

Chapter 22

Subdivision and Land Development

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Part 1**General Provisions****§22-101. Title.**

These regulations shall hereafter be known, cited and referred to as the “Tuscarora Township Subdivision and Land Development Regulations.”

(Ord. 2-96, 8/5/1996, §1.1)

§22-102. Policy.

1. It is hereby declared to be the policy of the municipality to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the municipality for the orderly, planned, efficient, and economical development of the municipality.

2. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until proper provision has been made for drainage, water, sewerage, parks, recreation facilities, transportation facilities, and their related improvements.

(Ord. 2-96, 8/5/1996, §1.2)

§22-103. Purposes.

These regulations are adopted for the following purposes:

A. To protect and provide for the public health, safety, and general welfare of the municipality.

B. To guide the future growth and development of the municipality.

C. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.

D. To protect the character and the social and economic stability of all parts of the municipality and to encourage the orderly and beneficial development of all parts of the municipality.

E. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

F. To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.

G. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the municipality in order to

preserve the integrity, stability, and beauty of the community and the value of the land.

(*Ord. 2-96, 8/5/1996, §1.3*)

§22-104. Authority.

1. By authority pursuant to the powers and jurisdictions vested through Act 247 of 1968 (P.L. 805) as amended, 53 P.S. §10501 *et seq.*, and other applicable laws, statutes, ordinances and regulations of the Commonwealth of Pennsylvania, the Board does hereby exercise the power and authority to review, approve, and disapprove plats for subdivision land within the corporate limits of the Township which show lots, blocks, or sites with or without new streets or highways.

2. By the same authority, the Board does hereby exercise the power and authority to pass and approve the development of plat subdivisions of land already recorded in the office of the County Recorder of Deeds if such plats are entirely or partially undeveloped.

3. The plat shall be considered to be entirely or partially undeveloped if said plat has been recorded with the County Recorder of Deed's office without a prior approval by this Board.

(*Ord. 2-96, 8/5/1996, §1.4*)

§22-105. Jurisdiction.

1. These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of Tuscarora Township, Juniata County, Pennsylvania.

2. No land shall be sold from a proposed subdivision within the corporate limits of the municipality until:

A. The subdivider or his agent has submitted a sketch plan of the parcel to the Board as provided for in Part 2 of these regulations.

B. Obtain approval of the sketch plat and preliminary and final approval of the plat itself by the Board.

C. The approved plat is filed with the County Recorder of Deeds.

3. No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations.

(*Ord. 2-96, 8/5/1996, §1.5*)

§22-106. Interpretation, Conflict, and Separability.

1. In their interpretation and application, the provisions of these regulations shall be held to the minimum requirements for the promotion of the public health, safety, and general welfare.

2. *Conflict with Public and Private Provisions.*

A. *Public Provisions.* The regulations are not intended to interfere with,

abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

B. *Private Provisions.* These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

3. *Separability.* If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The governing body of this municipality hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

(Ord. 2-96, 8/5/1996, §1.7)

§22-107. Saving Provision.

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any Section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

(Ord. 2-96, 8/5/1996, §1.8)

§22-108. Amendments.

For the purpose of providing the public health, safety, and general welfare, the Board may from time to time amend the provisions imposed by these subdivision regulations. Public hearings on all proposed amendments shall be held by the Board in the manner prescribed by law.

(Ord. 2-96, 8/5/1996, §1.9)

§22-109. Conditions.

Regulation of the subdivision of land and the attachment of reasonable conditions

to land subdivision is an exercise of valid police power delegated by the State to this Township. The developer has the duty of compliance with reasonable conditions laid down by the Board for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the municipality and to the safety and general welfare of the future plot owners in the subdivision and of the community at large.

(Ord. 2-96, 8/5/1996, §1.10)

§22-110. Resubdivision of Land.

1. *Procedure for Resubdivision.* For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Board by the same procedure, rules, and regulations as for a subdivision.

2. *Procedure for Subdivisions Where Future Resubdivision Is Indicated.* Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than 10 acres of land and there are indications that such lots will eventually be resubdivided into small building sites, the Board may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

(Ord. 2-96, 8/5/1996, §1.11)

§22-111. Vacation of Plats.

1. Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.

2. Such an instrument shall be approved by the Board in like manner as plats of subdivisions. The Board of Supervisors may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.

3. Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

4. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

(Ord. 2-96, 8/5/1996, §1.12)

§22-112. Variances.

1. *General.* Where the Board finds that extraordinarily hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of the regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial

justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Board shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

A. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property is located.

B. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.

C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.

D. The variances will not in any manner vary the provisions of the Zoning Ordinance, Master Plan, or Official Map, where the same shall be in force and effect.

2. *Conditions.* In approving variances, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

3. *Procedures.* A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Board. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

(*Ord. 2-96, 8/5/1996, §1.13*)

§22-113. Enforcement, Violations, and Penalties.

General.

A. It shall be the duty of the Chairman of the Board to enforce these regulations and to bring to the attention of the Solicitor any violations or lack of compliance herewith.

B. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such a parcel before a plat of such subdivision has been approved by the Board, in accordance with the provisions of these regulations, and filed with the County Recorder of Deeds.

C. The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these regulations.

D. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.

(*Ord. 2-96, 8/5/1996, §1.14; as amended by Ord. 1-2006, 2/6/2006*)

§22-114. Preventive Remedies.

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

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

A. The owner of record at the time of such violation.

B. The vendee of 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.

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

(Ord. 2-96, 8/5/1996; as added by Ord. 1-2006, 2/6/2006)

§22-115. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgement of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation

and judgment.

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

4. District justices shall have initial jurisdiction in proceedings brought under this Section.

(*Ord. 2-96, 8/6/1996; as added by Ord. 1-2006, 2/6/2006*)

§22-116. Hold Harmless Clause.

Any approval granted by the Supervisors under this Chapter does not relieve the subdivider of the legal responsibility for meeting all other legal requirements under local, Commonwealth and Federal law, and said subdivider shall be responsible for providing a safe, environmentally sound, and properly constructed subdivision which does not adversely affect the public health, safety or welfare. All aggrieved persons, firms, or corporations may take appropriate legal remedies against the subdivider in the event of any failure on the part of the subdivider. The Township of Tuscarora, the Township Supervisors and all officials of the Township, including all employees or consultants of the Township, are hereby held harmless in the event of any failure on the part of the subdivider.

(*Ord. 2-96, 8/5/1996; as added by Ord. 1-98, 2/2/1998, §6*)

Part 2**Subdivision Application Procedure and Approval Process****§22-201. General Procedure.**

1. *Classification of Subdivisions.* Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure, which includes basically two steps for a minor subdivision and three steps for a major subdivision:

- A. *Minor Subdivision.*
 - (1) Sketch Plat
 - (2) Final Subdivision Plat
- B. *Major Subdivision.*
 - (1) Sketch Plat
 - (2) Preliminary Plat
 - (3) Final Subdivision Plat

2. *Official Submission Dates.* For the purpose of these regulations, for both major and minor subdivisions, all plans shall be filed with the Secretary to the Board not less than 15 days prior to the date of the regular meeting of the Board of Supervisors.

(Ord. 2-96, 8/5/1996, §2.1)

§22-202. Sketch Plat.

1. *Discussion of Requirements.* Before preparing the sketch plat for a subdivision, the applicant should discuss with the County Planning Director the procedure for adoption of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services. The County Planning Director shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve these aspects of the subdivision plat coming within their jurisdiction.

2. *Application Procedure and Requirements.* Prior to subdividing land, an owner of the land, or his representative, shall file an application for approval of a sketch plat. The application shall:

- A. Be made on forms available at the home of the Secretary to the Board.
- B. Include all contiguous holdings of the owner including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were required, together with the book and page of each conveyance to the present owner as recorded in the County Recorder of Deed office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, the date contract of sale was executed, and, if any

corporations are involved, a complete list of all directors, officers, and stockholders of each corporation owning more than five per cent of any class of stock.

C. Be accompanied by a minimum of seven copies of the sketch plat as described in these regulations and complying in all respects with these regulations.

D. Be presented to the Secretary to the Board in duplicate.

E. Be accompanied by a fee in an amount as established from time to time by resolution of the Board of Supervisors. [Ord. 1-2006]

F. The application shall include an address and telephone number of an agent located within the territory of the local government who shall be authorized to receive all notices required by these regulations.

3. *Classification.* Tentative classification of the sketch layout shall be made at this time by the Board, as to whether the subdivision is a major or minor subdivision as defined in these regulations. Subsequent to classification of the subdivision by the Board, the applicant may proceed directly to the filing of an application for approval of a final subdivision plat as provided in these regulations if classified as a minor subdivision, and, if classified as a major subdivision, the applicant must first file an application for approval of a preliminary plat, as provided in these regulations, before filing for final subdivision plat approval.

4. *Study of Sketch Plat.* The Board shall consider the sketch plat and shall transmit the sketch plat for review to the County Planning Commission and to appropriate officials or agencies of the local government, adjoining counties or municipalities, school and special districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or State bodies under applicable State or Federal law. The Board shall request that all officials and agencies, to whom a request for review has been made, submit their report to the Board within 20 days after receipt of the request. The Board will consider all the reports submitted by the officials and agencies concerning the sketch plat.

5. *Field Trip.* The Board may schedule a field trip to the site of the proposed subdivision, accompanied by the applicant or his representative. In order to facilitate filed inspection and review of the site of the proposed subdivision, temporary staking along the centerline of all proposed roads in the subdivision will be required in time for such field trip, or if impracticable, the Board shall permit a suitable alternative procedure.

6. *Approval of Sketch Plat.* After reviewing and discussing the sketch plat the Board will advise the applicant of the specific changes or additions, if any, it will require in the layout, and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the subdivision plat. Said approval shall constitute authorization to prepare and submit a preliminary plat in the case of a major subdivision and a final subdivision plat in the case of a minor subdivision. Such approval or disapproval shall be made by the Board within 90 days after receiving the application and appropriate plat.

(Ord. 2-96, 8/5/1996, §2.2; as amended by Ord. 1-2006, 2/6/2006)

§22-203. Preliminary Plat.

1. *Application Procedure and Requirements.* Based upon the approval of the Board of the sketch plat, the applicant should file in duplicate an application for approval of a preliminary plat. The application shall:

A. Be made on forms available from the Secretary to the Board together with a fee in an amount as established from time to time by resolution of the Board of Supervisors. Any engineering, legal or administrative costs in excess of the amounts submitted prior to the approval of the preliminary plat shall be paid by the subdivider or the developer upon being notified by the Township Secretary and prior to execution by the Township of the preliminary plat. Any excess paid over the amount actually required to cover such costs shall be returned to the applicant. [Ord. 1-2006]

B. Include all land which the applicant proposes to subdivide and all land immediately adjacent extending 100 feet therefrom, or of that directly opposite thereto, extending 100 feet from the street frontage of such opposite land, with the names of the owners as shown in the assessor's files. This information may be shown on a separate current tax map reproduction from the assessor's office showing the subdivision superimposed thereon.

C. Be accompanied by a minimum of 10 copies of the preliminary plat as described in these regulations.

D. Be accompanied by a minimum of 3 copies of construction plans as described in these regulations.

E. Comply in all respects with the sketch plat as approved.

F. Be presented to the Secretary to the Board at least 15 days prior to a regular meeting of the Board of Supervisors.

2. *Public Hearing.* The Board may hold a public hearing on the preliminary plat. Such hearing shall be advertised in the same manner as the subsequent public hearing on the final subdivision plat. At the time of any public hearing, the applicant shall submit an affidavit stating that he has notified by certified mail, return receipt requested, each adjacent or opposite owner of property as indicated on the application for subdivision approval at least 10 days prior to the public hearing of the time, date and place of such hearing.

3. *Preliminary Approval.* After the Board has reviewed the preliminary plat and construction plans, any municipal recommendations and testimony and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Board shall approve, conditionally approve, or disapprove the preliminary plat within 45 days after the date of the regular meeting of the Board at which the public hearing on preliminary approval including adjourned thereof, is closed. One copy of the proposed preliminary plat shall be returned to the developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat. Before approving a preliminary plat showing park reservation or land for other local government use proposed to be dedicated to the local government, the Board shall agree to the park or land reservation proposals.

4. *Public Improvements.* The Board may require that all public improvements be installed and dedicated or otherwise assured of compliance prior to the signing of the subdivision plat by the Chairman of the Board. If the Board shall not require that all public improvements be installed and dedicated prior to the signing of the subdivision

plat by the Chairman of the Board, the amount of the bond shall be established by the Board based upon the recommendation of the Township Engineer, which bond shall be submitted by the applicant at the time of application for final subdivision plat approval. The Board shall require the applicant to indicate on the plat all roads and public improvements to be dedicated, all special districts for water, fire, and utility improvements which shall be required to be established or extended and any other special requirements deemed necessary by the Board in order to conform the subdivision plat to the Official Map and the Master Plan of the local government.

5. *Effective Period of Preliminary Approval.* The approval of a preliminary plat shall be effective for a period of one year at the end of which time final approval on the subdivision must have been obtained from the Board, although the plat need not yet be signed and filed with the County Recorder of Deeds. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new plat for preliminary approval subject to all new zoning restrictions and subdivision regulations.

6. *Zoning Regulations.* Every plat shall conform to existing zoning regulations when the same shall be in effect and subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Zoning Ordinance rendering the plat nonconforming as to bulk or use, provided that final approval is obtained within the 1-year period.

7. *Grading of Site Prior to Final Approval.* Subsequent to preliminary approval the developer may apply for a topsoil and excavation permit from the Planning Commission or such other agency or person as the Governing Body shall direct, and upon receipt of such permit may commence construction to the grades and elevations required by the approved preliminary plat.

8. *Model Homes.* For the purpose of allowing the early construction of model homes in a subdivision, the Board in its discretion may permit a portion of a major subdivision involving no more than two lots to be created in accordance with the procedures for minor subdivisions, provided said portion derives access from an existing borough, Township, County or State highway, and provided no future road or other improvement is anticipated where said lots are proposed. The subdivision plat for the "minor" portion shall be submitted to the Board simultaneously with the preliminary plat for the entire major subdivision. Subsequent to preliminary approval, the model may be constructed, subject to such additional requirements that the Board may require.

(Ord. 2-96, 8/5/1996, §2.3; as amended by Ord. 1-2006, 2/6/2006)

§22-204. Final Subdivision Plat.

1. *Application Procedure and Requirements.* Following the approval of the sketch plat in the case of a minor subdivision, or of the preliminary plat in the case of a major subdivision, the applicant shall file with the Board an application for final approval of a subdivision plat. The application shall:

A. Be made on forms available at the home of the Secretary to the Board, together with a fee in an amount as established from time to time by resolution of the Board of Supervisors. [Ord. 1-2006]

B. Include the entire subdivision, or section thereof, which derives access from an existing State, County or local government highway.

C. Be accompanied by a minimum of 10 copies of the subdivision plat and the construction plans, as described in these regulations.

D. Comply in all respects with the sketch plat or preliminary plat, as approved, whichever is applicable, depending upon the classification of the subdivision.

E. Be presented to the Secretary to the Board at least 15 days prior to a regular meeting of the Board.

F. Be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, in a form approved by the Township Solicitor; and the subdivision plat shall be marked with a notation indicating the formal offers of dedication as follows:

The owner, or his representative, hereby irrevocably offers for dedication to the local government all the streets, local government uses, easements, parks and required utilities shown in the within subdivision plat and construction plans in accordance with an irrevocable offer of dedication dated _____, and recorded in the County Recorder of Deeds Office.

BY _____
Owner or Representative

DATE _____

G. Be accompanied by the performance bond, if required, in a form satisfactory to the Township Solicitor and in an amount established by the local government and shall include a provision that the principal of the bond shall comply with all the terms of the resolution of final subdivision plat approval as determined by the Board and shall include, but not be limited to, the performance of all required subdivision and off site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the local government free and clear of all lines and encumbrances on the premises.

H. Be accompanied by stamped envelopes addressed to each owner of property immediately adjacent extending 100 feet therefrom, or of that directly opposite thereto extending 100 feet from the street frontage of such opposite property owners as are correct within the knowledge of the applicant as shown on the latest tax assessment roll.

2. *Endorsement of Pennsylvania Department of Environmental Protection.* The final subdivision plat shall be properly endorsed by the Sewer Enforcement Officer with respect to all sewer and water facilities and that same comply with all rules, regulations, and requirements of local government, regional, State, and national authorities. [Ord. 1-2006]

3. *Submission and Review.* Subsequent to the resolution of the Board three paper copies of the construction plans, and one copy of the original of the subdivision plat on tracing cloth, and/or reproduction mylar, and two copies of the subdivision plat on paper shall be submitted to the Board for final review. A check payable to the County Recorder of Deeds in the amount of the current filing fee shall be provided. No final

approval shall be endorsed on the plat until a review has indicated that all requirements of the resolution have been met.

4. *Vested Rights.* No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairman of the Board. All requirements, conditions, or regulations adopted by the Board applicable to the subdivision or on all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the final plat by the Chairman of the Board and the Secretary to the Board. Where the Board has required the installation of improvements prior to signing of the final plat, the Board shall not unreasonably modify the conditions set forth in the final approval.

(Ord. 2-96, 8/5/1996, §2.4; as amended by Ord. 1-2006, 2/6/2006)

§22-205. Signing and Recording of Subdivision Plat.

1. *Signing of Plat.*

A. When a bond is required, the Chairman and Secretary to the Board shall endorse approval on the plat after the bond has been approved by the Board of Supervisors, and all the conditions of the resolution pertaining to the plat have been satisfied.

B. When installation of improvements is required the Chairman and Secretary to the Board shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the local government as shown by a certificate signed by the Township Engineer and Township Solicitor that the necessary dedication of public lands and improvements has been accomplished.

2. *Recording of Plat.* The Chairman and Secretary will sign the tracing cloth or reproducible mylar original of the subdivision plat and two sepia prints of the subdivision plat. The sepia prints will be returned to the applicant's engineer.

3. *Sectionalizing Major Subdivision Plats.* Prior to granting final approval of a major subdivision plat, the Board may permit the plat to be divided into two or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Board may require that the performance bond be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining sections of the plat are offered for filing. The developer may also file in irrevocable offers to dedicate streets and public improvement in the sections offered to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any conditions imposed by the Board shall be granted concurrently with final approval of the plat. In the event of approval of sectionalizing, the entire approved subdivision plat including all sections shall be filed within 90 days after date of final approval with the County Recorder of Deeds. Such sections must contain at least 10% of the total number of lots contained in the approval plat. The approval of all remaining sections not filed with the County Recorder of Deeds shall automatically expire unless such sections have been approved for filing by the Board of Supervisors, all fees paid, all instruments and offers of dedication submitted and performance bonds approved and actually filed with the Recorder of Deeds with 3 years of the date of final subdivision approval of the

subdivision plat. (See §22-203.4 of these regulations).

(*Ord. 2-96, 8/5/1996, §2.5*)

Part 3**Assurance for Completion and Maintenance of Improvements****§22-301. Improvements and Performance Bond.**

1. *Completion of Improvements.* Before the plat is signed by the Chairman and Secretary of the Board of Supervisors, all applicants shall be required to complete, to the satisfaction of the Township Engineer, all the street, sanitary, and other improvements including lot improvements on the individual lots of the subdivision as required in these regulations, specified in the final subdivision plat, and as approved by the Board, and to dedicate same to the Township, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

2. *Performance Bond.*

A. The Board in its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the subdivision plat, and that, as an alternative, the applicant post a bond at the time of application for final subdivision approval in an amount sufficient to secure to the local government the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements. The performance bond shall also secure all lot improvements on the individual lots of the subdivision as required in these regulations.

B. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the Township Solicitor as to form, sufficiency, and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the Board in the resolution approving the final subdivision plat and shall be incorporated in the bond and shall not in any event exceed 2 years from date of final approval. Such bond shall be approved by the Board of Supervisors as to amount and surety and conditions satisfactory to the Board of Supervisors. The Board of Supervisors may extend the completion date set forth in such bond for a maximum period of 1 additional year. The Board of Supervisors may at any time during the period of such bond accept a substitute of principal or sureties on the bond.

3. *Temporary Improvement.* The applicant shall build and pay for all costs of temporary improvements required by the Board and shall maintain same for the period specified by the Board. Prior to construction of any temporary facility or improvement, the developer shall file with the Township a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained, and removed.

4. *Costs of Improvements.* All required improvements shall be made by the applicant, at his expense, without reimbursement by the Township or any improvement district therein.

5. *Governmental Units.* Governmental units to which these bonds and contract provisions apply may file in lieu of said contract or bond a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Part.

6. *Failure to Complete Improvement.* For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the Board in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the Township may thereupon declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

7. *Acceptance of Dedication Offers.* Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the local government governing body. The approval of a subdivision plat shall not be deemed to constitute or imply the acceptance by the Township of any street, easement, or park shown on said plat. Said plat shall be endorsed with appropriate notes to this effect. (Ord. 2-96, 8/5/1996, §3.1)

§22-302. Inspection of Improvements.

1. *General Procedure and Fees.* The Board shall provide for inspection of required improvements during construction and insure their satisfactory completion. The applicant shall pay to the Township an inspection fee of 2% of the amount of the performance bond or the estimated cost of required improvements, and the subdivision plat shall not be signed by the Chairman of the Board unless such fee has been paid at the time of application. These fees shall be due and payable upon demand of the Township and no building permits or certificates of occupancy shall be issued until all fees are paid. If the Township engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the Township's construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

2. *Release or Reduction of Performance Bond.*

A. *Certificate of Satisfactory Completion.* The Board of Supervisors will not accept dedication of required improvements, no release nor reduce a performance bond, until the Township Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the Township Engineer, through submission of detailed "as-built" survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the Township Engineer, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision and that a title insurance policy has been furnished to and approved by the Township attorney indicating that the improvements shall have been completed, are ready for dedication to the Township and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the Board of Supervisors shall thereafter accept the improvements for dedication in accordance with the established procedure.

B. *Reduction of Performance Bond.* A performance bond shall be reduced upon actual dedication of public improvements and then only to the ratio that the public

improvement dedicated bears to the total public improvements for the plat. In no event shall a performance bond be reduced below 25% of the principal amount.

(Ord. 2-96, 8/5/1996, §3.2)

§22-303. Escrow Deposits for Lot Improvements.

1. *Acceptance of Escrow Funds.* Whenever, by reason of the season of the year, any lot improvements required by the subdivision regulations cannot be performed, the building inspector may, nevertheless, issue a certificate of occupancy, provided there is no danger to health, safety, or general welfare upon accepting a cash escrow deposit in an amount to be determined by the Township Engineer for the cost of said improvements. Said cash escrow shall be deposited in an interest bearing account for such purpose as defined herein. The performance bond covering such lot improvements shall remain in full force and effect.

2. *Procedures on Escrow Fund.* All required improvements for which escrow monies have been accepted by the Building Inspector at the time of issuance of a certificate of occupancy shall be installed by the developer within a period of nine months from the date of deposit and issuance of the certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period the building inspector shall give 2 weeks written notice to the developer requiring him to install same, and in the event that same are not installed properly in the discretion of the building inspector, the building inspector may request the Board of Supervisors to authorize the Township to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit. At the time of the issuance of the certificate of occupancy for which escrow monies are being deposited with the building inspector, the applicant shall obtain and file with the building inspector prior to obtaining the certificate of occupancy a notarized statement from the purchaser or purchasers of the premises authorizing the building inspector to install the improvements at the end of the 9- month period in the event that the same have not been duly installed by the developer.

(Ord. 2-96, 8/5/1996, §3.3)

§22-304. Maintenance of Improvements.

1. The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks, if required, until acceptance of said improvements by the Board of Supervisors. If there are any certificates of occupancy on a street not dedicated to the Township, the Township may on 12 hours notice plow the street or effect emergency repairs and charge the same to applicant.

2. The applicant shall be required to file a maintenance bond with the Board of Supervisors, prior to dedication, in an amount considered adequate by the Township Engineer and in a form satisfactory to the Township Solicitor, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of 1 year after the date of their acceptance by the Board of Supervisors and dedication of same to the Township.

(Ord. 2-96, 8/5/1996, §3.4)

§22-305. Deferral or Waiver of Required Improvements.

1. The Board may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

2. Whenever it is deemed necessary by the Board to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements to the Township prior to signing of the final subdivision plat, or the applicant may post a bond insuring completion of said improvements upon demand of the Township. Such improvements shall be made within 24 months or such condition shall become null and void.

(Ord. 2-96, 8/5/1996, §3.5)

§22-306. Issuance of Building Permits and Certificates of Occupancy.

1. Where a performance bond has been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and dedication of same to the Township, as required in the Board's final approval of the subdivision plat.

2. The extent of street improvement shall be adequate for vehicular access by the prospective occupant and by police and fire equipment, prior to the issuance of an occupancy permit. The developer shall at the time of the dedication submit monies in escrow to the Township in a sum determined by the Township Engineer for the necessary final improvement of the street.

3. No building permit shall be issued for the final 10% of lots in a subdivision, or if 10% be less than two, for the final two lots of a subdivision, until all public improvements required by the Board for the plat have been fully completed and dedicated to the Township.

(Ord. 2-96, 8/5/1996, §3.6)

§22-307. Consumer Protection Legislation and Conflicts of Interest Statutes.

1. No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent shall have violated any Federal, State, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts of interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

2. With respect to said lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the municipality until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

3. Any violation of a Federal, State, or local consumer protection law (including

but not limited to: Postal Reorganization Act of 1970; the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; state "Blue Sky" laws; state subdivision disclosure acts or conflicts of interest statute, law, or ordinance shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in §22-114 hereof.

(Ord. 2-96, 8/5/1996, §3.7)

Part 4**Requirements for Improvements, Reservations, and Design****§22-401. General Improvements.**

1. *Conformance to Applicable Rules and Regulations.* In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:

A. All applicable statutory provisions.

B. Township ordinances, building and housing codes, and all other applicable laws of the appropriate jurisdiction.

C. The special requirements of these regulations and any rules of the Pennsylvania Department of Environmental Protection. [*Ord. 1-2006*]

D. The rules of the State Highway Department if the subdivision or any lot contained therein abuts a State highway or connecting street.

E. The standards and regulations adopted by the Township Engineer and all Boards, commissions, agencies, and officials of the Township.

F. Plat approval may be withheld if a subdivision is not in conformity with the above guides or policy and purposes of these regulations established in §22-104 of these regulations.

2. *Self-Imposed Restrictions.* If the owner places restriction on any of the land contained in the subdivision greater than those required by any local ordinance or these regulations, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the Board may require that restrictive covenants be recorded with the County Recorder of Deeds in form to be approved by the Township Solicitor.

3. *Plats Straddling Municipal Boundaries.* Whenever access to the subdivision is required across land in another Township, the Board may request assurance from the Township Solicitor that access is legally established, and from the Township Engineer that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.

4. *Monuments.* The applicant shall place permanent reference monuments in the subdivision as required herein and as approved by the Township Engineer.

A. Monuments shall be located on street right-of-way lines, at street interesections, angle points of curve and block corners. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.

B. The external boundaries of a subdivision shall be monumented in the field by monuments of stone or concrete, not less than 30 inches in length, not less than 4 inches square or 5 inches in diameter, and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded, or by iron rods or pipes at least 30 inches long and 2 inches in diameter. These monuments shall be placed not more than 1,400 feet apart in any straight line and at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle

points in any line, and at all angle points along the meander line, said points to be not less than 20 feet back from the bank of any river or stream, except that when such corners or points fall within a street, or proposed future street, the monuments shall be placed in the side line of the street.

C. All internal boundaries and those corners and points not referred to in the preceding paragraph shall be monumented in the field by like monuments as described above. These monuments shall be placed at all block corners, at each end of all curves, at a point where a river changes its radius, and at all angle points in any line.

D. The lines of lots that extend to rivers or streams shall be monumented in the field by iron pines at least 30 inches long and 7/8 inch in diameter or by round or square iron bars at least 30 inches long. These monuments shall be placed at the point of intersection of the river or stream lot line, with a meander line established not less than 20 feet back from the bank of the river or stream.

E. All such monuments shall be set 4 inches above finished grades of the ground and planted in such a manner that they will not be removed by frost. All monuments shall be properly set in the ground and approved by the Township Engineer prior to the time the Board grants final approval of the final plat.

5. *Character of the Land.* Land which the Board finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Board, upon recommendation of the Township Engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.

6. *Subdivision Name.* The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Board shall have final authority to designate the name of the subdivision which shall be determined at sketch plat approval.

(Ord. 2-96, 8/5/1996, §4.1; as amended by Ord. 1-2006, 2/6/2006)

§22-402. Lot Improvements.

1. *Lot Arrangement.* The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with any local Zoning Ordinance and/or health regulations and in providing driveway access to buildings on such lots from an approved street.

2. *Lot Dimensions.* Lot dimensions shall comply with the minimum standards of any Zoning Ordinance of the Township, or, if a Zoning Ordinance is not in effect, lot dimensions shall comply with the requirements of Table A, which follows. If lots are more than double the minimum required area for the zoning district, the Board may require the following; (1) such lots be arranged to allow further subdivision; (2) the opening of future streets if necessary to serve potential lots; and (3) compliance with any Zoning Ordinance in effect and these regulations. In general, side lot lines shall be

at right angles to street lines (or radial to curving street lines) unless a variance from this rule will provide a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings and observing the minimum front-yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in any Zoning Ordinance.

Table A

Minimum Standards for Residential Subdivisions (a)

Type of Residential Unit and Minimum Standards (b)	Served with Both	Availability of Public or Central Water and Sewerage System		
		Public or Central Sewer Only	Public or Central Water Only	Served with None
Mobile Home (e) (in a Mobile Home Park)				
- Lot Area (acres)	0.25	Not Permitted	Not Permitted	Not Permitted
- Lot Width & Depth (ft.)(d)	50 X 100	Permitted	Permitted	Permitted
- Front Yard Setback (ft.)	15	-	-	-
- Each Side Yard (ft.)	10	-	-	-
- Rear Yard	15	-	-	-
Single Family (b)				
- Lot Area (acres)	0.33	0.50	0.75	1.50
- Lot Width & Depth (ft.)(d)	80 X 110	100 X 150	120 X 150	125 X 200
- Front Yard Setback (ft.)	25	35	35	40
- Each Side Yard (ft.)	10	15	25	25
- Rear Yard	15	20	30	30
Two Family (per unit requirement)				
- Lot Area (acres)	0.25	0.50	0.75	1.50
- Lot Width & Depth (ft.)(d)	80 X 110	100 X 150	120 X 150	125 X 200
- Front Yard Setback (ft.)	25	35	35	40
- Each Side Yard (ft.)	20	15	25	25
- Rear Yard	15	20	30	30
Multi-Family (c) (per unit requirement)				
- Average Lot Area Per Unit (net density units/net acre)	6 units per acre	Not Permitted	Not Permitted	Not Permitted
- Front Yard Setback (ft.)	25	-	-	-
- Each Side Yard (ft.)	20	-	-	-
- Rear Yard	25	-	-	-
- Maximum Building Coverage (all buildings)	35% of lot area	-	-	-

Footnotes:

- (a) This Table applies only in those areas not covered by officially adopted Zoning Ordinances. No lot for building purposes may be created which has a final grade slope greater than 12% over more than 25% of its area.
- (b) Includes individual mobile homes located outside of a mobile home park.
- (c) Includes structures with three or more dwelling units.
- (d) Includes lot width and depth requirements, which are minimum dimensions to allow flexibility of design, but overall lot area is still subject to the indicated minimum lot area requirements.
- (e) Mobile home parks to be served with both public or central water and sewer systems.

NOTES: Minimum lot areas shown above may be increased by the Commission to meet the requirements of the "Official Sewage Facilities Plan" for the Township including any "Supplements" or "Plan Revisions" required by Pennsylvania DEP, and requirements for the issuance of sewer permits.

[Ord. 1-98]

3. *Double Frontage Lots and Access to Lots.*

A. *Double Frontage Lots.* Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

B. *Access from Arterials.* Lots shall not, in general, derive access exclusively from a major or secondary street. where driveway access from a major or secondary street may be necessary for several adjoining lots, the Board may require that such lots be served by a combined access drive in order to limit Possible traffic hazard on such street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterials.

4. *Soil Preservation, Grading, and Seeding.*

A. *Soil Preservation and Final Grading.* No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved final subdivision plat and the lot precovered with soil with an average depth of at least 6 inches which shall contain no particles over two inches in diameter if placed on the lot from other than the existing topsoil over the area of the lot disturbed during construction, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation seriously damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least 6 inches of cover on the lots and at least 4 inches of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting.

B. *Lot Drainage.* Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

C. *Lawn-Grass Seed and Sod.* Suitably mixed lawn-grass seed shall be sown on all lots from the roadside edge of the unpaved right-of-way back to a distance required by the Board. Sod may be used to comply with any requirement of seeding set forth herein.

5. *Debris and Waste.* To cut trees, timber, debris, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of issuance of a certificate of occupancy on a subdivision. Nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

6. *Fencing.* Each subdivider and/or developer shall be required to furnish and install fences wherever the Board determines that a hazardous condition may exist. The fences shall be constructed according to standards established by the Township Engineer and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed.

7. *Waterbodies and Watercourses.* If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Board may approve an

alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a Township responsibility. No more than 25% of the minimum area of a lot required under local ordinance may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure, of design approved by the Township Engineer.

8. *Performance Bond to Include Lot Improvement.*

A. The performance bond shall include an amount to guarantee completion of all requirements contained in §22-402 of these regulations including, but not limited to, soil preservation, final grading, lot drainage, lawn grass seeding, removal of debris and waste, fencing, and all other lot improvements required by the Board.

B. Whether or not a certificate of occupancy has been issued, at the expiration of the performance bond, the Township may enforce the provisions of the bond where the provisions of this Section or any other applicable law, ordinance, or regulation have not been complied with.

(Ord. 2-96, 8/5/1996, §4.2; as amended by Ord. 1-98, 2/2/1998, §2)

§22-403. Roads.

1. *General Requirements.*

A. *Frontage on Improved Roads.* No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street:

(1) An existing State, County, or Township highway.

(2) A street shown upon a plat approved by the Board and recorded in the County Recorder of Deeds office. Such street or highway must be suitably improved as required by the highway rules, regulations, specifications, or orders, or be secured by a performance bond required under these subdivision regulations, with the width and right-of-way required by the subdivision regulations.

Wherever the area to be subdivided is to utilize existing road frontage, such road shall be suitably improved as provided hereinabove.

B. *Grading and Improvement Plan.* Roads to be dedicated to the public shall have been installed and in use for a minimum period of 1 year, shall be graded and improved and conform to the Pennsylvania Department of Transportation's Guidelines for the design of local roads and streets and shall be approved as to design of local roads and streets and shall be approved as to design and specifications by the Township Engineer, in accordance with the construction plans required to be submitted prior to final plat approval. [Ord. 1-98]

C. *Topography and Arrangement.*

(1) Roads shall be related appropriately to the topography. Local roads shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design

standards of these regulations.

(2) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated right-of-way as established on the Official Map and/or Master Plan.

(3) All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

(4) Minor or local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to the property.

(5) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged where such use will result in a more desirable layout.

(6) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development or adjacent tracts.

(7) In business and industrial developments, the streets and other accessways shall be planned in connection with and grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

D. Blocks.

(1) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.

(2) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas should not exceed 2,600 feet, nor be less than 400 feet in length. Wherever practicable, blocks along major arterials and collector streets shall be not less than 1,000 feet in length.

(3) In long blocks the Board may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic or appropriate turnarounds. Pedestrian ways or crosswalks, not less than 10 feet wide, may be required by the Board through the center of blocks more than 800 feet long where deemed essential to provide circulation or access. Block designed for industrial uses shall be of such length and width as may be determined suitable by the Board for prospective use.

E. Access to Arterials. Where a subdivision borders on or contains an existing or proposed arterial, the Board may require that access to such streets be limited by one of the following means:

(1) The subdivision of lots so as to back onto the primary arterial and

front onto a parallel local street; no access shall be provided from the primary arterial, and screening shall be provided in a strip of land along the rear property line of such lots.

(2) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with rear lines of their terminal lots backing onto the major arterial.

(3) A marginal access or service road (separated from the primary arterial by a planting or grass strip and having access thereto at suitable points).

F. *Road Names.* The sketch plat as submitted shall indicate names upon proposed streets. The local postmaster shall be consulted by the Board prior to rendering its decision. Names shall be sufficiently different in sound and in spelling from other road names in the Township so as not to cause confusion. A road which is or is planned as a continuation of an existing road shall bear the same name.

G. *Road Regulatory Signs.*

(1) The applicant shall deposit with the Township at the time of final subdivision approval the sum for each road sign required by the Pennsylvania Department of Transportation at all road intersections. The Township shall install all road signs before issuance of certificates of occupancy for any residents on the streets approved.

(2) Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved by the Board.

H. *Street Lights.* Installation of street lights shall be required in accordance with design and specification standards approved by the Board in consultation with the local electric utility company.

I. *Reserve Strips.* The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street.

J. *Construction of Roads and Dead-End Roads.*

(1) *Construction of Roads.* The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the Township plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary T- or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The Board may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

(2) *Dead-End Roads (Permanent).* Where a road does not extend the boundary of the subdivision and its continuation is not required by the Board for access to adjoining property, its terminus shall normally not be nearer to such boundary than 50 feet. However, the Board may require the reservation

of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with Township construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with the design standards of these regulations.

2. *Design Standards.*

A. *General.* In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, snow removal, sanitation, and road-maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for roads are hereby required.

Table 1. Design Standards for Roads

Item Description	Road Classification		
	Local	Collector	Arterial
Right-of-way	50'	50'	60' ¹
Vertical Grades			
Maximum	9% ²	7%	7%
Minimum	.5%	.5%	.5%
Pavement Widths	20'	22'	24'
Shoulder Widths	8'	8'	10'
Subbase ³	6"	8"	9"
Base ³	5"	10"	12"
Surface (ID-2) ³	1 ½"	2"	3"
Bridges	36'	38'	44'

¹Greater rights-of-way may be required in cases of excessive cut or fill.

²Greater grades may be permitted for short distances in cases of proven hardship.

³All shall be governed by and made subject to the latest edition of PennDOT specifications, Form 408.

PA Highways numbered 35, 75 and 550 shall be construed as collector roads. All other roads within the Township shall be classified as local roads unless otherwise established by the Board.

B. *Road Surfacing and Improvements.*

(1) Where applicable and after any sewer and water utilities have been installed by the developer, the applicant shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. Said surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be as determined by the Pennsylvania Department of Transportation for the class of road to be so improved. Adequate provision shall be made for culverts,

drains, and bridges.

(2) All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the Pennsylvania Department of Transportation for the class road so identified in Table 1 of this Chapter and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

C. *Excess Right-of-Way.* Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three to one.

D. *Railroads and Limited Access Highways.* Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

(1) In residential districts a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structure hereon is prohibited."

(2) In districts zoned or established for business, commercial, or industrial uses the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

(3) Streets parallel to the railroad when intersecting a street which crosses the railroad at grad shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

E. *Intersections.*

(1) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least 100 feet therefrom. Not more than two streets shall intersect at any one point.

(2) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center line offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. where streets intersect major streets, their alignment shall be continuous. Intersection of major streets shall be at least 800 feet apart.

(3) Minimum curb radius at the intersection of two local streets shall be at least 20 feet and minimum curb radius at an intersection involving a collector street shall be at least 25 feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with

standard engineering practice to permit safe vehicular movement.

(4) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a 4% rate at a distance of 60 feet, measured from the nearest right-of-way line of the intersecting street.

(5) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right of-way to the extent deemed necessary to provide an adequate sight distance.

(6) The cross-slopes on all streets, including intersections, shall be 3% or less.

F. *Bridges.* Bridges of, primary benefit to the applicant, as determined by the Board, shall be constructed at the full expense of the applicant without reimbursement from the Township. The sharing expense for the construction of bridges not of primary benefit to the applicant as determined by the Board, will be fixed by special agreement between the Board of Supervisors and the applicant. Said cost shall be charged to the applicant pro rata as the percentage of his land developed and so served.

3. *Road Dedications and Reservations.*

A. *New Perimeter Streets.* Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Board may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within his own subdivision boundaries.

B. *Widening and Realignment of Existing Roads.* Where a subdivision borders an existing narrow road or when the Master Plan, Official Map, or zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at his expense such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the applicant at his own expense to the full width as required by these subdivision regulations. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the Zoning Ordinance whether the land is to be dedicated to the Township in fee simple or an easement is granted to the Township.

(Ord. 2-96, 8/5/1996, §4.3; as amended by Ord. 1-98, 2/2/1998, §1)

§22-404. **Drainage and Storm Sewers.**

1. *General Requirements.* The Board shall not recommend for approval any plat of subdivision which does not make adequate provision for storm or flood water runoff channels or basins. The stormwater drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the Soil Conservation Service and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for

a distance of more than 600 feet in the gutter or open ditches. When calculations indicate that curb or ditch capacities are exceeded at a point, and basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

2. *Mature of Stormwater Facilities.*

A. *Location.* The applicant may be required by the Board to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.

B. *Accessibility to Public Storm Sewers.*

(1) Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of stormwaters, subject to the specifications of the Township Engineer. However, in subdivisions containing lots less than 15,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivisions and be conducted to an approved out-fall. Inspection of facilities shall be conducted by the Township Engineer.

(2) If a connection to a public storm sewer will be provided in the near future as included in the Board's long range plans, the developer shall make arrangements for future stormwater disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance bond required for the subdivision plat.

C. *Accommodation of Upstream Drainage Areas.* A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Township Engineer shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.

D. *Effect on Downstream Drainage Areas.* The Township Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Township drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. There it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Board will withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such sure or in such a manner as the Board shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

E. *Areas of Poor Drainage.* Whenever a plat is submitted for an area which is subject to flooding, the Board may approve such subdivision provided that the applicant fills the affected area of said subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of 12 inches above the elevation of

the maximum probable flood, as determined by the Township Engineer. The plat of such subdivision shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the Township Engineer. Areas of extremely poor drainage should be discouraged.

F. *Floodplain Areas.* The Board, may when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission.

3. *Dedication of Drainage Easements.*

A. *General Requirements.* Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

B. *Drainage Easements.*

(1) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least 25 feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

(2) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

(3) The applicant shall dedicate, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Board.

(4) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density procedure nor for computing the area requirement of any lot.

(Ord. 2-96, 8/5/1996, §4.4)

§22-405. Water Facilities.1. *General Requirements.*

A. Necessary action shall be taken by the applicant to extend or create a water-supply district for the purpose of providing a water-supply system capable of providing domestic water use and fire protection.

B. Mere a public water main is accessible the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the State or local authorities. All water mains shall be at least 6 inches in diameter.

C. Water main extensions shall be approved by the officially designated agency of the State or Township.

D. To facilitate the above, the location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance bond to be furnished by the developer.

2. *Individual Wells and Central Water Systems.*

A. In low-density zoning districts, if a public water system is not available, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. No such well shall be installed any closer than 100 feet to any on-lot septic or disposal system. Water samples shall be submitted to the Pennsylvania Department of Environmental Protection for its approval, and individual wells and central water systems shall be approved by the appropriate health authorities. Orders of approval shall be submitted to the Board. [*Ord. 1-2006*]

B. If the Board requires that a connection to a public water main be eventually provided as a condition to approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat received final approval. Performance or cash bonds may be required to insure compliance.

3. *Fire Hydrants.* Fire hydrants shall be required for all subdivisions except those coning under subsection .2. Fire hydrants shall be located no more than 1,000 feet apart and within 500 feet of any structure and shall be approved by the applicable protection unit. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed before any final paving of a street shown on the subdivision plat.

(*Ord. 2-96, 8/5/1996, §4.5; as amended by Ord. 1-2006, 2/6/2006*)

§22-406. Sewerage Facilities.

1. *General Requirements.* The applicant shall install sanitary sewer facilities in a manner prescribed by the Township construction standards and specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the Township Engineer, Pennsylvania Department of Environmental Protection, and other appropriate agency. Plans shall be approved by the above agencies. Necessary action shall be taken by the applicant to extend or create a sanitary sewer district for the

purpose of providing sewerage facilities to the subdivision, where no district exists for the land to be subdivided where necessary to provide for the public's health, safety or general welfare. [Ord. 1-2006]

2. *Mandatory Connection to Public Sewer System.* If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon property, the owner thereof shall be required to connect to said sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner of occupant to maintain upon any such property an individual sewage disposal system.

3. *Individual Disposal System Requirements.* If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the Zoning Ordinance and percolation tests and test holes shall be made for each and every lot and as directed by the Township Sewerage Enforcement Officer and the results submitted to the Pennsylvania Department of Environmental Resources. All subdivision shall have appropriate deep probe tests completed and adequate number of percolation rates. All lots not suitable for standard on-lot sewage systems must show this information on the final plan. The individual disposal system including the size of the size of the septic tanks and size of tile fields or other secondary treatment device, shall also be approved by the Sewerage Enforcement Officer.

4. *Design Criteria for Sanitary Sewers.*

A. These design criteria are not intended to cover extraordinary situations. Deviations will be allowed and may be required in those instances where considered justified by the Township Engineer.

B. *Design Factors.* Sanitary sewer systems should be designed for the ultimate tributary population. Due consideration should be given to current zoning regulations and approved planning reports where applicable.

C. *Maximum Size.* The diameter of sewers proposed shall not exceed the diameter of the existing or proposed outlet, whichever is applicable, unless otherwise approved by the Township Engineer.

D. *Minimum Size.* No public sewer shall be less than 8 inches in diameter.

E. *Minimum Slope.* All sewers shall be designed to give mean velocities when flowing full of not less than 2.7 feet per second.

F. *Alignment.* All sewers shall be laid with straight alignment between manholes, unless otherwise directed or approved by the Township Engineer.

G. *Manhole Location.* Manholes shall be installed at the end of each line; at all changes in grade, size, or alignment; at all intersections; and at distances not greater than 400 feet for sewers 15 inches and smaller, and 500 feet for sewers 18 inches in diameter and larger.

H. *Sewerage Locations.* Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise. When located in easements on private property, access shall be to all manholes. A manhole shall be provided at each street or alley crossing. End lines shall be extended to provide access from street or alley right-of-way where possible. Imposed loading shall be considered in all locations. Not less than four feet of cover shall be provided over top of pipe in street and alley rights-of-way or three feet in all other areas.

I. *Water Supply Interconnections.* There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable supply. Sewers shall be kept removed from water supply wells or other water supply sources and structures.

J. *Relation of Sewers to Water Mains.* A minimum horizontal distance of 10 feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete for a distance of 10 feet in each direction from the crossing, measured perpendicular to the water line. This will not be required when the water main is at least two feet above the sewer. All sanitary sewer systems proposed shall conform to existing local ordinances or, in the absence thereof, the requirements of the Pennsylvania Sewage Facilities Act (No. 537) of December 22, 1965, as amended.

(Ord. 2-96, 8/5/1996, §4.6; as amended by Ord. 1-2006, 2/6/2006)

§22-407. Sidewalks.

1. *Required Improvements.*

A. Sidewalks shall be included within the dedicated nonpavement right-of-way of all roads and shall be installed along all collector and arterial roads and along roads where lot frontages are less than 200 feet.

B. Concrete curbs are required for all roads where sidewalks are required by these regulations or where required in the discretion of the Board.

C. Sidewalks shall be improved as required in §22-403.2.B of these regulations. A median strip of grassed or landscaped areas at least 2 feet wide shall separate all sidewalks from adjacent curbs.

D. Sidewalks shall be installed to be handicap assessable. [Ord. 1-98]

2. *Pedestrian Accesses.* The Board may require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least 20 feet in width. Easements shall be indicated on the plat.

(Ord. 2-96, 8/5/1996, §4.7; as amended by Ord. 1-98, 2/2/1998, §3)

§22-408. Utilities.

1. *Location.* All utility facilities including, but not limited to, gas, electric power, telephone, and CATV cables, shall be located underground throughout the subdivision. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. The requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

2. *Easements.*

A. Easements centered on rear lot lines shall be provided for utilities (private and municipal), such easements shall be at least 20 feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies

for the establishment of utility easements established in adjoining properties.

B. Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least 20 feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. Easements shall be indicated on the plat.

(Ord. 2-96, 8/5/1996, §4.8)

§22-409. Public Uses.

1. *Parks, Playgrounds, and Recreation Areas.*

A. *Recreation Standards.* Where the size and population density of the proposed subdivision dictate land shall be reserved for parks and playgrounds or other recreation purposes in locations designated on the Master Plan or otherwise where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate road access, for the particular purposes envisioned by the board. The area shall be shown and marked on the plat, "Reserved for Park and/or Recreation Purposes." The Board shall determine the number of acres to be reserved generally on the basis of providing three acres of recreation area for every 100 dwelling units or portion thereof. The developer shall dedicate all such recreation areas to the Township as a condition of final subdivision plat approval.

B. *Minimum Size of Park and Playground Reservations.* In general, land reserved for recreation purposes shall have an area of at least four acres. When the percentages from the above would create less than 4 acres, the Commission may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than two acres be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area.

C. *Recreation Sites.* Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the standards required by the Board, which improvements shall be included in the performance bond. A recreation site shall have a total frontage on one or more streets of at least 200 feet, and no other dimension of the site shall be no less than 200 feet in depth. All land to be reserved for dedication to the Township for park purposes shall receive prior approval of the Board of Supervisors and shall be shown marked on the plat "Reserved for Park and/or Recreation Purposes."

(Ord. 2-96, 8/5/1996, §4.9)

§22-410. Preservation of Natural Features and Amenities.

1. *General.* Existing features which would add value to residential development or to the Township as a whole, such as trees, as herein defined, watercourses and falls, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any

change of grade of land effected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The sketch plat shall show the number and location of existing trees, as required by these regulations and shall further indicate all those marked for retention, and the location of all proposed shade trees required along the street side of each lot as required by these regulations.

2. *Shade Trees Planted by Developer.*

A. As a requirement of subdivision approval the applicant should plant shade trees on the property of the subdivision. Such trees are to be planted within five feet of the right-of-way of the road or roads within and abutting the subdivision but not within the right-of-way of such roads. One tree should be planted for every 40 feet of frontage along each road.

B. New trees to be provided pursuant to these regulations shall be planted in accordance with the regulations of the Board. Such trees shall have a minimum trunk diameter (measured 12 inches above ground level) of not less than 2 inches. Only oak, honey locust, hard maples, ginkgo (male), or other long-lived shade trees, acceptable to the Board, shall be planted.

(Ord. 2-96, 8/5/1996, §4.10)

§22-411. Special Residential Developments Unique to Juniata County.

1. *Recreational Developments.* Cottage or cabin sites or other such development designed for seasonal use are considered subdivisions, whether lots or parcels are for sale or rent, and shall be subject to the following regulations.

A. The subdivider shall demonstrate to the Board that the character of the land is exclusively recreational and appropriate for cottage or camp sites, and does not have an urban or suburban development potential. Where the Board finds that the proposed seasonal development is in an area suitable for urban or suburban residential development, the subdivision shall be required to adhere to the standards set forth in these regulations.

B. All lots shall have access to public streets or roads by either private streets or easements. Proposed new private streets and public streets shall meet the following standards:

(1) Access to four lots or less may be provided by driveway easements at least 40 feet in width and without any base or surface course requirements if such easements are to remain private.

(2) Access streets shall be provided for areas with a potential development of from five to twenty lots, and shall have a 50 foot right-of-way which includes a 20 foot cartway. The cartway shall be graded; paved with an approved base course (crushed stone or equivalent) and provided with gutters and culverts where needed, if to be dedicated and prior to acceptance by the Board for maintenance.

(3) Access streets shall be provided for areas with a potential development of more than 20 lots, and shall have a 50 foot right-of-way which includes a 20 foot cartway. The cartway shall be constructed according to the standards for local subdivision streets in these regulations. In recreational subdivisions

where lots are to be sold, streets serving more than 10 lots may be dedicated to public use.

C. Lots shall have a frontage width at the building line of at least 100 feet, and shall be not less than 20,000 square feet in area. Larger lots shall be required where percolation test indicate that larger lots are necessary for septic tanks, according to requirements of these regulations. All lots shall have one off-street parking space.

D. Final plat approval shall be contingent upon the following required deed restrictions:

(1) There shall be no more than one dwelling unit on any one lot consisting of 5 acres or less.

(2) Each owner of a lot having a dwelling unit on the lot shall properly install an on-lot sewage disposal system which meets the standards of the Pennsylvania Department of Environmental Protection and any municipal requirements. [Ord. 1-2006]

2. *Travel Trailer Parks and Campgrounds.*

A. The standards of the Pennsylvania Department of Environmental Protection must be met. Travel trailers used as permanent residences shall not be allowed in travel trailer parks and campgrounds and shall be subject to such supplemental standards as required by the Board.

B. *Travel Trailer Park and Campground Lot or Space Requirements:*

(1) The maximum number of lots or camping spaces within each park or campground shall be no more than 15 per acre of gross area of the park or campground.

(2) The minimum lot or camping space shall be 30 feet wide by 50 feet deep and be not less than 1,500 square feet in area.

(3) All lots or camping spaces shall abut and have adequate access but not less than 30 feet frontage on a street of the park or campground internal street system.

C. A minimum of 1.5 vehicle parking spaces shall be provided for each park lot or campground space within the travel trailer park or campground.

D. *Travel Trailer Park and Campground Internal Street System Requirements.* An internal park or campground system of private or public streets or roads shall be provided and constructed according to right-of-way standards and construction standards set forth in §22-403 of this Chapter.

(Ord. 2-96, 8/5/1996, §4.11; as amended by Ord. 1-2006, 2/6/2006)

§22-412. Nonresidential Subdivisions.

1. *General.* If a Proposed subdivision includes land that is zoned or proposed for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the Supervisors may require. A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in the Zoning Ordinance, where applicable. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Board.

A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Board, and shall conform to the proposed land use and standards established in the Master Plan, Official Map, and/or Zoning Ordinance.

2. *Standards.* In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Board that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

A. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

B. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.

C. Special requirements may be imposed by the Township with respect to street, curb, gutter, and sidewalk design and construction.

D. Special requirements may be imposed by the Township with respect to the installation of public utilities, including water, sewer, and stormwater drainage.

E. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

F. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

G. Provision shall be made for adequate off-street parking in the development area.

(Ord. 2-96, 8/5/1996, §4.12)

§22-413. Mobile Home Park Development.

All subdivisions and land developments designed as a mobile home park shall comply with the requirements of the Commonwealth of Pennsylvania for such mobile home parks. All such parks shall be subject to the following requirements and to all other applicable requirements of this Chapter:

A. *Lot Requirements.* All individual mobile homes located in a mobile home park shall have a minimum lot size, set back, area and side yard as required by any Zoning Ordinance of the Township or, if no Zoning Ordinance is in effect, by the requirements of Table A, herein.

B. *Landscaped Buffer Areas.* Except where affected by access roads or other functional design reasons the subdivider of all mobile home parks shall provide for the development and maintenance of a landscaped buffer area at least 10 feet in width (in addition to any required yards) along all property boundary lines consisting of fences and/or appropriate trees and/or other suitable natural plant materials. The construction of any buildings or accessory structures shall not be permitted within this buffer area. A planting plan specifying the type, size, and

location of existing and proposed plant and fence material shall be required.

C. *Size and Location of Mobile Home Parks.*

(1) All mobile home parks shall have a minimum overall tract area of 5 acres.

(2) Each individual mobile home lot shall have a minimum area of $\frac{1}{4}$ acre. A minimum 50 foot minimum setback shall exist between any part of the mobile home and the adjoining pavement of any other mobile home, park, street or other common area.

D. *Foundation Anchors and Enclosures.*

(1) An adequate number of foundation anchors for the placement and tie-down of the mobile home shall be provided for the purpose of stabilizing the super-structure against uplift, sliding, rotation and over-turning. Foundation anchors shall be adequately designed and installed to provide adequate tie-down as required above. Anchors shall be positioned at random distances as required for the down purposes.

(2) All mobile home parks shall provide for the enclosure of the foundation area on which the mobile home unit is situated. Enclosures shall be installed within a minimum of 180 days after placement of a mobile home unit.

E. *Off-Street Parking.* At least two off-street parking places shall be provided for each mobile home.

F. *Required Improvements.* All mobile home parks shall comply with the required improvements and conform to the design standards set forth in Part 4. All mobile home parks shall be served with adequate streets, sewer, water and other facilities and shall meet all the requirements of this Chapter for residential subdivision and land developments.

G. *Other Utility Requirements.*

(1) Each mobile home lot shall be provided with a suitable method for connecting the mobile home sewage drain outlet to the sewerline. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall be encased in a waterproof catch basin.

(2) Each mobile home lot shall have a water riser pipe which connects the mobile home water system to the central water system.

(3) All fuel storage tanks shall be constructed in accordance with appropriate State agency and fire code regulations.

H. *Special Design Features.* The Supervisors will give special consideration to any unique design features required or provided by the mobile home park, including such factors as:

(1) Lots laid out at an angle to streets to facilitate the movement of mobile homes.

(2) One-way streets.

(3) Design to facilitate vehicular circulation and vehicular access to each lot.

(4) Common vehicle parking areas.

(5) Provision of common recreation, open space or service facilities required to meet the needs of the mobile home park.

(6) Provision of adequate and secure storage space and buildings to service the mobile home park.

I. *Other Site Improvements.* The Township Supervisors shall require each mobile home park to provide other improvements in the best interests of public health, safety, and general welfare. Such other improvements may include, but are not limited to, garbage collection and disposal facilities as approved by the Pennsylvania Department of Environmental Protection and an adequate lighting system throughout the mobile home park.

(*Ord. 2-96, 8/5/1996; as added by Ord. 1-98, 2/2/1998, §4*)

Part 5**Documents Specifications****§22-501. Sketch Plat.**

Sketch plats submitted to the Board, prepared in pen or pencil, shall be drawn to a convenient scale which shall show the following information:

A. Name.

(1) Name of subdivision if property is within an existing subdivision.

(2) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded.

(3) Name of property if no subdivision name has been chosen.

B. Ownership.

(1) Name and address, including telephone number of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.

(2) Citation of any existing legal rights-of-way or easements affecting the property.

(3) Existing covenants on the property, if any.

(4) Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys.

C. Description. Location of property by government lot, section, township, range and county, graphic scale, north arrow, and date.

D. Features

(1) Location of property lines, existing easements, burial grounds, railroad rights-of-way, watercourses, existing wooded area or single trees 8 inches or more in diameter, measured 4 feet above ground level; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; names of adjoining property owners from the latest assessment rolls within 500 feet of any perimeter boundary of the subdivision.

(2) Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way.

(3) Approximate topography, at the same scale as the sketch plat.

(4) The approximate location and widths of proposed streets.

(5) Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting

and discharging surface water drainage.

(6) The approximate location, dimensions, and areas of all proposed or existing lots.

(7) The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.

(8) The location of temporary stakes to enable the Board to find and appraise features of the sketch plat in the field.

(9) Whenever the sketch plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale adequate to be properly reviewed by the Board, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.

(10) A vicinity map showing streets and other general development of the surrounding area. The sketch plat shall show all school and improvement district lines with the zones properly designated.

(Ord. 2-96, 8/5/1996, §5.1)

§22-502. Preliminary Plat

1. *General.* The preliminary plat shall be prepared by a licensed land surveyor at a scale agreed upon at the time of sketch plat approval may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one sheet is used and shall be of such size as is acceptable for filing in the office of the Recorder of Deeds, but shall not be larger than 34 x 44 inches. It should be noted that the map prepared for the preliminary plat may also be used for the final subdivision plat and, therefore, should be drawn on tracing cloth or reproducible mylar; preparation in pencil will make required changes and additions easier.

2. *Features.* The preliminary plat shall show the following:

A. The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments; the names of adjoining streets.

B. The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.

C. The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, parks, cemeteries, drainage ditches, bridges, as determined by the Board.

D. The location and width of all existing and proposed streets and easements, alleys, and other public ways, and easements and proposed street rights-of-ways and building set back lines.

E. The locations, dimensions, and areas of all proposed or existing lots.

F. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

G. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.

H. The date of the man, approximate true north point, scale, and title of the subdivision.

I. Sufficient data acceptable to the Township Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; the location of all proposed monuments.

J. Names of the subdivision and all new streets as approved by the Board.

K. Indication of the use of any lot (single-family, two-family, multi-family, townhouse) and all uses other than residential proposed by the subdivider.

L. Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to the subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.

M. All lots in each block consecutively numbered. Outlots shall be lettered in alphabetical order. If blocks are numbered or lettered, outlots shall be lettered in alphabetical order within each block.

N. All information required on sketch plat should also be shown on the preliminary plat, and the following notation shall also be shown:

- (1) Explanation of drainage easements, if any.
- (2) Explanation of site easements, if any.
- (3) Explanation of reservations, if any.
- (4) Endorsement of owner, as follows:

Owner	Date
-------	------

O. Form for endorsement by Juniata County Planning Commission Chairman as follows:

Approved by Resolution of the Juniata County Planning Commission.

Chairman	Date
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P. The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of disapproval of a preliminary plat.

(Ord. 2-96, 8/5/1996, §5.2)

§22-503. Construction Plans.

1. *General.* Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than 1 inch equals 50 feet (1"=100' not permitted but 1"=20' or 1"=40' would be permitted) and map sheets shall be of the same size as the preliminary plat. The following shall be shown:

A. Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within 100 feet of the intersec-

tion, shall be shown. Approximate radii of all curve lengths of tangents, and central angles on all streets.

B. Where steep slopes exist, cross-sections of all proposed streets shall be prepared at 100 foot stations and shall be shown at five points as follows: On a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line, and points 25 feet inside each property line.

C. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, servitudes, rights-of-way, manholes and catch basins; the locations of street trees, street lighting standards, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, stormwater drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.

D. Location, size, elevation, and other appropriate description of any existing facilities or utilities including, but not limited to, existing streets, sewers, drains, water mains, easements, swamps, railroads, buildings, features noted on the Official Map or Master Plan, at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of 8 inches or more; measured 4 feet above ground level. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high-and low-water elevations of such lakes or streams. All elevations shall be referred to the USGS datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than 20 feet back from the ordinary high-water mark of such waterways.

E. Topography at the same scale as the sketch plat with a contour interval of two feet, referred to sea-level datum. All datum provided shall be latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.

F. All specifications and references required by the Township’s construction standards and specifications, including a site grading plan for the entire subdivision.

G. Notation of approval as follows:

Owner	Date
Chairman, Board of Supervisors	Date

H. Title, name, address, and signature of Pennsylvania licensed professional engineer and/or surveyor, and date, including revision dates.

(Ord. 2-96, 8/5/1996, §5.3)

§22-504. Final Subdivision Plat.

1. *General.* The final subdivision plat shall be presented on tracing cloth or reproducible mylar at the same scale and contain the same information, except for any changes or additions required by resolution of the Board as shown on the preliminary

plat. The preliminary plat may be used as the final subdivision plat if it meets these requirements and is revised in accordance with the Board's resolution. All revision dates must be shown as well as the following:

A. Notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the Board in accordance with these regulations.

B. Endorsement of the Township Sewage Enforcement Officer.

C. Lots numbered as approved by the Township assessor.

D. All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.

2. *Preparation.* The final subdivision plat shall be prepared by a land surveyor licensed by the State.

(*Ord. 2-96, 8/5/1996, §5.4*)

Part 6

Definitions

§22-601. Usage.

1. For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this Section.

2. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations."

3. A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."

(Ord. 2-96, 8/5/1996, §6.1)

§22-602. Words and Terms Defined.

Administrative assistant to the Planning Commission - the officer as appointed by the Board of Supervisors to administer these regulations and to assist administratively other Boards and Commissioner. If no such officer shall be appointed, the building and zoning inspector shall also serve as administrative assistant.

Alley - a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant - the owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

Block - A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Board - same as "local government."

Bond - any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount satisfactory to the Board of Supervisors. All bonds shall be approved by the Board of Supervisors wherever a bond is required by these regulations.

Building - any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

Building and Zoning Inspector - the person designated by the Township to enforce the Zoning Ordinance. If no administrative assistant to the Planning Commission is appointed to administer these regulations, the Building and Zoning Inspector shall administer these regulations.

Capital improvements program - a proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means

of financing each project. All major projects requiring the expenditure of public funds, over and above the annual Township's operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.

Central water system - a private water company formed by a developer to serve a new community development in an outlying area. It includes water treatment and distribution facilities.

Central sewerage system - a community sewer system including collection and treatment facilities established by the developer to serve a new subdivision in outlying area.

Collector roads - a road intended to move traffic from local roads to secondary arterials. A collector road serve a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

Community Design Review Board - a Board established by the Board of Supervisors to provide technical services to the Board of Supervisors in the administration of these regulations.

Construction plan - the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Board as a condition of the approval of the plat.

County Planning Commission - the Juniata County Planning Commission.

Cul-De-Sac. a local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Developer - the owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

Easement - authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Escrow - a deposit of cash with the Township in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited by the Building and Zoning Inspector in a separate interest bearing account.

Final plat - the map or plan or record of a subdivision and any accompanying material, as described in these regulations.

Flexible zoning - zoning which permits uses of land and density of buildings and structures different from those which are allowed as of right within the zoning district in which the land is situated. Flexible zoning applications shall include, but not be limited to, all special permits and special uses, planned unit developments, group housing projects, community unit projects, average density or density zoning projects.

Frontage - that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Frontage street - any street to be constructed by the developer or any existing street in which development shall take place on both sides.

Governing body - the body of local government having the power to adopt ordinances.

Governmental Attorney - the licensed attorney designated by the governmental body to furnish legal assistance for the administration of these regulations.

Governmental Engineer - the licensed engineer designated by the governing body to furnish engineering assistance for the administration of these regulations.

Grade - the slope of a road, street, or other public way, specified in percentage (%) terms.

Health department and health officer - the agency and person designated by the governing body to administer the health regulations of the local government.

High density - those residential zoning districts in which the density is equal to or greater than one dwelling per 10,000 square feet.

Highway, limited access - a freeway, or expressway, providing a trafficway for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

Improvements - see "lot improvements" or "public improvements."

Individual sewage disposal system - a septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

Joint ownership - joint ownership among persons shall be construed as the same owner; "constructive ownership" for the purpose of imposing subdivision regulations.

Township - For the purpose of the regulations, any borough, city, township, village, or county authorized by law to enforce subdivision regulations.

Local Government Attorney - see "governmental attorney."

Local Government Engineer - see "governmental engineer."

Local road - a road intended to provide access to other roads from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Lot - a tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

Lot, corner - a lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

Lot improvement - any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

Low density - those residential zoning districts in which the density is equal or less than one dwelling unit per 40,000 square feet.

Major Street Plan - see "Official Map."

Major subdivision - all subdivisions not classified as minor subdivisions, including but not limited to subdivisions of six or more lots, or any size subdivision requiring any new street or extension of the Townshipal facilities, or the creation of any public improvements. [Ord. 1-98]

Master Plan - a comprehensive plan for development of the Township, prepared and adopted by the Board, pursuant to State law, and including any part of such plan

separately adopted and any amendment to such plan, or parts thereof.

Medium density - those residential zoning districts in which the density is between 10,000 and 40,000 square feet per dwelling unit.

Metropolitan or Regional Planning Commission and Metropolitan or Regional Council of Governments - the agency performing review of all federal grant-in-aid projects required to be reviewed by regional and State planning boards to insure the projects conform to regional and State needs; the planning agency established to carry on regional or metropolitan comprehensive planning.

Minor subdivision - any subdivision containing not more than five lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Master Plan, Official Map, Zoning Ordinance, or these regulations. [Ord. 1-98]

Mobile home - a transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor or incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. [Ord. 1-98]

Mobile home lot - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home. [Ord. 1-98]

Mobile home park - any lot, parcel, or tract of land at least five acres in size, upon which three or more mobile homes are located for occupancy and used by persons of different families other than members of one household. [Ord. 1-98]

Model home - a dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision. Such dwelling units may be erected, at the discretion of the Board, by permitting a portion of a major subdivision involving no more than two lots to be created according to the procedures for minor subdivisions, as set out in §22-203.8 of these regulations.

Multiple family structure - a building providing separate dwelling units for two or more families. [Ord. 1-98]

Municipality - see "local government."

Neighborhood park and recreation improvement fund - A special fund established by the Board of Supervisors to retain monies contributed by developers in accordance with the "money in lieu of land" provisions of these regulations within reasonable proximity of the land to be subdivided so as to be of local use to the future residents of the subdivision.

Nonresidential subdivision - a subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

Off-Site - any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

Official Map - the map established by the Board of Supervisors pursuant to law

showing the streets, highways, and parks, and drainage systems and setback lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the Board of Supervisors of additions thereto resulting from the approval of subdivision plats by the Board and the subsequent filing of such approved plats.

Official Master Plan - see Master Plan.

Ordinance - any legislative action, however denominated, of a Township which has the force of law, including any amendments or repeal of any ordinance.

Owner - any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Perimeter street - any existing street to which the parcel of land to be subdivided abuts on only one side.

Planning Commission - the Juniata County Planning Commission and/or Township's Planning Commission established in accordance with law.

Preliminary plat - the preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

Primary arterial - a road intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the governmental unit; and/or as a route for traffic between communities or large areas.

Public improvement - Any drainage ditch, roadway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the Township may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which Township responsibility is established. All such improvements shall be properly bonded.

Registered engineer - an engineer properly licensed and registered in the State.

Registered land surveyor - a land surveyor properly licensed and registered in the State.

Resubdivision - a change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use or any lot line or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. [Ord. 1-98]

Right-of-way - a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land-platting purposes shall mean that every right-of-hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Roads, classification - for the purpose of providing for the development of the streets, highways, roads, and rights-of-way in the governmental unit, and for their future improvements, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, road and right-of-way and those located on approved and filed plats, have been designated on the Official Map of the Township and classified therein. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the Township and its present and estimated future traffic volume and its relative importance and function as specified in the Master Plan of the Township. The required improvements shall be measured as set forth for each street classification on the Official Map.

Road, dead-end - a road or a portion of a street with only one vehicular traffic outlet.

Road, right-of-way width - the distance between property lines measured at right angles to the center line of the street.

Sale or lease - any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

Same ownership - ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Secondary arterial - a road intended to collect and distribute traffic in a manner similar to primary arterials, except that these roads service minor traffic generating areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches, and offices, and/or designed to carry traffic from collector streets to the system of primary arterials.

Setback - the distance between a building and the street line nearest thereto.

Screening - either (A) a strip of at least 10 feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least 4 feet high at the time of planting, of a type that will form a year-round dense screen at least 6 feet high; or (B) an opaque wall or barrier or uniformly painted fence at least 6 feet high. Either (A) or (B) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation to the outside thereof except the following: for each entrance, one directional arrow with the name of the establishment with "For Patrons Only" or like limitation, not over 2 square feet in area, which shall be nonilluminated. Where required in the district regulations, a screen shall be installed along or within the lines of a plot as a protection to adjoining or nearby properties.

Shade tree - a tree in a public place, street, special easement, or right-of-way adjoining a street as provided in these regulations.

Sketch plat - a sketch preparatory to the preparation of the preliminary plat (or subdivision plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Board as to the form of the plat

and the objectives of these regulations.

Street - see “road.”

Subdivider - any person who (1), having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2), directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

Subdivision - any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

Subdivision agent - any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal service.

Subdivision, major - see “major subdivision.”

Subdivision, minor - see “minor subdivision.”

Subdivision plat - the final plan or drawing described in these regulations, on which the subdivider’s plan of subdivision is presented to the Board for approval and which, if approved, may be submitted to the County Clerk or Recorder of Deeds for filing.

Temporary improvement - improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

(Ord. 2-96, 8/5/1996, §6.2; as amended by Ord. 1-98, 2/2/1998, §5)

