

**Walker Township**  
**Subdivision and Land Development Ordinance**

**Adopted**  
**October 4, 1993**

TABLE OF CONTENTS

		<u>Page No.</u>
Article I	Purpose, Title and Authority	1
Article II	Definitions	1
Article III	Land Development	6
Article IV	Plan Requirements and Processing Procedures	6
Article V	Design Standards	12
Article VI	Improvement and Construction Requirements	22
Article VII	Conditions of Acceptance	26
Article VIII	Administration and Variances	32

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

ARTICLE I

PURPOSE, TITLE AND AUTHORITY

SECTION 100. GENERAL. This Ordinance has been designed and adopted to provide uniform standards and procedures for the regulation and control of subdivision and land development within Walker Township. The purpose of such regulation and control is to provide for the safe and coordinated development of the Municipality by assuring sites suitable for building purposes and human habitation; by coordinating proposed streets and other proposed public improvements with those existing; by assuring that adequate easements or rights-of-way are provided for drainage facilities and public utilities in general; and by assuring that reservations, if any, by the developer of any area designated for use as public grounds shall be suitable in size and location for their designated uses.

SECTION 101. EFFECT. That the following Subdivision and Land Development ordinance, including appendices, shall be in full force and effect including definitions, plan requirements and processing procedures, design standards, improvements and construction requirements and conditions of acceptance of public improvements by the Township of Walker.

SECTION 102. TITLE. That this Ordinance shall be known as the Walker Township Subdivision and Land Development Ordinance.

SECTION 103. AUTHORITY. That this Ordinance is adopted pursuant to the provisions of the "Pennsylvania Municipalities Planning Code" (Act 247) effective January 1, 1969, as amended.

ARTICLE II

DEFINITIONS

SECTION 200. Unless otherwise expressly stated, the following words shall, for the purposes of this Ordinance, have the meaning herein indicated:

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

BERM: That portion of a street lying on either side of the cartway between the edge thereof and the adjacent road ditch, intended primarily for stopping and parking purposes.

COUNTY: Shall mean the County of Huntingdon, Pennsylvania.

CUT: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

DEVELOPER: Shall mean any landowner, agents of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

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

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

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

FLOOD PLAIN: The area along a natural watercourse which is periodically overflowed by water therefrom.

GOVERNING BODY: Shall mean the Board of Supervisors of Walker Township, Huntingdon County, Pennsylvania.

LAND DEVELOPMENT: Any of the following activities:

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

2. A subdivision of land.

3. Development in accordance with Section 503(1.1) of the Municipalities Planning Code.

LANDOWNER: Shall mean the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee having a remaining

term of not less than 40 years, or other persons having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this ordinance.

**LOTS:** A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessory buildings and open spaces belonging to the same; and for the purpose of this ordinance, no lot area shall include any of that area contained between existing or proposed public rights-of-way lines.

**MUNICIPAL ENGINEER:** Shall mean a duly registered professional engineer employed by the municipality or engaged as a consultant thereto.

**MUNICIPALITY:** Shall mean the Township of Walker, Huntingdon County, Pennsylvania.

**PLANNED RESIDENTIAL DEVELOPMENT:** An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

**PLANNING COMMISSION OR AGENCY:** Shall mean the Walker Township Planning Commission.

**PLAT:** Shall mean the map or plan of a subdivision or land development; whether preliminary or final.

a. Preliminary - A tentative plan indicating the proposed layout of a subdivision prepared by the subdivider for submission to the Planning Commission for its consideration.

b. Final - A complete and exact plan of subdivision which is presented to the Planning Commission for approval and which, if approved, will be submitted by the subdivider to the Recorder of Deeds of Huntingdon County for recording in accordance with law.

**PUBLIC GROUNDS:** Includes (i) parks, playgrounds and other public areas; and (ii) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

**PUBLIC NOTICE:** Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be

more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

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

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

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

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

**STREETS:** Street includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private and for the purposes of this Ordinance shall be classified as follows:

a. Arterial streets are those which are used primarily for through, fast or heavy traffic and include facilities classified as main and secondary highways by the Pennsylvania State Highway Department.

b. Collector streets are those which carry traffic from minor streets to the major system of arterial streets, including principal entrance streets of a residential development and streets for major circulation within such developments.

c. Minor streets are those which are used primarily for access to the abutting properties.

d. Marginal access streets are minor streets which are parallel to and adjacent to arterial streets which provide access to abutting properties and protection from through traffic.

e. Alleys are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

**STRUCTURE:** Anything enclosing an area of one hundred (100) square feet or more constructed or erected, the use of which demands a location on the soil, or attachment to something located in or on the soil. A structure shall also include any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**SUBDIVIDER:** Is hereby defined as person, co-partnership or corporation, who or which owns land in the municipality and for which a land subdivision application is filed and processed under the provisions of this ordinance.

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

a. **MAJOR SUBDIVISION.** Any subdivision involving six (6) or more lots, parcels of land or other divisions of land whether or not they involve new streets, additional utilities or other facilities immediate or future.

b. **MINOR SUBDIVISION.** Any subdivision involving not more than five (5) lots, parcels of land, or other divisions of land which abut a street of sufficient width and does not require a new street, the installation of sanitary sewers, storm sewer, water mains or pipes, or other facilities.

**SWALE:** A low lying stretch of land which gathers or carries surface water runoff.

**TOPOGRAPHIC MAP:** Shall mean a map showing the elevations of the ground by contours or elevations.

**TOP SOIL:** Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Top soil is usually found in the uppermost soil layer called the A Horizon.

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

ARTICLE III

LAND DEVELOPMENT

SECTION 300. LAND DEVELOPMENT

The standards and requirements of these regulations may be modified by the Governing Body in the case of a plan or a program for a complete community, neighborhood unit, or a mobile home park, which in the judgment of the Planning Commission shall provide adequate public space and improvements for circulation, recreation, light, air and service needs of the tract when fully developed and populated and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

1. MOBILE HOME PARKS: See Appendix, Mobile Home Parks.

2. OTHER LAND DEVELOPMENT: Land development not involving the subdivision of land to include, but not necessarily limited to campgrounds, fairgrounds, industrial parks, shopping centers, campus type education facilities, nursing homes, correctional institutions and similar installations shall be subject to plan review, comment and adjustment by the Township Planning Commission and Governing Body; however, prior to any local approvals, evidence of compliance with all rules and regulations of the State Departments of Environmental Resources and Transportation will be required.

ARTICLE IV

PLAN REQUIREMENTS AND PROCESSING PROCEDURES

SECTION 400. GENERAL. The plan requirements and processing procedures shall be followed by the applicant as set forth herein and all applications for subdivisions and land developments shall be submitted to the Planning Commission of the municipality for review and tentative approval prior to consideration for formal approval by the governing body. The Planning Commission may, from time to time, seek the advice of the township engineer with respect to the Planning Commission's review of plans; however, discretionary decisions are solely to be made by the Planning Commission.

SECTION 401. PRE-APPLICATION PLANS AND DATA. Previous to the filing of an application for approval of the preliminary subdivision plan, the applicant shall submit to the Planning Commission the following plans and data:



1. GENERAL INFORMATION shall describe or outline existing covenants, land characteristics, community facilities and utilities; and information described the proposed subdivision such as the number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas, other public areas, proposed protective covenants and proposed utilities and street improvements.

2. LOCATING MAP shall show the relationship of the proposed subdivision and land development to existing community facilities which serve or influence it and shall include development name, location and any existing facilities; traffic arteries, public or other schools, parks, playgrounds; utilities; churches; shopping centers; airports; hospitals; principal places of employment; title; scale; north arrow; and date.

3. SKETCH PLAN shall show in a simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions and may be freehand on a copy of a general topography map as show on a U. S. Geological Survey map.

SECTION 402. PLANS AND DATE FOR PRELIMINARY APPROVAL. Previous to the filing of an application for final approval of the subdivision plan, the applicant shall submit to the Planning Commission the following plans and data:

1. EXISTING CONDITIONS DATA: As required for Section 401, plus the following:

a. Boundary lines: Or property lines by bearing and distances.

b. Existing easements: Location, width and purpose.

c. Existing streets: On and adjacent to the tract by name, right-of-way, location; type, width and elevation of surfacing; walks, curbs, gutters and culverts.

d. Existing utilities: On and adjacent to the tract; location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and street lights; if any of the above are not available at site, indicate direction and distance to the nearest ones and furnish statement of availability.

e. Other existing conditions: Watercourses, marshes, rock outcrop, wooded area, houses, barns and other significant features. If the applicant's tract is located where flood hazard exists, the following information shall be provided.

(1) A drainage plan satisfactory to the Planning Commission. No plan shall be approved when the Planning Commission finds that drainage or flood control protection is necessary until plans for drainage and flood control are approved.

(2) Street elevation - The Planning Commission shall not recommend approval of streets subject to flooding.

f. Proposed public improvements: Highways, utilities or other major improvements planned by public authorities for future construction on or near the tract.

g. Ground elevations on tract: Based on datum approved by Municipal Engineer; for land that slopes less than two (2%) percent, show elevations at all breaks in grade and along drainage channels or swales not more than 100 feet apart; for land that slopes more than two (2%) percent, show contours with an interval of not more than five (5) feet and less in cases where necessary to show irregular land for planning purposes.

h. Title and certificates: Designation under which subdivision is to be recorded; names and addresses of owners; acreage, scale, north point, benchmarks, certification of registered civil engineer or surveyor, and date of survey.

2. PRELIMINARY PLAN shall be at a scale of one hundred (100) feet to one (1) inch or larger and shall show all existing conditions required in Subsection 402.1 above and shall show all proposals including and not necessarily limited to the following:

a. Streets: Names, right-of-way and cartway widths; approximate grades and typical cross sections.

b. Easements: Location, width and purpose.

c. Utilities: Location, type and approximate size; this information may be shown on a separate exhibit.

d. Lots: Lot lines and numbers.

e. Sites: To be reserved for parks, playgrounds or other public uses.

f. Sites: For shopping centers, churches, industry, multi-family dwellings or other use exclusive of single-family dwellings.

g. Building lines: Dimensions of minimum building setback lines.

h. Site data tabulation: Number of residential lots, typical lot size, and acreage and use of other land areas.

i. Title, scale, north arrow and date.

j. Surface water drainage: General plans for the collection of surface water and its out-fall; and surface water runoff.

3. PERCOLATION TESTS. Percolation tests are required, unless all building lots are to be immediately served by a public sanitary sewer system, and shall be made in accordance with the rules and regulations of the Pennsylvania Department of Environmental Resources. All costs incurred shall be the responsibility of the applicant.

4. OTHER PRELIMINARY PLANS. When required by the Planning Commission, due to severe topography or other physical conditions, the Preliminary Plan shall be accompanied by such additional profiles showing existing ground surface deemed necessary to ascertain the workability of the plans.

5. All preliminary plans must be reviewed by the Planning Commission within ninety (90) days of submission by the applicant.

SECTION 403. PLANS AND DATA FOR FINAL APPROVAL. Prior to final approval by the Planning Commission final plans shall be submitted as follows:

1. FINAL SUBDIVISION PLAN shall be drawn in ink on durable material at a scale of one hundred (100) feet to one (1) inch or larger. Where necessary, the plan may be on several sheets accompanied by an index sheet showing the entire subdivision. The final plan shall show:

a. Primary control points or description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plan shall be referred.

b. Information as required under Section 402.2 hereof.

c. Location and description of survey monuments.

d. Names of owners of adjoining land.

e. Certification by surveyor or engineer certifying to accuracy of survey and plan.

f. Certification of title to the land.

g. Statement by owner dedicating streets, rights-of-way and any sites for public uses.

h. Locations and types of erosion and sediment control measures. (Vegetation, mulching, structural control, etc., see Section 602).

## 2. CROSS SECTIONS AND PROFILES.

a. Final plans and profiles of streets showing grades approved by a registered engineer.

b. Cross sections of streets showing the type of construction, the width or right-of-way, width of cartway, location and width of sidewalks, and locations and size of utility mains as applicable.

c. Plans and profiles of proposed sanitary and/or storm water sewers, with grades and pipe sizes indicated, and a plan of any proposed water distribution system showing pipe sizes and location of valves and fire hydrants as applicable.

d. Street lighting facilities as applicable.

3. OTHER DATA: Such other documentation as may be required in the enforcement of these regulations to include but not be limited to:

a. Review and comment by the Huntingdon County Planning Commission.

b. Approvals and/or review comment of the Department of Environmental Resources.

c. Recommendations and comment by Soil Conservation Service.

d. Recommendations and comment by a registered engineer.

## SECTION 404. FILING OF PLANS.

1. When filing Plans for approval, whether preliminary or final for subdivision and/or land development, the applicant shall submit three (3) copies of all plans and other information to the Planning Commission, and shall submit copies as required to satisfy the need as set forth under Section 403.3 hereof.

2. At the time of filing, the applicant shall pay to the municipality, fees to be used to defray the costs of processing such plans. At the time the preliminary plan is filed the fee shall be Ten and 00/100 (\$10.00) Dollars plus One and 00/100 (\$1.00) Dollar for each lot shown thereon plus any additional

costs incurred in processing, plans, with a minimum charge of Twenty-five and 00/100 (\$25.00) Dollars. When a plan is submitted for final approval, the fee shall be Ten and 00/100 (\$10.00) Dollars plus Two and 00/100 (\$2.00) Dollars for each lot shown thereon, with a minimum charge of Twenty-five and 00/100 (\$25.00) Dollars plus any additional costs incurred in processing plans. The applicant is obligated to pay engineering fees and for the cost of review by the Huntingdon County Planning Commission.

3. All plans shall be submitted to the Planning Commission ten (10) days prior to the regular meeting of the Planning Commission at which it is desired to seek approval thereof. If plans are submitted prior to the ten (10) days as indicated, the record of receipt by the Planning Commission shall show that the plans were received ten (10) days prior to their regular meeting date and such shall be the official date of filing. The Planning Commission shall review the plans. After preliminary review, the Planning Commission may require modification to the plan and, subject to such modification, may concur with the plan. The Planning Commission shall submit the preliminary plan to the governing body for review, comment and approval.

4. After final plan review and approval, the Planning Commission shall submit the plan and supporting documentation together with its recommendations to the governing body.

5. Action by the governing body: All applications for approval of a final plan shall be acted upon by the governing body which shall render its decision and communicate it to the applicant not later than ninety (90) days after such application is filed.

a. The decision of the governing body shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision;

b. When the plan is not approved as filed, the decision shall specify the defects found and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon;

c. Failure of the governing body to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the plan as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner or presentation of communication of the decision, in which case, failure to meet the extended time or change in manner or presentation of communication shall have like effects;

d. From time to time an application for approval of a plan, whether preliminary or final, is duly filed as provided in this Ordinance, and

while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance of plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. Refer to Article V., Section 508, (4) of Act 247, the Pennsylvania Municipalities Planning Code, for the effect of ordinance amendments on subdivision plans.

SECTION 405. MINOR SUBDIVISIONS. In the case of a minor subdivision, the subdivider may comply with the following procedures in lieu of submission of a preliminary and final plans:

1. Meet with the Planning Commission and discuss the proposed development as set forth under 401.3 hereof. Preliminary plans and reviews may be bypassed and final plans, in compliance with Section 403, prepared at the direction of the Planning Commission. *Municipality of WTC - One plan - not needed*

2. Submission: The subdivider shall submit two ~~two~~ *2* copies of a plan of any minor subdivision to the Planning Commission. Said final plan shall outline the subdivider's proposals in sufficient detail to permit a determination by the Planning Commission that the proposed subdivision conforms with the provisions of this ordinance, including the responsibilities as set forth under Section 403.3 hereof. *6/25/95*

3. Fees: At the time of filing a plan of a minor subdivision, the applicant shall pay the municipality a fee of Ten and 00/100 (~~\$10.00~~) Dollars plus any additional costs incurred in processing plans. *= \$25.00*

4. Review and approval: Upon a determination by the Planning Commission that the proposed subdivision is in accordance with this ordinance, the subdivider shall be advised of the concurrence of the Planning Commission, or of such changes as may be required, and requested to submit three (3) copies of the final plan.

5. The Planning Commission shall submit the final plan to the governing body for action as set forth in Section 404.5 hereof.

## ARTICLE V

### DESIGN STANDARDS

#### SECTION 500. GENERAL STANDARDS.

1. Where no public water supply is available to the subdivision, the governing body shall require the developer to obtain from the District Sanitarian of the Pennsylvania Department of Environmental Resources,

certificates of approval as to the quality and adequacy of the water supply proposed and approval of the type and construction methods to be employed in the installation.

2. Where the subdivision is inaccessible to sanitary sewers, the governing body shall require the developer to obtain from the District Sanitarian of the Pennsylvania Department of Environmental Resources, certificates of approval of the proposed sewage disposal facilities.

3. Improvement construction requirements will be completed under specifications included or referred to herein.

SECTION 501. STREETS. All streets shall conform to the following design standards and in a manner acceptable to the Planning Commission:

1. Where a subdivision abuts or contains an existing or proposed arterial street or a railroad right-of-way, access thereto shall be limited to a minimum and such access shall be determined with due regard for sight distance, distance between intersections, approach grades and requirements for future grade separations.

2. Marginal access and reverse frontage streets paralleling limited access and/or arterial streets shall be required. Access to such streets shall not be more frequent than one in 500 feet.

3. Arterial, collector and minor streets as identified on the official map of the municipality shall be improved in accordance with standards and specifications of the Pennsylvania Department of Transportation in Publication 408 including supplements or such standards set by the Pennsylvania Department of Transportation which may replace those established by Publication 408.

4. When a street line changes direction more than ten (10) degrees, it shall be connected with a curve with a radius sufficient to assure adequate sight distance.

5. Streets shall be laid out to intersect as nearly as possible at right angles and no street shall intersect any other street at less than eighty-five (85) degrees.

6. Collector and arterial streets shall not intersect at intervals of less than eight hundred (800) feet.

7. Alleys shall be prohibited unless special permission is granted by the governing body.

8. Street right-of-way widths shall conform to the following:

Arterial streets - 70 feet

Collector streets - 50 feet

Minor streets - 50 feet

Cul-de-sac, marginal access streets - 40 feet

Alley (when permitted) - 20 feet

State highways - All streets which are state highways shall conform to the applicable requirements of the Pennsylvania Department of Transportation.

9. Dead-end streets (cul-de-sacs) designed to be so permanent, shall be provided with a turn around having an outside cartway diameter of at least eighty (80) feet and a property line diameter of at least one hundred (100) feet. Cul-de-sacs planned in excess of 1500 feet in length shall be subject to the review and approval of the governing body. Approval of additional length shall be granted only when deemed to be in the best interests of the citizens and the township and when no jeopardy in regard to public protection is found.

10. No street grade shall be less than one-half of one (0.5%) percent or more than ten (10%) percent unless approved by the governing body.

11. Where the grade of any street at the approach to an intersection exceeds seven (7%) percent, a leveling area shall be provided having not greater than four (4%) percent grade for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.

12. At intersections cartway or curb radii shall not be less than twenty (20) feet.

13. Partial streets shall not be permitted. Suitable access to adjacent unsubdivided land shall be provided when such land does not abut a public street and may be landlocked by the subdivision under consideration.

14. Multiple intersections involving junction of more than two roads shall be prohibited.

15. Horizontal and vertical street alignment:

a. The minimum radius at the centerline for horizontal curves shall be one hundred fifty (150) feet for local streets.



b. Vertical curves shall be used in grade differentials exceeding an algebraic difference of two and a half percent (2 1/2%), and shall be designed for maximum visibility.

16. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

SECTION 502. EASEMENTS. Easements across lots, centered on rear or side lot lines, or where necessary for lot access, utilities, watercourse, drainage way, channel or stream shall be not less than twenty (20) feet wide.

SECTION 503. BLOCKS.

1. Block lengths shall not exceed sixteen hundred (1600) feet.

2. In cases where the block length exceeds twelve hundred (1200) feet or where deemed essential to provide pedestrian circulation to schools, playgrounds, shopping centers and other community facilities, a cross walk shall be provided with a pavement width of not less than eight (8) feet.

SECTION 504. LOTS.

1. Lot dimensions and areas shall conform to township zoning regulations, or in the absence thereof, to the following minimums and other applicable state regulations:

a. Without water and sewer service:

- (1) Single family dwellings - two acres
- (2) Other uses - two acres
- (3) Lot width at building line - 150 feet

b. With sewer service:

- (1) Single family dwellings - one acre
- (2) Other uses - two acres
- (3) Lot width at building line - 150 feet

c. With both water and sewer service:

- (1) Single family dwelling - 15,000 square feet
- (2) Other uses - 30,000 square feet
- (3) Lot width at building line - 100 feet

2. Lot area requirements and width adjustments.

a. On a lot held in single and separate ownership at the effective date of this ordinance which does not fulfill the regulations for the minimum lot area and width, a building may be erected, altered, and used thereon when approved by the governing body; and as further regulated by the township zoning ordinance.

b. Lot area shall be increased to any size deemed necessary by reason of (1) poor soil conditions determined by percolation tests; (2) in areas with slopes steeper than twenty (20%) percent grade (grading may also be utilized to address this requirement; or (3) in drainageways.

c. The area, width and depth of lots shall provide adequate open space for off-street loading, unloading and/or parking area and yards. In all cases where public sewers are not available, the lot areas shall be of sufficient size to provide open areas, exclusive of parking areas or other paved areas for a septic tank and leeching field.

d. The lot areas and width specified above may be reduced by ten (10%) percent when the lot is in a subdivision or land development of twenty (20) lots or more providing the area by which the lots are reduced is dedicated for public playgrounds, parks and open space.

3. The subdividing of the land shall be such that each lot is provided with direct access to a public street. Such access shall be an easement or an actual extension of the lot or property at least twenty (20) feet in width and be deemed suitable by the Planning Commission.

SECTION 505. BUILDING LINES.

Building setbacks shall conform to township zoning regulations. In no case shall the required setbacks from streets be less than the following (measurements shall be taken from the structure to the road right-of-way):

1. Front yard - arterial streets - 60 feet  
collector streets - 50 feet  
minor streets - 50 feet

2. Side yards - two (2) side yards not less than ten (10) feet each. This regulation shall not apply when the municipal zoning ordinance directs a greater or lessor control.

3. Rear yard - not less than twenty-five (25) feet

4. Building line adjustments:

a. Where subsurface disposal is to be located on the lot and in an area adjacent to the right-of-way line, the building line or setback line shall be increased enough to provide sufficient area for the subsurface drainage field. The Planning Commission may modify setback requirements as necessary. Final approval shall be by the Pennsylvania Department of Environmental Resources.

b. Except as provided for in Section 505.4(a) hereof, when an unimproved lot adjoins an improved lot having a building thereon, the setback of any building on the unimproved lot may be reduced to the average setback of such adjoining improved lot and the required setback for the unimproved lot. The adjoining unimproved lot second from the original improved lot must have at least the minimum required setback.

c. Where topographic or other physical conditions dictate, the Planning Commission may increase or decrease the setback, subject to approval of the Pennsylvania Department of Environmental Resources.

#### SECTION 506. PUBLIC GROUNDS AND OPEN SPACES.

Where a proposed park, playground, school, easement or other public use shown in the comprehensive plan or in the opinion of the Planning Commission is necessary, the governing body may require the reservation of such area within the subdivision or land development in a reasonable manner. Identification of the proposed owner and acceptance of responsibility for such public use property by the proposed owner must be submitted as part of the plan.

#### SECTION 507. STORM DRAINAGE.

1. Lots shall be laid out and graded to provide positive drainage away from new existing buildings.

2. Storm sewers, culverts and related installations shall be provided:

a. To permit unimpeded flow of natural watercourses.

b. To ensure adequate drainage of streets.

c. To intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.

3. Special consideration shall be given to avoiding problems which could arise from concentration of storm water runoff over adjacent properties.

4. The developer shall submit runoff data upon which the size of conduits, culverts and swales for proposed storm water control has been based.

5. All plans submitted shall be consistent with the zero change runoff concept expressed in the Stormwater Management Act codified at 32 P.S. Section 680.13.

#### SECTION 508. SANITARY SEWERS AND PUBLIC WATER.

1. SANITARY SEWERS. The developer shall plan and construct sanitary sewers with provisions for connection to each lot in the proposed subdivision in all case where public sewers are planned or available within one thousand (1,000) feet of the subdivision.

2. PUBLIC WATER. The developer shall plan and install water mains with provisions for connection to each lot in the proposed subdivision in all cases where a public water main is available or exists within one thousand (1,000) feet of the proposed subdivision. The developer shall also place fire hydrants along said water mains at locations approved by the municipal engineer, and in keeping with fire protection standards.

SECTION 509. UTILITY LOCATION. Whenever the subdivision plan involves five (5) or more lots, utilities shall be installed underground.

#### SECTION 510. EROSION AND SEDIMENT CONTROL.

##### 1. Standards.

a. No changes shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced until an erosion and sediment control plan has been processed and reviewed by the municipal Planning Commission, or a determination by the Commission that such plans are not necessary.

b. No subdivision or land development plan shall be approved unless (1) there has been a plan approved by the governing body that provides for minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other acceptable securities are deposited with the township in the form of an escrow guarantee which will ensure installation and completion of the required improvements; or (2) there has been a determination by the governing body that a plan for minimizing erosion and sedimentation is not necessary.

c. Measures used to control erosion and reduce sedimentation shall, as a minimum, meet the U.S.D.A. Soil Conservation standards and specifications. The municipal engineer, or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the local district.

## 2. Guidelines.

a. The following measures shall be included where applicable in the control plan:

(1) Stripping of vegetation, re-grading or other activities shall be done in such a way that will minimize erosion.

(2) Development plans shall preserve natural features, minimize cut-fill operations and ensure conformity with topography so as to create the least erosion potential and adequately handle surface water runoff.

(3) Whenever feasible, natural vegetation shall be retained, protected and supplemented.

(4) The disturbed area and the duration of exposure shall be kept to a minimum.

(5) Disturbed soils shall be stabilized as quickly as practicable.

(6) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.

(7) The permanent (final) vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.

(8) Provisions shall be made to accommodate the increased runoff during and after development. Where necessary the rate of surface water runoff will be structurally retarded.

(9) Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps or similar measures.

### SECTION 511. GRADING FOR DRAINAGE.

1. In order to provide more suitable building sites, the following requirements shall be met:

a. All lots, tracts or parcels shall be graded to provide proper drainage from buildings without ponding, and all land within a development shall be graded to drain surface water without ponding, except where other arrangements are approved by the Commission.

b. All drainage provisions shall be adequate to handle the surface runoff and carry it to the nearest curbed street, storm drain or natural watercourse. Where drainage swales are used they shall be sodded or planted and of adequate slope, shape and size.

c. Concentration of surface water runoff shall only be permitted in swales or watercourses.

d. Excavations or fills.

(1) Cut and fill slopes shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing except as approved by the Commission when handled under special conditions.

(2) Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.

(3) Cut and fills shall not endanger adjoining property.

(4) Fill shall be placed and compacted to minimize sliding or erosion.

(5) Fills shall not encroach on natural watercourses or constructed channels.

(6) Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.

(7) Grading will not be done in such a way so as to divert water onto the property of another landowner without the express consent of the Commission and the landowner.

(8) Necessary measures for dust control will be exercised.

(9) Grading equipment will not be allowed to cross live streams. Provision will be made for the installation of culverts or bridges.

#### SECTION 512. RESPONSIBILITIES.

1. Whenever sedimentation results from stripping vegetation, re-grading or other activity, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.

2. Maintenance of all drainage facilities and watercourses within any subdivision of land development is the responsibility of the developer until accepted by the municipality or other official agency, which accepts responsibility thereafter.

3. It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream, watercourse or swale or upon the flood plain or right-of-way thereof, to maintain said facility in its present state during all activity and to return it to its original condition after activity is completed.

4. Maintenance of drainage facilities or watercourses originating and remaining on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

5. No entity shall undertake any activity affecting any communal stream or watercourse without having obtained approval from the municipality or Department of Environmental Resources or both.

6. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse, and of such width as will be adequate to preserve natural drainage.

7. Any person, corporation or other entity making any surface changes shall be required to:

a. Collect on-site surface runoff and dispose of it into the common natural watercourse of the drainage area.

b. Handle all runoff through the development by designing to adequately handle storm runoff from any developed area. Comply with the zero change runoff concept expressed in the Stormwater Management Act codified at 32 P.S. Section 680.13.

c. Provide and install all drainage and erosion control improvements (temporary and permanent) as required by the erosion and sediment control plan providing for adequate easements within the proposed development.

8. It is the responsibility of the municipality to keep all major streams, not under the jurisdiction of other official agency, open and free flowing.

9. The municipality will assume the responsibility for maintaining an open and free flowing condition in all minor streams, watercourses and drainage systems which are necessary for proper drainage if adequate right-of-way exists or can be acquired.

10. The municipality shall be required to:
  - a. Acquire easements for common natural watercourse improvements.
  - b. Supervise improvements to completion.

## ARTICLE VI

### IMPROVEMENT AND CONSTRUCTION REQUIREMENTS

#### SECTION 600. MONUMENTS AND MARKERS.

1. Placement; marking - Monuments and markers must be so placed that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. The top of the monument or marker must be level with the surface of the surrounding ground. Concrete monuments shall be marked on top with a copper or brass dowel. Cut stone monuments shall have a point marking.

2. Monuments must be set at:
  - a. The intersections of major street right-of-way lines.
  - b. The intersections of lines forming angles in the boundaries of the subdivision.
  - c. Such intermediate points as may be required by the governing body.

3. Location of lot markers: Lot markers must be set at all corners, except those monumented, by the time the lot is offered for sale.

4. Removal: Any monuments or markers that are removed shall be replaced by a registered engineer or surveyor at the expense of the person removing them.



5. Monuments and markers shall be as follows:

a. Monuments shall be six (6) inches square or four (4) inches in diameter and shall be thirty (30) inches long. Monuments shall be made of concrete, stone or by setting a four (4) inch cast iron steel pipe filled with concrete.

b. Markers shall be three quarters (3/4) of an inch square or three quarters (3/4) of an inch in diameter and fifteen (15) inches long. Markers shall be made of iron pipes or iron or steel bars.

SECTION 601. UTILITY AND STREET IMPROVEMENTS.

1. Utility and street improvements shall be provided in each new subdivision in accordance with the following standards and requirements and as indicated in Section 602 hereof:

a. For apartment, townhouse and other multi-family residential types, improvements to be in accord with STANDARD A.

b. For single-family dwellings and duplexes with lot area one-half (1/2) acres or less, improvements to be in accord with STANDARD B.

c. For single-family dwellings with a lot area more than one-half (1/2) acre, improvements to be in accord with STANDARD C.

d. For commercial, industrial and other special type uses, the standards shall be as determined by the governing body with the advice of the municipal engineer.

e. Improvement schedule.

STANDARD

<u>A</u>	<u>B</u>	<u>C</u>	
x	x		Public water (see Section 508).
x	x		Public sanitary sewer (if feasible) (see Section 508).
x	x	x	Storm water facilities and other drainage improvements: Per approved plans.
x	x		Curbs when necessary to control storm water runoff. The decision as to the need shall be at the discretion of the governing body with the advice of the municipal engineer.
			a. Cement - 24" x 8" with 6" top battered to 8" at a point 7 " below the top.
			b. Extruded bituminous curb held in place with an epoxy adhesive, when approved by governing body.
x	x	x	Sidewalks: Portland cement concrete four (4) inches thick and

not less than four (4) feet wide where deemed necessary for public safety by the governing body at schools, churches and other places of public assembly.

x x x

Street trees: 1-1/2" caliper - 40 to 60 feet apart. Street trees shall be planted between the sidewalk and the building line. Street trees may be eliminated where, in the opinion of the governing body, sufficient trees exist and will be permitted to remain. In no circumstances will any of the following trees be permitted either to remain or to be planted as street trees:

- a. Poplars; all varieties.
- b. Willows; all varieties;
- c. White or silver maple (Acer Saccharinum).
- d. Aspen; all varieties.
- e. Common black locust.

x x x

Seeding and planting strips.

x x x

Street name signs at all intersections; form and material to be approved by the governing body.

2. Street improvements shall be constructed to the following specifications:

a. Major Traffic (Arterial) Streets shall be constructed with a cartway of 20 feet and a 2-foot shoulder of like construction on each side. A minimum of 2 feet graded berm on each side. Construction shall conform to the standards set by the Pennsylvania Department of Transportation Publication 408, including supplements, or such standards set by the Department of Transportation which may replace those established by Publication 408. Construction shall be comprised of a sub-base 6 inches in depth, using #2A stone (see Form 408, Section 350); a bituminous concrete base course 4 inches in depth (see Form 408, Section 305); a bituminous binder course 2 inches in depth, using ID-2 (see Form 408, Section 421); and a bituminous wearing course 1 1/2 inches in depth using ID-2 (see Form 408, Section 420). See Exhibit "A" for a cross section depicting these construction requirements.

b. Collector Streets shall be constructed with a cartway of 20 feet and a 2-foot shoulder of like construction on each side. A minimum of 2 feet graded berm on each side. Construction shall conform to the standards set by the Pennsylvania Department of Transportation Publication 408, or such standards set by the Department of Transportation which may replace those established by Publication 408. Construction shall be comprised of a sub-base 6 inches in depth, using #2A stone (see Form 408, Section 350); a bituminous concrete base course 4 1/2 inches in depth (see Form 408, Section 305); and a bituminous wearing course 1 1/2 inches in depth using ID-2 (see Form 408, Section 420). See Exhibit "A" for a cross section depicting these construction requirements.

c. Minor Streets, Marginal Access Streets and Alleys shall be constructed with a cartway of 20 feet and a 2-foot shoulder of like construction

on each side. A minimum of 2 feet graded berm on each side. Construction shall be comprised of a base of #2A stone 6 inches in depth (see Form 408, Section 350) and a bituminous surface treatment (see Form 408, Section 480). See Exhibit "A" for a cross section depicting these construction requirements.

d. Cul-de-sac construction shall be the same as the construction of the roadway leading to the cul-de-sac.

#### SECTION 602. EROSION AND SEDIMENT COMPLIANCE.

1. The governing body in considering all preliminary plans of subdivision and land development shall condition its approval upon the execution of erosion and sediment control measures as contained in this Section and Section 510 hereof.

2. The installation and design of the required erosion and sediment control measures shall be in accordance with U.S.D.A. Soil Conservation Service (Pennsylvania) Standards and Specifications, including:

- a. Temporary Cover on Critical Areas (Specification No. 342)
- b. Permanent Grass and Legume Cover on Critical Areas with Prepared Seedbed (Specification No. 342)
- c. Permanent Grass and Legume Cover on Critical Areas with Unprepared Seedbed (Specification No. 342)
- d. Sodding (Specification No. 342)
- e. Mulching (Specification No. 484)
- f. Temporary Diversion (Specification No. 362-U)
- g. Permanent Diversion (Specification No. 362)
- h. Grassed Waterway or Outlet (Specification No. 412)
- i. Grade Stabilization Structure (Specification No. 410)
- j. Debris Basin (Specification No. 350)
- k. Drain (Specification No. 606)
- l. Drainage - Main or Lateral (Specification No. 480)

Stream channel construction on watersheds with drainage area in excess of one hundred (100) acres, or in those cases where downstream hazards exist, will conform to criteria established by the Pennsylvania Department of Environmental Resources.

3. The erosion and sediment control plan will be incorporated into the agreement and bond requirements as required under Section 703 hereof. Said plan shall be a part of the final plans of subdivision and land development.

4. At the time of application for a building permit, a review shall be conducted by the municipal engineer to insure conformance with the plan as approved. During construction consultative technical assistance will be furnished, if necessary, by the municipal engineer and the County Soil

Conservation District. The municipal engineer shall inspect the development site and enforce compliance with the approved plans.

## ARTICLE VII

### CONDITIONS OF ACCEPTANCE

SECTION 700. SUBDIVISION CONTROL. No subdivision of land development shall be made except in strict accordance with the provisions of this ordinance.

SECTION 701. RECORDING. Within ninety (90) days after the date of approval, the final plan shall be recorded in the Office of the Recorder of Deeds of the County. The developer shall furnish the governing body a Recorder's certificate that the plan is properly recorded. The requirements of Act 247, the Pennsylvania Municipalities Planning Code, shall govern the action of the developer in the recording of documents.

1. After the subdivision or land development plan is officially recorded, the streets, public grounds and other public areas shown thereon shall be considered a part of the official map of the municipality.

2. Streets, public grounds, easements and other public improvements may be offered for dedication to the municipality by formal notation on the plan, or the owner may note that any such improvements have not been offered for dedication to the municipality.

3. The recording of the plan shall not constitute grounds for assessment increases until such time as lots are sold or structures are installed on the lots included within the subject plan.

SECTION 702. SALE OF LOTS; ISSUANCE OF BUILDING PERMITS; OR ERECTION OF BUILDING. No lot in a subdivision or land development may be sold, no permit to erect, alter or repair any building upon land in a subdivision or land development, unless and until a plan of such subdivision or land development has been approved and recorded, and improvements constructed or guaranteed as herein provided.

### SECTION 703. GENERAL PROVISIONS.

1. The governing body shall not approve any subdivision of land development plan except in strict conformance with the provisions of this ordinance.

2. The governing body may alter any subdivision or land development plan and specify alterations, changes or modifications therein which it deems necessary and may make its approval subject to such alterations, changes or modifications.

3. No right-of-way or related improvement shall be accepted by the municipality for maintenance unless opened, laid out, graded and improved in strict accordance with standards and specifications of the municipality and/or this ordinance.

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

a. No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be required by the subdivision and land development ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by the subdivision and land development ordinance have been installed in accordance with such ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees required pursuant to subsection (i), the developer shall provide for the deposit with the municipality of financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen planting which may be required.

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

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

d. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

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

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

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

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

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

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

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

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

m. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the municipality shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from

existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed.

5. Release from improvement bond.

a. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the municipal governing body, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the municipal engineer. The municipal governing body shall, within ten (10) days after receipt of such notice, direct and authorize the municipal engineer to inspect all of the aforesaid improvements. The municipal engineer shall, thereupon, file a report, in writing, with the municipal governing body, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the municipal engineer of the aforesaid authorization from the governing body. Said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the municipal engineer, said report shall contain a statement of reasons for such non approval or rejection.

b. The municipal governing body shall notify the developer, within fifteen (15) days of receipt of the engineer's report, in writing by certified or registered mail, of the action of said municipal governing body with relation thereto.

c. if the municipal governing body or the municipal engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

d. If any portion of the said improvements shall not be approved or shall be rejected by the municipal governing body, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outline herein, shall be followed.

e. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the municipal governing body or the municipal engineer.

f. Where herein reference is made to the municipal engineer, he shall be as a consultant thereto.



g. The municipality may prescribe that the applicant shall reimburse the municipality for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the municipal engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the municipalities when fees are not reimbursed or otherwise imposed on applicants.

(1) In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of billing, notify the municipality that such expenses are disputed as unreasonable or unnecessary, in which case the municipality shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.

(2) If, within twenty (20) days from the date of billing, the municipality and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and municipality shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.

(3) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision with fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

(4) In the event that the municipality and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the municipal engineer or any professional engineer who has been retained by, or performed services for, the municipality or the applicant within the preceding five (5) years.

(5) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the municipality

shall pay the fee of the professional engineer, but otherwise the municipality and the applicant shall each pay one-half of the fee of the appointed professional engineer.

## ARTICLE VIII

### ADMINISTRATION AND VARIANCES

SECTION 800. Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations, it may request that the governing body vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the interest and purpose of the Comprehensive Plan of these regulations. In the event a variance is granted, it shall be the least possible variance which will result in relief from undue hardship as determined by the governing body.

CONDITIONS: The standards and requirements of these regulations may be modified for encouraging and promoting flexibility, economy and ingenuity in the layout and design of subdivision and land developments including provisions authorizing the planning agency to alter site requirements and for encouraging other practices which are in accordance with modern and evolving principles of site planning and development.

In granting variances and modifications, the planning Commission may require such conditions, as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified. The granting of variances by the Planning Commission shall be conditional and subject to the final approval of the Governing Body of the Municipality in cases where standards or requirements are reduced, varied or modified.

### SECTION 801. PREVENTIVE REMEDIES

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

2. A municipality 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 any ordinance adopted pursuant to this article. 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 or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

c. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

d. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

#### SECTION 802. ENFORCEMENT REMEDIES.

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

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

SECTION 803. APPEALS TO COURT FROM SUBDIVISION AND LAND DEVELOPMENT DECISIONS. The decisions of the governing body of the planning agency with respect to the approval or disapproval of plats may be appealed directly to court in the same manner and within the same time limitations, as

is provided for zoning appeals from the decisions or findings of the Zoning Hearing Board by Act 247 (Pennsylvania Municipalities Planning Code).

SECTION 804. SEVERABILITY. the provisions of this Ordinance are severable and if any provisions, sentence, clause, section, part or application thereof shall be held illegal, invalid or unconstitutional, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or applications. It is hereby declared to be the legislative intent of the governing body that this ordinance would have been adopted had such illegal, invalid or unconstitutional provision, sentence, clause, section or part not been included therein and if such illegal, invalid or unconstitutional application had been specifically exempted therefrom.

In any case where a provision of this ordinance is found to conflict with the provision of a zoning, building, fire, safety or health ordinance or code of this municipality or law, rule or regulation of the Commonwealth of Pennsylvania, the provisions which establish the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this ordinance is found to be in conflict with the provisions of another ordinance or code of this municipality or law, rule or regulation of the Commonwealth of Pennsylvania which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this ordinance.

SECTION 805. AMENDMENTS. Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a proposed Subdivision and Land Development Ordinance by Act 247, the Pennsylvania Municipalities Planning Code. In addition, in case of an amendment other than that prepared by the Planning Commission, the governing body shall submit each such amendment to the Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.

SECTION 806. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights accrued or liability incurred, or any causes or causes of action accrued or existing, under any ordinance repealed by this ordinance. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 807. EFFECTIVE DATE. This ordinance shall become effective from and after ten (10) days after its publication, as required by law.

ENACTED AND ORDAINED into an Ordinance this 4<sup>th</sup> day of October, 1993.

WALKER TOWNSHIP BOARD  
OF SUPERVISORS

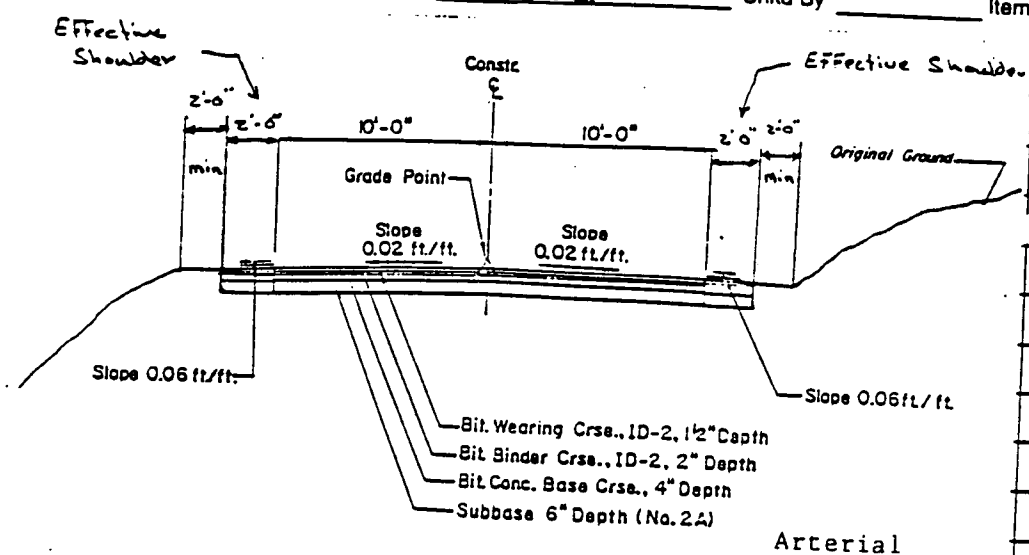
Edward B. K...  
Chairman

James T. Lewis  
Supervisor

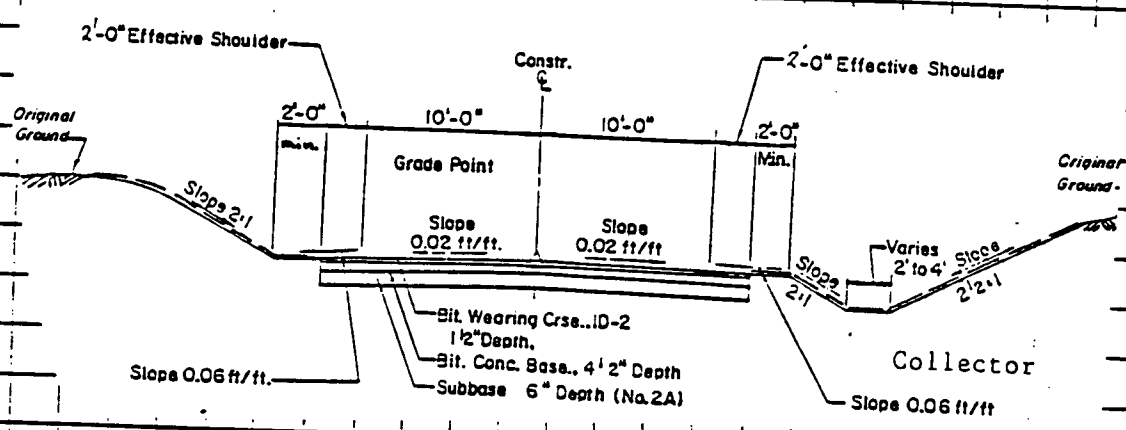
Frank K. Rinzer  
Supervisor

ATTEST:

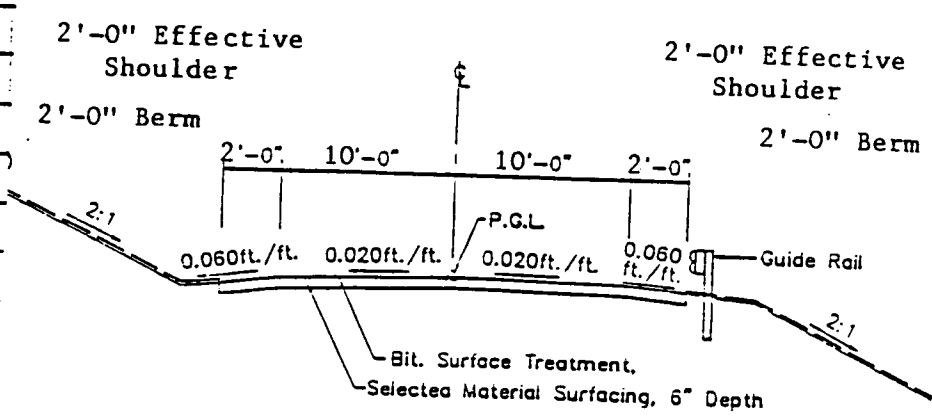
Catherine L. Tang  
Secretary



TYPICAL TANGENT SECTION

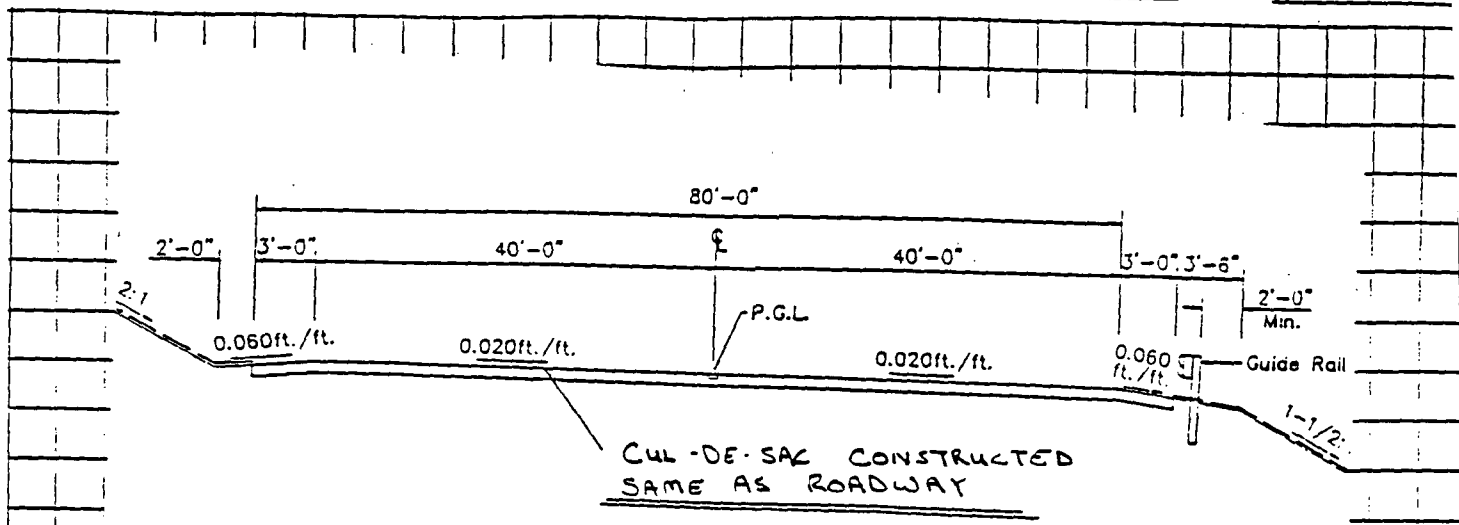


TYPICAL TANGENT SECTION



TYPICAL TANGENT SECTION

Project: County Huntingdon, Walker Twp L.R. \_\_\_\_\_ Section \_\_\_\_\_ Job No. \_\_\_\_\_  
Date 4-27-93 By GWC Chkd By \_\_\_\_\_ Item No. \_\_\_\_\_



TYPICAL SECTION CUL-DE-SAC

## APPENDIX

### MOBILE HOME OR MANUFACTURED HOUSING PARKS

1. Establishing minimum standards for mobile home parks; establishing requirements for the design, construction, alteration, extension and maintenance of mobile home parks and related utilities and facilities.

2. Definitions. The following terms shall have the meaning indicated when used hereinafter:

a. **MANUFACTURED HOME:** A dwelling until fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (see 24 CFR 3280 for legal definition). This dwelling until shall have a minimum floor area of 320 square feet. The use of the term mobile home in this ordinance shall include manufactured home.

b. **MOBILE HOME:** A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 19874, which became effective Jun 15, 1976. In many cases, mobile homes were built to a voluntary industry standard of the American National Standards Institute (ANSI)-A119.1 Standards for Mobile Homes. This dwelling until shall have a minimum floor area of 320 square feet.

c. **MOBILE HOME OR MANUFACTURED HOUSING LOT:** A parcel of land in a mobile home or manufactured housing park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home or manufactured home, which is leased by the part owner to the occupants of the mobile home or manufactured home erected on the lot.

d. **MOBILE HOME OR MANUFACTURED HOUSING PARK:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes or manufactured housing units.

e. **MOBILE HOME STAND:** That part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structures or additions.

3. Permits and License.

a. It shall be unlawful for any person to construct, alter or extend any mobile home park within the limits of the municipality unless he holds a



valid permit issued by the Department of Environmental Resources, Department of Labor and Industry, Department of Transportations, etc., when applicable.

(1) All applications when necessary for review and approvals shall be made by the owner to the State Department of Environmental Resources, Department of Labor and Industry, Department of Transportation, etc., when applicable.

4. Submission of plans and specifications to the municipality. Any person, firm or corporation, from and after the passage of this ordinance, who proposes to operate or maintain any premises, area or tract or piece of land for use as a mobile home park shall first submit to the municipality a plan for the layout and design thereof, including a legal description and map clearly setting forth the following information:

- a. Name and address of applicant.
- b. Interest of the applicant in the mobile home park.
- c. Location and legal description of the mobile home park.

d. A sketch plan shall be presented to the Planning Commission for review and comment prior to preparing any final plans to accompany an application.

(1) The sketch plan may be free hand superimposed on a plot plan of the property to be used for the mobile home park. The sketch shall indicate general topography, locations for mobile homes or groups thereof; accessory buildings; accesses, circulation and parking area.

e. Complete engineering plans and specifications of the proposed park showing:

(1) See Article IV, Sections 402 and 403 of the Subdivision and Land Development Ordinance.

5. Fees. A fee of \$100.00 plus \$1.00 for each mobile home lot shall accompany all applications for the approval of all mobile home park plans.

6. Licenses.

a. It shall be unlawful for any person to operate any mobile home park within the limits of the municipality unless he holds a valid license, in the name of such person for the specific mobile home park. All applications for licenses shall be made annually to the municipality who shall issue or reissue a license annually upon compliance by the applicant with provision of this ordinance and regulations issued hereunder and other applicable legal requirements.

b. Applications for original licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of a fee of \$25.00 plus \$5.00 for each mobile home stand, and shall contain: the name and address of the applicant; the location and legal description of the mobile home park; and a site plan of the mobile home park showing all mobile home lots, structures, roads, walkways and service facilities. The issuance of a license in no way eliminates the need for a building permit and the cost thereof, for each and every individual mobile home to be placed within the mobile home park.

c. Applications for annual renewal of licenses shall: (1) be made in writing by the holders of the licenses; (2) be accompanied by the deposit of a fee of \$25.00 plus \$2.00 for each mobile home stand; and (3) contain any change in the information submitted since the original license was issued or the latest renewal granted.

d. Whenever, upon inspection of any mobile home park, the municipality finds that conditions or practices exist which are in violation of any provision of this ordinance or regulations issued hereunder, the municipality shall give notice in writing to the person to whom the license was issued that unless such conditions or practices are corrected within a reasonable period of time as specified in the notice by the municipality, the license shall be suspended. At the end of such period the municipality shall re-inspect the mobile home park and, if such conditions or practices have not been corrected, the license shall be suspended and notice given in writing of such suspension to the person to whom the license was issued. Upon receipt of notice of such suspension, such person shall cease operation of such mobile home park.

e. A license, upon written request therefor, may be issued by the governing body for every mobile home park in existence at the effective date of this ordinance, permitting the mobile home park to be operated after the effective date of this ordinance in accordance with such conditions as the municipality may require.

(1) The fee for a license to continue to operate a mobile home park existing at the effective date of this ordinance shall be calculated as follows:

(a) Should the effective date of this ordinance fall between the dates of December 31 and March 1, a fee for a license shall be charged as set forth under 6, c hereof.

(b) Should the effective date of this ordinance fall on or between March 1 and November 30, a fee equal to one-half of the fee established (see 6,c hereof) shall be charged for a license.

(c) Should the effective date of this ordinance fall between November 30 and January 1, no license will be required for that period; however, a full license fee shall be required on or after January 1 of the succeeding year (see 6, c hereof).

(2) Compliance herewith:

(a) The owner, operator and/or manager of a mobile home park existing at the effective date of this Ordinance is required to meet with the local governing body and the Planning Commission, and to cooperatively identify the extend of conformance with these regulations that is possible within the existing mobile home park; and such conformance must be effectuated within 180 calendar days of the date of such cooperative determination.

(b) Should any mobile home park existing at the effective date of this Ordinance be discontinued for any reason for a period exceeding six (6) consecutive months, such mobile home park shall not be reopened, reused and/or re-occupied unless it is in full conformance with this Ordinance.

(c) Any extension, enlargement and/or expansion of any existing mobile home park, whether on land owned by the park or acquired by the park prior to or after the effective date of this Ordinance, shall be in full conformance with this Ordinance.

7. Inspection of mobile home parks.

a. The municipality is hereby authorized to make such inspections as are necessary to determine satisfactory compliance with this ordinance and regulations issued hereunder.

8. Required separation between mobile homes.

a. Mobile homes shall be separated from each other and from other buildings and structures by at least twenty (20) feet.

9. Required recreation areas. Where a proposed park, playground, school, easement or other public use shown in the comprehensive plan or in the opinion of the Planning Commission is necessary, the governing body may require the reservation of such area within the mobile home park or land development in a reasonable manner. Such areas should in total approximately 20 percent of the mobile home park area.

10. Required setbacks, buffer strips and screening.

a. All mobile homes shall be located at least 50 feet from any adjacent property line.

b. There shall be a minimum distance of 15 feet between an individual mobile home and (1) adjoining pavement of a park street; (2) adjoining recreation area; (3) parking area; or (4) other common areas.

c. All mobile home parks located adjacent to industrial or commercial land use shall be provided with screening such as fences, or natural growth along the property boundary line separating the park and such adjacent nonresidential uses.

d. In the event that mobile homes are located in reference to municipal roads or rights-of-way intended to be dedicated as public roads, the following setbacks shall be required.

- (1) Front Yard--Arterial streets--60 feet from right-of-way line.
- Collector street--50 feet from right-of-way line.
- Minor streets--50 feet from right-of-way line.

#### 11. Park street system.

a. General requirements. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Alignment and gradient shall be properly adapted to topography.

b. Access. Access to mobile home parks shall be designated to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. The entrance road connecting the park streets with a public street or road shall have minimum road pavement width of 26 feet, within which parking shall be prohibited.

c. Internal streets. Surfaced roadways shall have a minimum cartway width of 20 feet, and shall also meet the following minimum requirements:

(1) Where parking is permitted on both sides, a minimum width of 36 feet will be required.

(2) A minimum road pavement width of 27 feet will be required where parking is limited to one side.

(3) Dead-end streets shall be provided at the closed end with a turnaround having an outside roadway radius of at least 60 feet.

d. Required illumination of park street systems. All parks shall be furnished with lighting units so spaced and equipped with luminaires placed at such mounting heights as will provide for the safe movement of pedestrians and vehicles at night.

e. Street construction and design standards.

(1) Pavement: All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. The pavement shall be constructed as set forth under Article VI of the Subdivision and Land Development Ordinance.

(2) Design standards. See Article V of the Subdivision and Land Development Ordinance.

12. Required off-street parking areas.

a. Off street parking areas shall be provided in all mobile home parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least 2 car spaces for each mobile home lot.

b. Required car parking spaces shall be so located as to provide convenient access to the mobile home but shall not exceed a distance of 200 feet from the mobile home that it is intended to service. Paving: A smooth, dense, solid and dust-free surface capable of use throughout the year shall be provided.

13. The area of the mobile home stand shall be improved to provide an adequate foundation for the placement of the mobile home, thereby securing the super structure against uplift, sliding or rotation.

a. The mobile home stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the super structure.

b. The mobile home stand shall be provided with anchors and tie-downs such as cast-in-place concrete "deadmen" eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors or other devices securing the stability of the mobile home.

c. Each mobile home stand shall have a paved patio of at least 190 square feet. The least dimension shall not be less than 8 feet.

14. A mobile home park lot shall have a minimum of 5,000 square feet.

(a) The minimum width of a mobile home lot shall be 40 feet.

(b) The minimum depth of a mobile home lot shall be 100 feet or at least 40 percent longer than the mobile home to be placed thereon.

15. Water supply.

a. General requirements. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home park. Where a public supply of water of satisfactory quantity, quality and pressure is available, connection shall be made thereto and its supply used exclusively. When a satisfactory public water and supply is not available, a private water system may be developed and used as approved by the Pennsylvania Department of Environmental Resources.

16. Sewage collection and disposal.

a. General requirements. An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Such system shall be designed, constructed and maintained in accordance with the regulations of the Pennsylvania Department of Environmental Resources, and all local sanitary sewer regulations.

b. Sewage treatment and/or discharge. Where the sewer lines of the mobile home park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the Pennsylvania Department of Environmental Resources prior to construction.

17. Electrical distribution system.

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

18. Refuse handling.

a. The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution and shall comply with health regulations governing mobile home parks. Plans for refuse handling, storage and disposal shall be subject to review and approval by the governing body, Planning Commission and Pennsylvania Department of Environmental Resources.

19. Insect and rodent control.

a. Grounds, building and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Pennsylvania Department of Environmental Resources regulations governing mobile home parks.

20. Fire protection.

a. The mobile home park area shall be subject to all rules and regulations of the municipality, county and Commonwealth pertaining to fire prevention.

b. Mobile home park areas shall be kept free of litter, rubbish and other flammable materials.

c. Portable fire extinguishers of a type approved by the area Fire Marshall shall be kept in public service buildings under park control.