ordinance shall not constitute, and shall not be deemed to constitute a release, or general modification as to compliance with the remainder of this Ordinance.

7.05 Procedure for Modifications/Waivers

7.051 Requests for modifications shall be in writing and shall accompany and be a part of the application for development, shall state in full the grounds and facts of unreasonableness or hardship on which the request is made, shall cite the provision or provisions of the Ordinance involved, and shall specify the minimum modifications necessary to afford relief.

7.052 A copy of the request for modification shall be forwarded to the Township Supervisors for review and comment prior to action.

7.053 The applicant shall submit as supporting data along with and as a part of his application for modification all information and requirement submissions set forth in Section 3.01 of Article II regarding the contents of sketch plans.

7.054 The application shall proceed through the review process specified in Article II above.

ARTICLE VIII - AMENDMENT AND SEVERABILITY

8.01 Authority to Amend

8.011 Pursuant to Section 10505 of the Pennsylvania Municipalities Planning Code as set forth in Title 53 of Purdon's Pennsylvania Statutes Annotated and Section 65741.1 of the Pennsylvania Second Class Township Code as set forth in Title 53 of Purdon's Pennsylvania Statutes Annotated, both as amended, the Township Supervisors may from time to time amend this Ordinance.

8.02 Procedure to Amend

8.021 The Township Supervisors shall fully comply with the requirements of the Pennsylvania Municipalities Planning Code and the Pennsylvania Second Class Township Code for the amendment of this Ordinance. Amendments shall become effective only after a public hearing held pursuant to public notice.

8.03 Severability

8.031 If any article, term, condition, clause, provision, or requirement of this Ordinance, or amendment thereto, shall be determined or declared to be void or invalid in law or otherwise, than only that article, term, condition, clause, provision, or requirement shall be stricken from this Ordinance, and in all other respects this Ordinance shall be valid and continue in full force, effect and operation.

ARTICLE IX - ENFORCEMENT AND PENALTIES

9.01 Enforcement

9.011 Except as otherwise provided in this Ordinance, the Township Supervisors are responsible for the enforcement of this Ordinance.

9.02 Penalties

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

9.022 The Township may, at its option and sole discretion, pursuant to Section 1601 of the Second Class Township Code, levy civil penalties of not more than \$500 per violation against any person who has violated the provisions of this Ordinance. In the event that such penalties are not voluntarily paid to the Township within the time specified by the Township, then the Township may initiate enforcement proceedings in accordance with Section 9.021 above, which proceedings shall be de novo and without regard to the Township's levy under this section, and may include such other fees, cost, and penalties as are allowed by law.

9.03 Injunction

9.031 In addition to the penalties set forth in Section 9.02 above, the Township may also obtain an injunction against any transfer, conveyance, sale or agreement which is in violation of this Ordinance. The Township may file an action In Equity in the Juniata County Court of Common Pleas against any person who has violated this Ordinance, or who has breached his agreement as to required improvements.

9.032 Any plan for a subdivision or land development which is in violation of this Ordinance shall be null and void and shall not be recorded. The Township may request the Juniata County Court of Common Pleas to order any plan which is in violation of this Ordinance and which is recorded to be stricken from such records and to decree any transfers or conveyances made pursuant to such be null and void and of no legal effect.

9.04 Preventive remedies

9.041 In addition to other remedies, the Township may institute and maintain appropriate actions in law or 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 document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

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

- (a) The owner of record at the time of such violation.
- (b) 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.
- (c) 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.
- (d) 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.

As an additional condition for the 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.

ARTICLE X - APPEALS

10.01 Appeals

10.011 The decision of the Township Supervisors with respect to the preliminary approval, final approval, or disapproval of any plan, or the granting or rejection of any request for an exemption of variance, or the Township Supervisors action regarding security for improvements, may be appealed by any party in interest to the Juniata County Court of Common Pleas as provided in the Pennsylvania Municipalities Planning Code and the Pennsylvania Administrative Agency Law. The filing of such an appeal shall not act as a stay or supersede as of the action of the Township Supervisors unless specifically so ordered by the Juniata County Court of Common Pleas. Any appeal must be filed within thirty (30) days after the date when the Township Board of Supervisors renders its decision

ARTICLE XI - CONFLICTS

11.01 Conflicts

11.011 Whenever there is a difference between the standards specified herein, and those included in other applicable regulations, the more stringent requirement shall apply.

ARTICLE XII - ENACTMENT AND EFFECTIVE DATE

11.01 Enactment

11.011 The Township Supervisors hereby enact this Ordinance this _____ day of _____, 2013, after having fully complied with the applicable requirements of the Pennsylvania Municipalities Planning Code, and the Pennsylvania Second Class Township Code.

11.02 Effective Date

11.021 This Ordinance shall be in effect five (5) days after the date of its enactment.

**MONROE TOWNSHIP
BOARD OF SUPERVISORS**

Attest:

Secretary

(Township Seal)

Chairman

Supervisor

Supervisor

APPENDIX