

## Chapter 180

### SUBDIVISION AND LAND DEVELOPMENT

#### ARTICLE I Title and Purpose

- § 180-1. Title.
- § 180-2. Purpose.
- § 180-3. Approval authority designated.
- § 180-4. County review required.
- § 180-5. Application of regulations.
- § 180-6. Time limits on jurisdiction.
- § 180-7. Interpretation.
- § 180-8. Compliance with zoning required.

#### ARTICLE II Terminology

- § 180-9. Word usage.
- § 180-10. Definitions.

#### ARTICLE III General Procedures; Minor Plans; Fee Schedules

- § 180-11. Copies of chapter; general submission requirements.
- § 180-12. Preparation of plans.
- § 180-13. Effect of changes in chapter.
- § 180-14. Recording plans and deeds.
- § 180-15. Minor subdivision plans.
- § 180-16. Additions to existing lots and lot line adjustments.
- § 180-17. Fees.
- § 180-18. Disputes over fees.
- § 180-19. Right to appear and comment before contiguous municipalities.

#### ARTICLE IV Voluntary Sketch Plan Submission

- § 180-20. Developer's option to submit sketch plan; requirements.
- § 180-21. Suggested information to be submitted.
- § 180-22. Site meetings.
- § 180-23. Fees.

#### ARTICLE V Preliminary Plan Submission

- § 180-24. Plan requirements.
- § 180-25. Supporting documentation.
- § 180-26. Review procedure.

#### ARTICLE VI Final Plan Submission

- § 180-27. Plan requirements.
- § 180-28. Supporting documentation.
- § 180-29. Review procedure.
- § 180-30. Additions to existing lots and lot line adjustments.
- § 180-31. Time period for filing final plan.

#### ARTICLE VII Design and Construction Standards

- § 180-32. Application; interpretation.
- § 180-33. General standards.
- § 180-34. Streets.
- § 180-35. Blocks and lots.
- § 180-36. Easements.

NORTH MIDDLETON CODE

- § 180-37. Access.
- § 180-38. Standards for sidewalks.
- § 180-39. Curbs and gutters.
- § 180-40. Outdoor lighting.
- § 180-41. Recreational land; fee requirements.
- § 180-42. Monuments and markers.
- § 180-43. Sewers and water.
- § 180-44. Traffic impact studies.
- § 180-45. Road access control.

ARTICLE VIII  
Mobile Home Park Regulations

- § 180-46. Additional rules and regulations established.
- § 180-47. Permits required.
- § 180-48. Application for initial permit.
- § 180-49. Action on final plan by Township Supervisors; term of permit.
- § 180-50. Renewal permits.
- § 180-51. Compliance of existing mobile home parks.
- § 180-52. Individual mobile homes.
- § 180-53. Fees.
- § 180-54. Site location.
- § 180-55. Soil and ground cover requirements.
- § 180-56. Areas for nonresidential use.
- § 180-57. Water and sewer service for lots in mobile home parks.
- § 180-58. General design requirements.
- § 180-59. Required setbacks; buffer strips.
- § 180-60. Proposed street system.
- § 180-61. Walks.
- § 180-62. Open space requirements.
- § 180-63. Water and sewer service.

- § 180-64. Parking requirements.
- § 180-65. Storage sheds, extensions and additions.
- § 180-66. Electrical distribution system.
- § 180-67. Structural requirements for service buildings and other community service facilities.
- § 180-68. Refuse disposal.
- § 180-69. Fire protection.
- § 180-70. Responsibilities of park management.
- § 180-71. Revocation of permit.

ARTICLE IX  
Floodplain Regulations

ARTICLE X  
Stormwater Management Plan and Design Criteria

- § 180-72. Scope.
- § 180-73. Township liability.
- § 180-74. Content.
- § 180-75. Computations for determining runoff and design facilities.
- § 180-76. Compliance with Department of Environmental Protection regulations.
- § 180-77. Floodplain management in wetlands.
- § 180-78. Erosion and sedimentation.
- § 180-79. Ownership; maintenance program.
- § 180-80. Stormwater management construction standards; basic construction criteria.

ARTICLE XI  
Grading and Site Planning Requirements

- § 180-81. Grading.

- § 180-82. Excavations and fills.
- § 180-83. Grading plans.
- § 180-84. Steep slope protection overlay.
- § 180-85. Stream protection overlay.
- § 180-86. Surface water protection overlay.
- § 180-87. Wetland protection overlay.

- § 180-93. As-built plan.
- § 180-94. Release from financial security.
- § 180-95. Remedies to effect completion of improvements.
- § 180-96. Fees for inspection of improvements.
- § 180-97. Disputes over fees.

ARTICLE XII  
Landscaping Requirements

- § 180-88. Purpose and compliance.
- § 180-89. Specific requirements.
- § 180-90. Recommended plant materials.

ARTICLE XIII  
Improvements and Construction Assurances

- § 180-91. Guarantee of required improvements as prerequisite to final plan approval.
- § 180-92. Inspection during construction.

ARTICLE XIV  
Modification of Requirements

- § 180-98. Special conditions.
- § 180-99. Applications for modification.
- § 180-100. Modification action by Board of Supervisors.

ARTICLE XV  
Enforcement; Violations and Penalties; Amendments

- § 180-101. Administration and enforcement.
- § 180-102. Amendments.
- § 180-103. Violations and penalties.

[HISTORY: Adopted by the Board of Supervisors of the Township of North Middleton 6-6-2013 by Ord. No. 2013-2. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 80.  
 Numbering of buildings — See Ch. 86.  
 Uniform construction codes — See Ch. 95.  
 Floodplain management — See Ch. 112.

Sewers and water — See Ch. 164.  
 Stormwater management — See Ch. 175.  
 Zoning — See Ch. 204.

ARTICLE I  
Title and Purpose

§ 180-1. Title.

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

**§ 180-2. Purpose.**

This chapter is adopted by the North Middleton Township Board of Supervisors to provide for the harmonious development of the Township by ensuring equitable handling of all subdivisions or land development plans by providing uniform standards and procedures; to provide for the general welfare by providing and protecting cultural facilities; by guiding the development and growth of structures, types and locations of streets, open spaces and public grounds, recreations, proper traffic flows, light and air, and the proper distribution of population to ensure conditions favorable to the health, safety and general welfare of the citizens of the Township.

**§ 180-3. Approval authority designated.**

The Planning Commission is hereby designated by the Board of Supervisors as the agency which shall review and make recommendations on all preliminary and final plans as required herein. The Board of Supervisors shall have authority to approve all preliminary and final plans as required herein for the Township.

**§ 180-4. County review required.**

Applications for review of subdivision and land development within North Middleton Township must be forwarded to the Cumberland County Planning Department along with the required fee for review and report, and the Township shall not approve such applications until the county report is received, or until the expiration of 30 days from the date the application was forwarded to the county.

**§ 180-5. Application of regulations.**

- A. No subdivision or land development of any lot, tract, or parcel of land located in North Middleton Township shall be affected; no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon unless and until a final subdivision or land development plan has been approved by the Board of Supervisors and publicly recorded in the manner prescribed herein; nor otherwise except in strict accordance with the provisions of this chapter. All improvements, whether they may be considered public or private, shall comply with the terms of this chapter.
- B. No lot in a subdivision may be sold; no permit to erect or alter any building upon land in a subdivision or land development may be issued; and no building may be erected or altered in a subdivision or land development, unless and until a final subdivision plan has been approved by the Board of Supervisors and recorded, and until construction of the improvements required in connection therewith has been guaranteed in the manner prescribed herein.

**§ 180-6. Time limits on jurisdiction.**

- A. This chapter shall apply to all subdivision and land development plans submitted after the effective date of this chapter.
- B. From the time an application for approval, whether preliminary or final, is duly filed, as provided in this chapter, and while such application is pending approval or disapproval, no change or amendment of the zoning, other governing ordinance, or 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. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application, as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
- C. Time limits on approvals.
  - (1) When an application for approval, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval.
  - (2) Where final plan approval is preceded by preliminary plan approval, the aforesaid five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
  - (3) Where the landowner has substantially completed the required improvements, as depicted upon the final plan within the aforesaid five-year limit, or any extension thereof as may be granted by the Board of Supervisors, no change of governing ordinance or plan enacted subsequent to the date of filing of the preliminary plan shall modify or revoke any aspect of the approved final plan pertaining to zoning classification or density, lot, building, street or utility location.
  - (4) In the case of a preliminary plan calling for the installation of improvements beyond the five-year period, a schedule shall be filed with the preliminary plan delineating all proposed sections, as well as deadlines within which applications for final plan approval of each section are intended to be filed. Such schedule shall be updated annually on or before the anniversary of the preliminary plan approval, until final plan approval of the last section has been granted. Any modification in the aforesaid schedule shall be subject to approval of the Board of Supervisors in its discretion.
  - (5) Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plan approval, including compliance with the

schedule for submission of final plans, then the aforesaid projections afforded by substantially completing the improvements depicted upon the final plan within five years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period. This extended protection shall apply for an additional term or terms of three years from the date of final plan approval for each section.

- D. This chapter shall not affect any suit or prosecution pending or to be instituted, to enforce any provision of previous subdivision and land development ordinances of North Middleton Township or an act done, contract executed, or liability incurred prior to the effective date of this chapter, nor shall any provisions of this chapter be construed to waive the obligations imposed upon an applicant to complete a previously approved preliminary or final plan, including the installation of all improvements required hereunder, in strict compliance with the requirements of the effective North Middleton Township Subdivision and Land Development Ordinance.

#### **§ 180-7. Interpretation.**

- A. In interpreting and applying the provisions of this chapter, they shall be held to be minimum requirements for the promotion of public health, safety, and general welfare of the Township and its citizens. It is not intended by this chapter to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Township which are not in conflict with any provisions of this chapter.
- B. Nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinances, rules, regulations, or permits, or by easements, covenants, building restrictions or agreements, the provisions of this chapter shall control. Where, due to inherent ambiguity, vagueness or lack of clarity in the language of this chapter, a reasonable doubt exists as to the meaning of any restriction upon the use of land, said doubt shall be resolved in favor of the property owner and against any implied extension of a restriction.

#### **§ 180-8. Compliance with zoning required.**

Nothing contained in this chapter shall relieve the owner or developer from complying with the applicable provisions of Chapter 204, Zoning, of the Code of the Township of North Middleton. It is the expressed intent that this chapter and Chapter 204, Zoning, be coenforceable and together foster the stated planning goals and objectives of the Township. Subdivision and land development plans, in addition to meeting the standards of this chapter, shall conform in all respects to the lot size and land use requirements of Chapter 204, Zoning.

ARTICLE II  
**Terminology**

**§ 180-9. Word usage.**

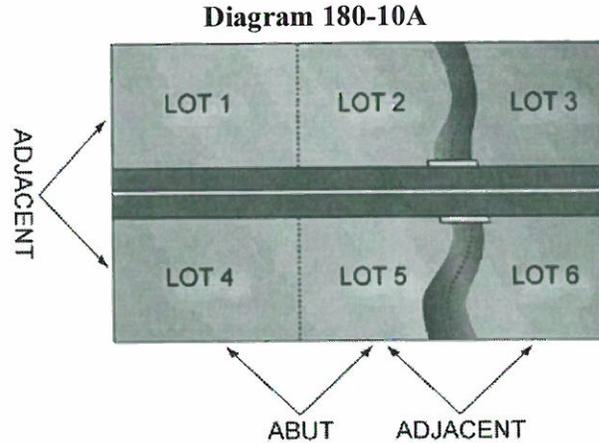
The following words are defined in order to facilitate the interpretation of the chapter for administrative purposes and in the carrying out of duties by appropriate officers. Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meanings indicated:

- A. Words in the singular include the plural and those in the plural include the singular.
- B. Words used in the present tense include the future tense.
- C. The words "person," "subdivider," "developer," and "owner" include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual engaged in the subdivision of land and/or land development.
- D. The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof."
- E. The word "watercourse" includes channel, creek, ditch, dry run, spring, stream and river.
- F. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.
- G. The word "lot" includes the word "plot" or "parcel."
- H. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

**§ 180-10. Definitions.**

Other terms or words used herein shall be interpreted or defined as follows:

ABUT — Areas of contiguous lots that share a common property or lot line, except not including lots entirely separated by a street or a waterway. See Diagram 180-10A. See also definition of "adjacent."



**ACCELERATED EROSION** — The removal of surface material by the action of natural elements caused by man's manipulation of the landscape.

**ACCESS DRIVE** — A private improved surface other than a street or driveway designed and constructed to provide for vehicular movement from a street to a parking area, garage, dwelling, building or other structure within a lot or property containing any use other than one single-family dwelling unit. For purposes of this chapter, access drives shall be required for all nonresidential and multifamily uses, and all other uses not served by a driveway as defined in this chapter.

**ACCESS SPACING** — The distance required to encourage small speed differentials between vehicles moving in the traffic stream and vehicles entering the traffic stream from a stop condition. Said spacing is recommended by the Institute of Transportation Engineers (ITE) as a guideline for location of nonsignalized access, and is based upon American Association of State Highway and Transportation Officials (AASHTO) acceleration distances for passenger cars on level grades.

**ACREAGE, NET** — The total land area contained within a property or proposed site, exclusive of lands within a public or private street right-of-way. (Note: one acre equals 43,560 square feet.)

**ADJACENT** — Two or more lots that share a common property or lot line, or that are separated only by a street or waterway from each other. See Diagram 180-10A. See also definition of "abut."

**ALLEY (OR SERVICE DRIVE)** — A strip of land over which there is a public or private right-of-way intended to provide vehicular access to the side, rear, or both, of properties with frontage on a street. An alley is not intended for general traffic circulation.

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

**APPLICATION FOR DEVELOPMENT** — A written application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or

development, including, but not limited to, an application for a building permit, for the approval of a subdivision, plat or plan or for the approval of a development plan.

**APPOINTING AUTHORITY** — The Township Board of Supervisors.

**AUTHORITY** — A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945."<sup>1</sup>

**BERM** — An earthen mound designed to create a visual and sound barrier between a use and adjoining properties, streets, and adjacent uses.

**BLOCK** — An area bounded by streets or other barrier to the continuity of development. See Diagram 180-10F.

**BOARD OF SUPERVISORS or SUPERVISORS** — The Board of Supervisors of North Middleton Township.

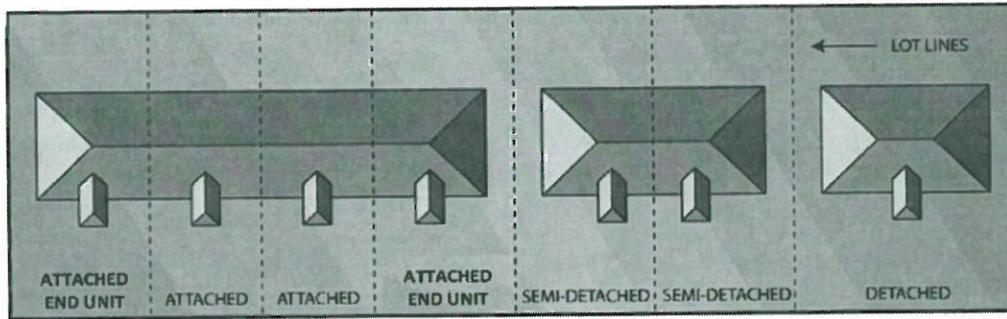
**BUILDING** — Any structure, either temporary or permanent, having a roof supported by columns or walls, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including porches, decks, awnings, or vehicles situated on private property and used for purposes stated above. For the purposes of this section, the word "building" shall include gas or liquid storage tank. See Diagram 180-10B.

- A. **ATTACHED BUILDING** — A building which is connected to another by two or more party walls in common, except for end units. For purposes of this definition, attached buildings shall each have one front yard and one rear yard, and two party walls in common with, and attached to two other buildings, except for end units which shall each have one party wall in common and one side yard.
- B. **DETACHED BUILDING** — A building which is completely surrounded by permanent open space. For purposes of this definition, detached buildings shall have two side yards, one front yard and one rear yard.
- C. **SEMIDETACHED BUILDING** — A building which is connected to another building by only one party wall in common. For purposes of this definition, semidetached buildings shall each have one side yard, one front yard, one rear yard, and one party wall in common with, and attached to another building.

---

1. Editor's Note: The Municipality Authorities Act of 1945 (53 P.S. § 301 et seq.) was repealed by Act 22 of 2001 (June 19, 2001, P.L. 287, No. 22). See now the Municipality Authorities Act, 53 Pa.C.S.A. § 5601 et seq.

**Diagram 180-10B**



**BUILDING SETBACK LINE** — The line within a property defining the required distance between any enclosed building or structure and the abutting right-of-way, or otherwise, front, rear, and side lot lines. In the case of a lot where a front and/or rear lot line does not coincide with a recorded right-of-way, the building setback line shall be measured from the associated recorded right-of-way. See Diagram 180-10C.

**CAPPED SEWERS** — Sanitary sewerage facilities which are installed and capped where existing sanitary sewerage facilities are not available, but are proposed in the Official Sewage Facilities Plan of the Township. Such facilities shall include sanitary sewers, force mains, pumping stations, and all other appurtenances necessary to serve the entire subdivision and/or land development.

**CARTWAY or ROADWAY** — The improved surface of a street, access drive, driveway or alley available for vehicular traffic, including travel lanes and parking lanes, but not including curbs, sidewalks or swales.

**CENTRALIZED SEWAGE SYSTEM** — A public or private utility system designed to collect, centrally treat, and dispose of sewage from customers, in compliance with Pennsylvania Department of Environmental Protection regulations or regulations of the Township, whichever may be more stringent.

**CERTIFICATION** — A signed statement appended to a plan or other document whereby the signer represents that to the best of his or her knowledge and belief said plan or document is true and correct and that the Township may rely upon the accuracy thereof.

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

**COMMON OPEN SPACE** — Any area of land or water, or a combination of land and water, within a development site designed and intended for use by all residents of the development or the general public. Land included within the right-of-way lines of streets and stormwater detention basins with impervious surfaces shall not be classified as common open space. Common open spaces shall not include required setbacks between buildings and street rights-of-way, driveways, access drives, parking areas and lot lines of the development. No dwelling unit, residential accessory buildings or parking or loading areas may be located within common open spaces.

COMPREHENSIVE PLAN — The most recent version of the North Middleton Township Comprehensive Plan, including any amendments.

CONDOMINIUM — A form of property ownership providing for individual ownership of a specific dwelling unit or other space, together with an undivided interest in the land or other parts of the structure in common with other owners.

COUNTY — Cumberland County, Pennsylvania.

COUNTY PLANNING COMMISSION — The Planning Commission of Cumberland County.

COUNTY PLANNING DEPARTMENT — A Department of Cumberland County that provides staff support to the Cumberland County Planning Commission.

CROSSWALK — A right-of-way, publicly or privately owned, intended to furnish access for pedestrians.

CUL-DE-SAC — A dead-end street equipped with a circular vehicle turnaround at its terminus measured from the edge of the intersection of a street which is not a cul-de-sac to the end of the improved cartway at the end of the cul-de-sac street.

CURB — The raised edge of a pavement designed to protect the abutting land from vehicular traffic and to confine surface water.

DEDICATION — The deliberate appropriation of land by its owner for any general and public or limited public use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

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

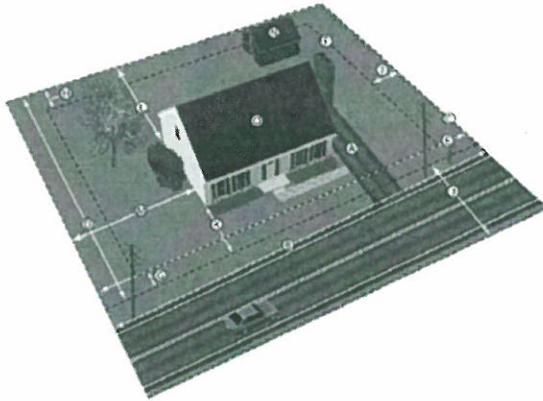
DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

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

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

DRIVEWAY — A private improved surface designed and constructed to provide vehicular movement from a street to a parking area, garage, dwelling, building or structure within a lot or property containing one single-family dwelling unit or an agricultural activity. See Diagram 180-10C.

**Diagram 180-10C**



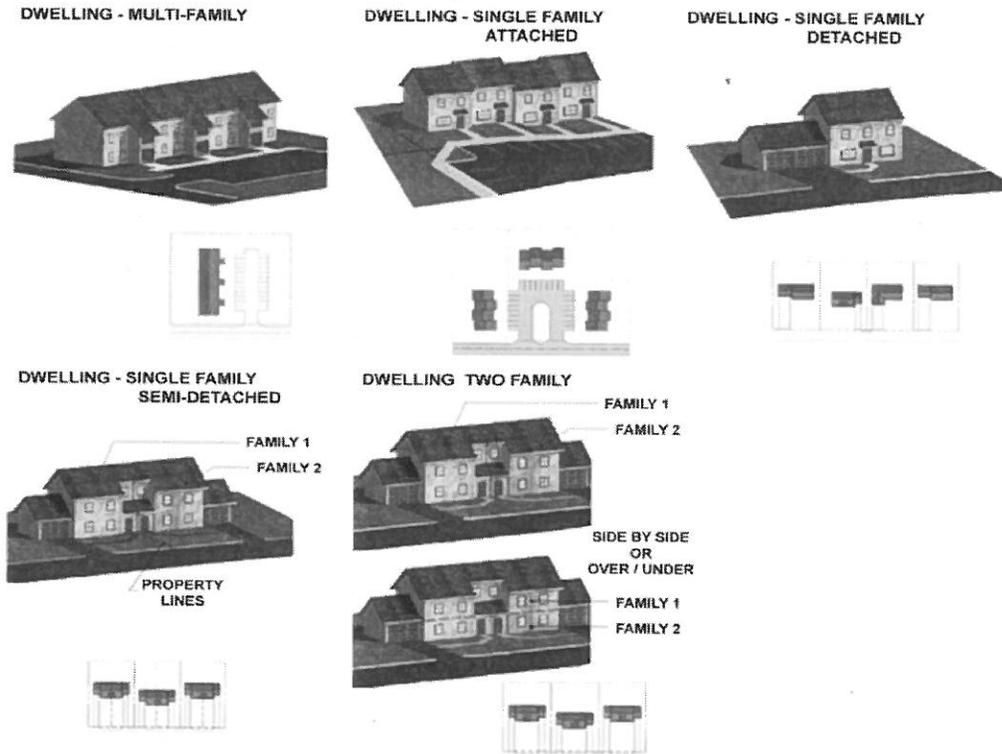
- A Driveway
- B Frontage
- C Lot Line
- D Lot Depth
- E Lot Width
- F Setback Line
- G Setback Front
- H Setback Rear
- I Setback, Side
- J Right-of-Way (ROW)
- K Yard, Front
- L Yard, Rear
- M Yard, Side
- N Structure, Accessory
- O Structure, Principal

Rights-of-way, Setbacks and Other Lines Not Drawn to Scale

**DWELLING** — Any building or portion thereof designed and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, motels, boarding rooming and lodging houses, institutional houses, tourists courts, and the like, offering overnight accommodations for guests or patients. In addition, all dwellings shall be properly connected to approved and permanently designed public or on-lot sewer, public or on-lot water, electrical and other utility systems. See Diagram 180-10D.

- A. **MULTIFAMILY DWELLING** — A detached building, or a group of attached or semidetached buildings containing three or more dwelling units for housing three or more families or housekeeping units.
- B. **SINGLE-FAMILY ATTACHED DWELLING** — An attached building containing one dwelling unit for housing one family or housekeeping unit. For purposes of this definition, row house and townhouse are considered single-family attached dwellings.
- C. **SINGLE-FAMILY DETACHED DWELLING** — A detached building containing one dwelling unit for housing one family or housekeeping unit. For purposes of this chapter, recreational vehicles, as defined herein, shall not be construed as dwellings.
- D. **SINGLE-FAMILY SEMIDETACHED DWELLING** — A semidetached building containing one dwelling unit for housing one family or housekeeping unit.
- E. **TWO-FAMILY DWELLING** — A detached building containing not more than two dwelling units for housing not more than two families or housekeeping units.

**Diagram 180-10D**



**DWELLING UNIT** — A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EARTH DISTURBANCE** — An activity, including but not limited to construction, mining, farming and timber harvesting, which alters, disturbs, or exposes the existing land surface.

**EARTHMOVING ACTIVITY** — Any construction or other activity which disturbs the surface of the land, including but not limited to excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth, excluding the tilling of the soil.

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

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

**ENGINEER, PROFESSIONAL** — A person duly registered as a professional engineer by the Commonwealth of Pennsylvania.

**ENGINEER, TOWNSHIP** — The Township Engineer, who will be a registered professional engineer, or any registered professional engineer or any consultant designated by the Board of

Supervisors to review a subdivision plan and perform the duties of engineer on behalf of the Township.

**EROSION** — The natural process by which the surface of the land is worn away by water, wind or chemical actions.

**EROSION AND SEDIMENT POLLUTION CONTROL PLAN** — A plan which is designed to minimize accelerated erosion and prevent sediment pollution to the waters of the commonwealth.

**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** — Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments and causeways.

**FRONTAGE** — The linear measurement taken along a property's common boundary with an adjoining street right-of-way, other than that of a limited access highway. See Diagram 180-10C.

**FUTURE RIGHT-OF-WAY** —

- A. Right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads.
- B. A right-of-way established to provide future access to or through undeveloped land.

**GUARANTEE, COMPLETION** — The financial security that may be accepted by the Township as a guarantee that improvements required as part of an application for subdivision and/or land development are completed to the satisfaction of the Township. The methods acceptable for posting such financial security shall include, but are not limited to, performance bonds, federal or commonwealth chartered lending institution irrevocable letters of credit, and restrictive or escrow accounts in such lending institutions.

**GOVERNING BODY** — The North Middleton Township Board of Supervisors.

**IMPERVIOUS AREA** — Any portion of a lot covered by material impenetrable by precipitation, including buildings, structures and paved areas.

**IMPERVIOUS COVER** — Any natural or man-made material utilized to cover, pave or resurface any portion or area of a lot, whether permeable or impermeable, excepting only soil, plants or vegetative coverings. Impervious cover shall include, among other materials, any form or mixture of concrete, stone, asphalt, tar, porous pavement, or other substance designed and intended to alter the natural state of the land.

**IMPERVIOUS SURFACE** — Any material that covers the land which inhibits the percolation of stormwater directly into the soil, including but not limited to buildings, pavement and stormwater facilities that discharge stormwater off the site.

**IMPROVEMENTS** — Those physical changes to the land necessary to produce usable and desirable lots from raw acreage, including, but not limited to, grading, paving, curb, gutter, storm sewers and drains, improvements to existing watercourses, sidewalks, crosswalks, street signs, monuments, water supply facilities, and sewage disposal facilities.

**JOINT USE ACCESS DRIVE** — An access drive shared by and constructed to provide vehicular access between multiple nonresidential or multifamily uses and a street.

**JOINT USE DRIVEWAY** — A driveway shared by and constructed to provide access to two or three properties.

**LAND DEVELOPMENT** —

A. 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 residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (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.

B. Excluded from this definition of land development are the following:

- (1) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium.
- (2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

C. For the purposes of stormwater management planning, the definition of "land development" shall also include any subdivision or new construction or expansion of any residential, commercial, industrial, accessory or other improvement that creates an area of impervious material on the parcel of 1,000 square feet or more. The one-thousand-square-foot requirement applies on individual large projects, projects which exceed a cumulative total of 1,000 square feet after the effective date of this chapter, and any projects occurring after the one-thousand-square-foot level has been reached, either initially or cumulatively. See Chapter 175, Stormwater Management, of the Code of the Township of North Middleton.

D. Where an addition of no more than 15% of the square footage is being added to an existing building, but in no case of an addition of more than 2,000 square feet, a building permit and a site plan approval is required to be obtained from the appropriate officer of

the Township, but submission of a land development plan and review by the Planning Commission and approval by the Board of Supervisors may be waived, only when:

- (1) The building is added to the existing structure and is not separated; and
- (2) There is no change to any street or public way; and
- (3) There is no interference or substantial change to drainage or the flow of water; and
- (4) When the appropriate building officer of the Township determines that the same is otherwise in compliance with all zoning and land development requirements.

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

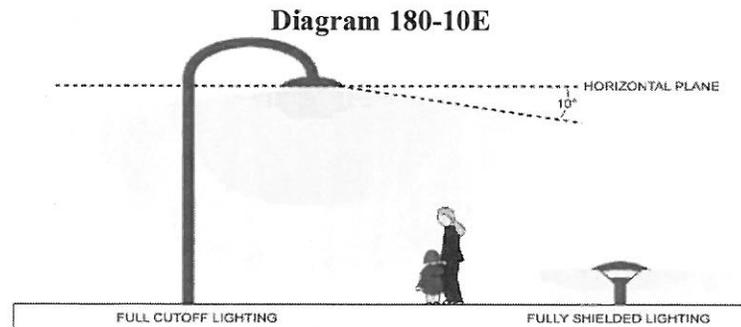
**LANDSCAPE ARCHITECT, PROFESSIONAL** — A person duly registered as a professional landscape architect by the Commonwealth of Pennsylvania.

**LANDSCAPING** — The planting of turf, trees, shrubs, and other appropriate vegetative materials and ground cover within the open areas of a lot other than for agricultural purposes, and including the maintenance and replacement thereof, for the purposes of erosion control, retention of precipitation, protection against the elements and promotion of human comfort and welfare.

**LIGHTING-RELATED TERMS AND PHRASES** — Unless specifically defined elsewhere herein, the following words and phrases when used in § 204-37 of Chapter 204, Zoning, relating to the outdoor lighting, shall have the meaning given to them herein this subsection unless the context clearly indicates otherwise. See Diagram 180-10E.

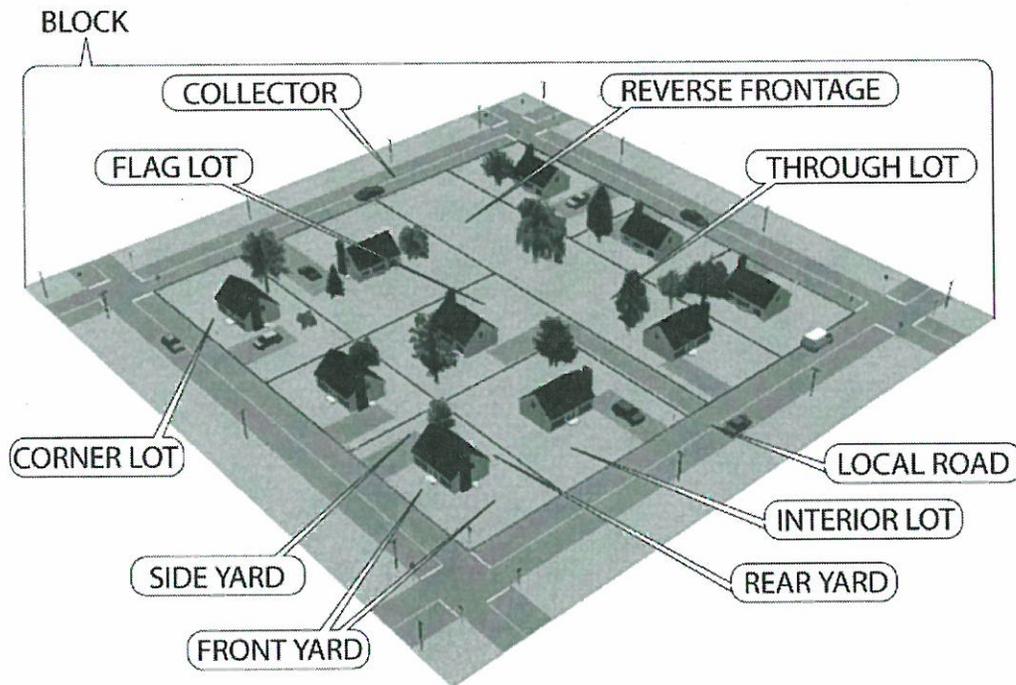
- A. **FOOTCANDLE** — Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), and measurable with an illuminance meter, a.k.a., light meter.
- B. **FULL CUTOFF** — Attribute of a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's intensity is emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the fixture.
- C. **FULLY SHIELDED** — Attribute of a lighting fixture provided with internal and/or external shields and louvers to prevent brightness from lamps, reflectors, refractors and lenses from causing glare at normal viewing angles.
- D. **GLARE** — Excessive brightness in the field of view that is sufficiently greater than the brightness to which the eyes are adapted, to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare.
- E. **ILLUMINANCE** — Quantity of light, measured in footcandles.
- F. **LIGHT TRESPASS** — Light emitted by a lighting fixture or installation which is cast beyond the boundaries of the property on which the lighting installation is sited.

- G. LUMEN — As used in the context of this chapter, the light-output rating of a lamp (light bulb).



LOT — Any parcel, plot or tract of land intended as a single unit for purposes of ownership, transfer of ownership, use, rent, improvement or development. Contiguous nonconforming lots of record under single and separate ownership shall be considered one lot for the purposes of this chapter. A lot, as herein defined, may or may not coincide with a lot of record. See Diagram 180-10F.

- A. LOT, CORNER — A lot which has an interior angle of less than  $135^\circ$  at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersections of the side lot lines with the street line intersect at an interior angle of less than  $135^\circ$ . Corner lots shall have two front yards (abutting the street), one side yard and one rear yard. For purposes of this chapter, the front lot line of the street in which the lot is addressed shall be the primary front lot line, and the other front lot line shall be the secondary front lot line. The rear lot line shall be the lot line directly opposite of the primary front lot line. The side lot line shall be the lot line directly opposite the secondary front lot line.
- B. LOT, FLAG — A lot whose frontage does not satisfy the minimum lot width requirements for the respective zone but that does have sufficient lot width away from the lot's frontage.
- C. LOT, INTERIOR — A lot, other than a corner lot, the sides of which do not abut a street right-of-way.
- D. LOT, DOUBLE FRONTAGE, THROUGH OR REVERSE FRONTAGE — A lot having frontage on two or more parallel or approximately parallel streets. In such cases, the front yard setback will be determined by the street address, which yard along the addressed street shall be considered the front yard. The yard along the opposite parallel or approximately parallel street will be considered the rear yard for determining the minimum required rear setback. The minimum required rear setback line shall be used for all principal, accessory and temporary structures.

**Diagram 180-10F**

**LOT AREA** — The area contained within the lot lines of individual parcels of land, excluding any area within a street right-of-way, but including the area of any easement.

**LOT COVERAGE** — That portion or percentage of the lot area covered by impervious cover or surface.

**LOT LINE** — A line of record which divides one lot from another lot or from a public or private road (right-of-way) or any other public space. Where a lot abuts a public or private right-of-way, the lot line for regulatory purposes shall be the right-of-way line; also known as "road or street line." See Diagram 180-10C.

**LOT OF RECORD** — A lot identified on a subdivision plan or on a deed or other instrument of conveyance recorded in the office of the Recorder of Deeds in and for Cumberland County, Pennsylvania.

**LOT WIDTH** — The horizontal distance measured between side lot lines at the minimum front setback line for the district in which the lot is located. On corner lots, lot width shall be measured between the right-of-way line for the nonaddress street and the directly opposite lot line. Unless otherwise noted, lot width shall be measured at the building setback line and the street frontage. For purposes of determining compliance with required lot width standards of this chapter, in calculating required lot width, the term shall mean the contiguous or unbroken horizontal distance measured between side lot lines. See Diagram 180-10C.

**MANUFACTURED HOME** — See "mobile home."

**MOBILE HOME** — A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable again of being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations. Mobile homes placed in parks shall meet the requirements for mobile home parks provided in Article VIII, Mobile Home Park Regulations, of this chapter, as may be amended. Mobile homes placed on individual lots shall be considered dwellings and be bound by the requirements there imposed.<sup>2</sup>

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

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

**MUNICIPAL AUTHORITY ENGINEER** — The Municipal Authority Engineer or any registered professional engineer designated by the North Middleton Authority to perform the duties of engineer on behalf of the Municipal Authority.

**MUNICIPALITY** — North Middleton Township, Cumberland County, Pennsylvania.

**OBSTRUCTION** — Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or flood-prone area, which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or is placed where the flow of the water might carry the same downstream to the damage of life and property.

**PADEP** — The Pennsylvania Department of Environmental Protection.

**PERCOLATION TEST** — A procedure to determine the absorption rate of the soil in an area proposed as the installation site for an on-lot septic system. Such a test will be carried out according to the requirements of the Pennsylvania Department of Environmental Protection.

**PLAN** — The map or plan of a subdivision or land development, whether preliminary or final.

**PLANNING CODE** — The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, Act 247, as reenacted and amended.<sup>3</sup>

**PLANNING COMMISSION** — The Planning Commission of North Middleton Township.

**PLAT** — See "plan."

**PROFESSIONAL LAND SURVEYOR** — An individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of land surveying.

---

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

3. Editor's Note: See 53 P.S. § 10101 et seq.

PUBLIC GROUNDS — Includes the following:

- A. Parks, playgrounds, trails, paths, open space, and other recreational areas and other public areas;
- B. Sites for schools, water and sewage treatment, refuse disposal and other publicly owned or operated facilities;
- C. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING — A formal meeting held pursuant to public notice by the North Middleton Township Board of Supervisors or Planning Commission (as applicable), intended to inform and obtain public comment, prior to taking action on zoning-related matters.

PUBLIC NOTICE — Notice published once each week for two 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 30 days and the second publication shall not be less than seven days from the date of the hearing. Public notice for rezoning, special exception, variance, or any combination thereof, requests shall also include the posting of a sign(s) at a conspicuous location(s) upon the site to notify potentially interested citizens; this sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time and location of the hearing.

RECREATION, ACTIVE — Leisure-time activities, usually of a more formal nature and performed with other individuals, often requiring equipment and taking place at prescribed places, site or fields. Such areas usually require physical alteration to the area before they can occur and are intensively used, such as playgrounds, ball courts and swimming pools.

RECREATION, PASSIVE — Leisure-time activities, usually of an informal nature and which can be carried out with little alteration or disruption to the area in which they occur, such as hiking and picnicking.

RECREATIONAL VEHICLE — A portable structure, primarily designed to provide temporary living quarters for recreation, camping or travel purposes. In addition to the above, any of the following attributes are characteristic of a travel trailer:

- A. The unit is of such size or weight as not to require a special highway movement permit from the Pennsylvania Department of Transportation when self-propelled or when hauled by a standard motor vehicle on a highway.
- B. The unit is mounted or designed to be mounted on wheels.
- C. The unit is designed to be loaded onto or affixed to the bed or chassis of a truck.
- D. The unit contains or was designed to contain temporary storage of water and sewage.
- E. The unit contains some identification by the manufacturer as a travel trailer.

RENEWABLE ENERGY SOURCE — Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including but not limited to biomass conversion, geothermal energy, solar

and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

**REPORT** — Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

**RESERVE STRIP** — A narrow parcel of ground separating a street from other adjacent properties.

**RIGHT-OF-WAY** — A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary, storm sewer, and other similar uses, whether public or private (see also "street line"). See Diagram 180-10C.

**ROAD** — An improved street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrian, whether public or private.

**ROAD ACCESS POINT** — An intersection of any combination of two or more streets, roads, driveways, or access drives.

**SAFE SIGHT DISTANCE** —

- A. **DESIRABLE** — Sight distance that is desirable for safe operation of a driveway or street intersection.
- B. **MINIMUM** — Sight distance less than desirable, but which is the minimum acceptable for safe operation of a driveway or street intersection.

**SCREENING** — The provision of a barrier to visibility, air borne particles, glare and noise between adjacent properties, uses, and/or zoning districts composed of a mixture of landscaping, trees, berms, shrubs, fences, walls and/or other similar type materials, that is intended to mitigate negative impacts, such as visual and noise, of the more intense use on the less intense use or zoning district.

**SCREEN PLANTING** — A vegetative material of sufficient height and density to conceal from the view of passing motorists and property owners on abutting and/or adjacent properties the structures and uses on the premises on which the screen planting is located.

**SEDIMENT** — Soils or other surface materials transported by surface water as a product of erosion.

**SEDIMENT BASIN** — A barrier, dam, detention or retention basin designed to retain sediment.

**SEDIMENT POLLUTION** — The placement, discharge or any other introduction of sediment into the waters of the commonwealth occurring from the failure to design, construct, implement or maintain control measures and control facilities in accordance with 25 Pa. Code Chapter 102 (Erosion and Sediment Pollution Control).

**SEEPAGE PIT/SEEPAGE TRENCH** — An area of excavated earth filled with loose stone or similar material and into which surface water is directed for infiltration into the ground.

**SEPTIC TANK** — A watertight tank in which raw sewage is broken down into solid, liquid, and gaseous phases to facilitate further treatment and final disposal.

**SETBACK** — The required horizontal distance between a setback line and a property or street right-of-way line. See Diagram 180-10C.

- A. **SETBACK, FRONT** — The distance between the street line and/or private right-of-way line and the front line of the principal building and/or structure projected to the side lines of the lot. The depth of the front setback shall be measured between the front line of principal building and/or structure and the street right-of-way line. Attached porches and decks, whether covered or uncovered, enclosed or unenclosed, shall be considered as part of principal building and/or structure and shall not project into a required front setback.
- B. **SETBACK, REAR** — The distance between the rear line of the lot and the rear line of the principal building and/or structure projected to the side lines of the lot. The depth of the rear setback shall be measured between the rear line of the lot and the rear line of the principal building and/or structure. Attached porches and decks, whether covered or uncovered, enclosed or unenclosed, shall be considered as part of principal building and/or structure and shall not project into a required rear setback.
- C. **SETBACK, SIDE** — The distance between the side line of the lot and extending from the front lot line to the rear lot line. Any lot line not a rear line or a front line shall be deemed a side line. Attached porches and decks, whether covered or uncovered, enclosed or unenclosed, shall be considered as part of principal building and/or structure and shall not project into a required side setback.

**SETBACK LINE** — A line within a property and parallel to a property or street right-of-way line which delineates the required distance between some particular use of property and that property or street right-of-way line. See Diagram 180-10C.

**SEWAGE DISPOSAL SYSTEM (ON-SITE)** — Any structure designed to eliminate sanitary sewage within the boundaries of the lot.

**SEWAGE DISPOSAL SYSTEM (PUBLIC)** — A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

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

- A. **PASSING SIGHT DISTANCE** — A line of unobstructed vision from the height of a driver's eye 3.5 feet high.
- B. **STOPPING SIGHT DISTANCE** — A line of unobstructed vision from the height of a driver's eye 3.5 feet above the surface of a roadway to see an object on the roadway at a height of 0.5 foot high.

**SKETCH PLAN** — A voluntary, nonbinding schematic plan submitted for informational purposes only.

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

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

**STORMWATER MANAGEMENT PLAN** — A plan or design for controlling stormwater so that it will preclude erosion or flooding and/or the adverse effects of stormwater from impervious areas, as required by Article X of this chapter.

**STREET** — Includes street, avenue, boulevard, road, highway, freeway, lane, viaduct and any other dedicated and adopted public right-of-way or private right-of-way, used or intended to be used by vehicular traffic, pedestrians, or both.

**STREET LINE** or **STREET RIGHT-OF-WAY LINE** — A line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence, a dedicated right-of-way, or a reserve right-of-way. See Diagram 180-10C.

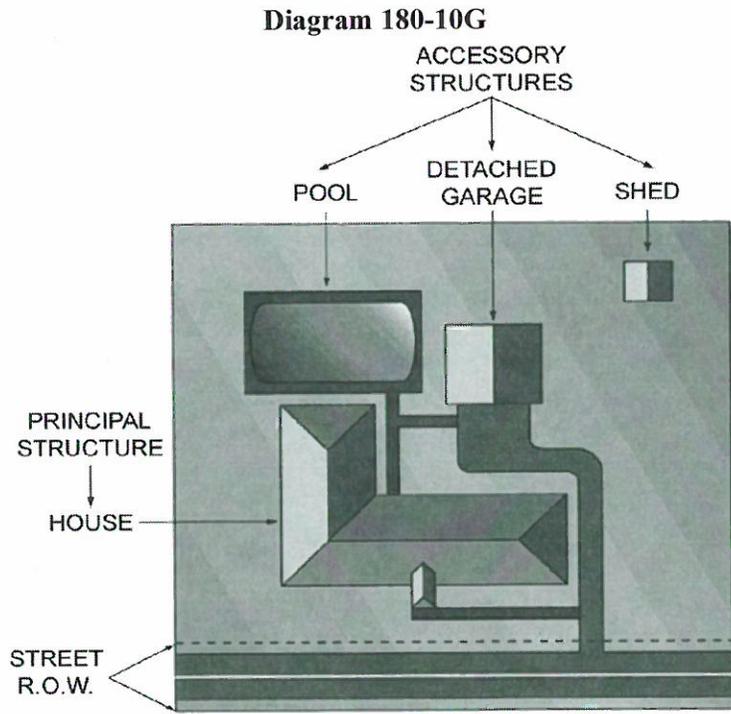
**STREET, PRIVATE** — A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation, but not intended to be dedicated for public use.

**STREET, PUBLIC** — A strip of land, including the entire right-of-way, intended to be dedicated for use as a means of vehicular and pedestrian circulation by the public.

**STRUCTURE** — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. See Diagram 180-10G.

- A. **STRUCTURE, ACCESSORY** — A structure customarily incidental and subordinate to and detached from the main or principal building or structure on the same lot, the use of which is customarily incidental to that of the principal building or structure on the lot. An accessory structure shall exclude any vehicle as defined by the Pennsylvania Motor Vehicle Code, and cannot be constructed without a principal structure on the property.
- B. **STRUCTURE, PRINCIPAL** — The main, primary, or predominant structure on a given lot, tract, or parcel. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

- C. STRUCTURE, TEMPORARY — A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.



SUBDIVIDER — See "applicant" and "developer."

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

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

SURVEYOR — See "professional land surveyor."

SWALE — A low-lying stretch of land characterized as a depression used to carry surface water runoff.

**TILE DISPOSAL FIELD** — A system of open jointed or perforated pipes laid in the upper strata of the soil for absorption.

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

**TOWNSHIP** — The Township of North Middleton, Cumberland County, Pennsylvania, Board of Supervisors, its agents or authorized representatives.

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

**UNIT** — A part of the property, structure, or building designed or intended for any type of independent use, which has direct exit to a public street or way, or to a common element or common elements leading to a public street or way or to an easement or right-of-way leading to a public street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure or buildings.

**USABLE OPEN SPACE** — Same as "common open space."

**WATERCOURSE** — A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water carrying or holding surface water, whether natural or artificial.

**WATER FACILITY** — Any waterworks, water supply works, water distribution system, or part thereof designed, intended or constructed to provide or distribute potable water.

**WATERSHED** — All the land from which water drains into a particular watercourse.

**WATERS OF THE COMMONWEALTH** — Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground waters, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.

**WATER SURVEY** — An inventory of the source, quantity, yield and use of groundwater and surface water resources within a municipality.

**WETLANDS** — Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. (The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission. This definition is used by the United States Environmental Protection Agency and the United States Army Corps of Engineers.)

**ZONING ORDINANCE** — The current version of the North Middleton Township Zoning Ordinance.

ARTICLE III  
**General Procedures; Minor Plans; Fee Schedules**

**§ 180-11. Copies of chapter; general submission requirements.**

- A. Copies of this chapter shall be available on request, at cost, for the use of any person who desires information concerning subdivision and land development standards and procedures in effect within the Township.
- B. Applicants are encouraged to utilize the sketch plan provisions set forth in Article IV of this chapter.
- C. No application, requiring a decision thereon, shall be deemed filed until all requirements of this chapter have been met, including the proper filing with the Township of all supporting documentation and other data required by this chapter, and all fees and costs therefor are paid in full.
- D. In addition, all applications, fees and supporting documentation must be submitted to the Township by the first day of the month in order to be on the following month's Planning Commission agenda. If the first day of the month falls on a non-workday, the submission date shall be pushed to the first workday following the non-workday(s).

**§ 180-12. Preparation of plans.**

All plans are to be prepared in accordance with the provisions of this chapter, Chapter 204, Zoning, all other plans as adopted and amended, and the applicable professional registration law.

**§ 180-13. Effect of changes in chapter.**

- A. No subsequent amendment of Chapter 204, Zoning, or this chapter would affect the terms of approval of a plan, whether preliminary or final, within five years of the date of such approval.
- B. The five-year period shall be extended for the duration of any litigation directly resulting from the grant or disapproval of a subdivision or land development plan initiated by a party directly involved with the plan, including appeals, which prevent the commencement or completion of the development and for the duration of any sewer or utility moratorium or prohibition, which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired; provided, however, that no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.
- C. Each phase in any residential subdivision or land development, except for the last phase, shall contain a minimum of 25% of the total number of dwelling units as depicted on the

preliminary plan, unless a lesser percentage is approved by the Board of Supervisors in its discretion, provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plan approval, including compliance with landowner's aforesaid schedule of submission of final plans for the various phases, then the aforesaid projections afforded by substantially completing the improvements depicted upon the final plan within five years shall apply and for any phase or phases, beyond the initial phase, in which the required improvements have not been substantially completed within said five-year period the aforesaid projections shall apply for an additional term or terms of three years from the date of final plan approval for each phase section.

- D. Failure of the landowner to adhere to the aforesaid schedule of submission of final plans for the various phases shall subject any such phase to any and all changes in zoning, subdivision and other governing ordinance enacted by the Township subsequent to the date of the initial preliminary plan submission.
- E. Before acting on an application, the Board of Supervisors may hold a public hearing thereon after public notice.
- F. Expiration of preliminary plan approval. Preliminary plan approval shall expire if final plans are not submitted within five years of filing of the approved preliminary plan.
- G. Effect of preliminary plan approval. Approval of the preliminary plan constitutes approval of the proposed subdivision or land development in respect to general design, the approximate dimensions and other planned features. Preliminary plan approval binds the applicant to the general scheme of the plan as approved and permits the applicant to begin preparation of the final plan. Preliminary plan approval does not authorize the recording, sale or transfer of lots, or the commencement of any site improvements unless specific approval has been requested and approved by the Board of Supervisors.

**§ 180-14. Recording plans and deeds.**

- A. Upon approval of the final plan, the Township shall, within 90 days of such approval or 90 days after the date of delivery of an approved plan signed by the Township following completion of conditions imposed for such approval, whichever is later, record such plan in the Office of Recorder of Deeds of Cumberland County. The Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Board of Supervisors and review by the Cumberland County Planning Department. The applicant shall bear any costs required to provide the Recorder of Deeds with a recordable plan.
- B. Within 10 days after recording, the Township shall furnish the applicant a recorder's certificate for the plan certifying that said plan is properly recorded.
- C. Streets, public grounds, easements and other public improvements may be offered for dedication to the Township by formal notation on the final plan, or the applicant may note that any such improvements have not been offered for dedication to the Township.

- D. Streets and public grounds shown on a recorded final plan shall be deemed private until offered for dedication to the Township and accepted by ordinance or resolution, or until legally adopted for use by the public.
- E. The recording of the plan shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included with the subject plan.
- F. With respect to plans requiring conditions of approvals, the following statement shall be attached to all final plan approvals:

Approved by North Middleton Township Board of Supervisors and all conditions imposed with respect to such approval were completed on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

- G. Effect of plan approval on Official Map. After a plan has been approved and recorded as provided in this article, all streets and public grounds on such plan shall be, and become a part of the Official Map of the Township without public hearing.

**§ 180-15. Minor subdivision plans.**

- A. Any subdivision or land development which contains no more than 10 lots may be reviewed and acted upon as a final plan without the necessity of prior preliminary plan approval. Such determination shall be made by the Board of Supervisors after receipt of a written request for waiver of the requirement for a preliminary plan based upon the following considerations:
  - (1) The proposed subdivision or land development does not involve public improvements.
  - (2) The proposed subdivision or land development complies with the applicable provisions of this chapter.
- B. When the total of all lots subdivided or space occupied from a parcel or tract of land exceeds 10 lots within the last five years, the applicant shall be required to file a preliminary plan for any further proposed subdivision or land development.
- C. All applicable information and approvals as required by Articles V and VI shall be shown on the plan and acquired unless waived by the Board of Supervisors.

**§ 180-16. Additions to existing lots and lot line adjustments.**

Any subdivision consisting solely of a parcel or parcels of land to be added to an existing contiguous recorded lot or lots for the sole purpose of increasing the lot size or correcting a lot line may be reviewed and acted upon as a final plan without the necessity of prior preliminary plan approval as provided in § 180-15 above. Such lot and addition(s) shall be conveyed to the applicant by a deed of consolidation, in a form acceptable to the Board of

Supervisors, which recording shall occur contemporaneously with the recordation of the final subdivision plan.

**§ 180-17. Fees.**

The Board of Supervisors shall set fees, payable in advance, for review of plans. Such review fees may include reasonable and necessary charges by the Township's professional consultants or engineer for review and report thereon to the Township. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer or consultants for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the Engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants. Such fees shall be based upon a schedule adopted by resolution of the Board of Supervisors upon enactment of this chapter, or as such schedule may be amended. A copy of said fee schedule shall be available for review at the Township office.

**§ 180-18. Disputes over fees.**

- A. If the applicant disputes the amount of any such review fees, the applicant shall, within 14 days of the applicant's receipt of the bill, notify the Township that such fees are in dispute, in which case the municipality shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.
- B. In the event that the Township and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution as set forth below:
  - (1) If within 20 days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which is reasonable and necessary, provided that the professionals resolving such dispute shall be of the same profession or discipline as the consultants whose fees are being disputed, then the applicant and Township shall jointly, by mutual agreement, appoint another professional consultant or engineer licensed as such in the Commonwealth of Pennsylvania to review such expenses and make a determination as to the amount thereof which is reasonable and necessary, provided that the professionals resolving such dispute shall be of the same profession or discipline as the consultants whose fees are being disputed.
  - (2) The professional consultant or engineer so appointed shall hear such evidence and review such documentation as he, in his sole opinion, deems necessary, and shall render a decision within 50 days from the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
  - (3) In the event that the Township and the applicant cannot agree on the aforesaid professional consultant or engineer to be appointed within 20 days of the billing date, then upon petition of either party, the President Judge of the Court of Common Pleas of Cumberland County (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such person, who, in

that case, shall not have been retained by, or performed services for, the Township or the applicant within the preceding five years.

- (4) The fee of the appointed professional consultant or engineer in determining reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill; if the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Township shall pay the fee of the appointed person; otherwise, the Township and the applicant shall each pay 1/2 of the fee of the appointed person.

**§ 180-19. Right to appear and comment before contiguous municipalities.**

The Board of Supervisors, or its designated and authorized representative, may appear and comment before a contiguous municipality and the various elected and appointed boards and commissions of the contiguous municipality considering a proposed subdivision, change of land use or land development.

ARTICLE IV

**Voluntary Sketch Plan Submission**

**§ 180-20. Developer's option to submit sketch plan; requirements.**

- A. Prior to the submission of a preliminary or final plan, applicants, at their option, may submit a sketch plan to the Township for advice, suggestions and nonbinding opinions from the Township staff and the Township Planning Commission, staff and the Board of Supervisors. While submission of a sketch plan is optional, the Township strongly recommends the submission of sketch plans. Submission of sketch plans affords applicants the opportunity for meaningful discussion with Township officials prior to incurring the expense of preparing preliminary or final plans. See Diagram 180-20A for the sketch plan review process.
- B. At the option of the applicant/developer, sketch plans are to be first submitted for review by the Township staff. Along with the sketch plan, the applicant/developer shall submit a letter advising the Township staff as to specific areas for which comments are requested or suggestions solicited. Township staff will complete its review and offer its comments in a timely manner. Thereafter, the applicants, at their option, may submit the sketch plan to the Township Planning Commission. Said sketch plans are to be submitted to the Township Municipal Office in accordance with § 180-11D in order to be placed on the next month's Planning Commission meeting agenda.
- C. Any and all options, discussions and/or representations made by the Township staff, and the Township Planning Commission or the Board of Supervisors shall not be binding or considered as nonbinding upon the Board of Supervisors when acting upon any subsequently submitted preliminary or final plans. Applicants submitting sketch plans acknowledge the nonbinding nature of such discussions, opinions and/or representations. All preliminary and final plans must comply with the requirements of the Township ordinances and all other applicable laws and regulations. Discussions, opinions and/or representations made during the review of a sketch plan shall not be a basis for

noncompliance with the applicable requirements for plan approval. In addition, discussions with and/or opinions or representations by the Township staff or the Township Planning Commission shall not be binding upon the Board of Supervisors when taking action on a plan.

- D. Although the Township encourages the submission of sketch plans and submission of as much technical data as possible, such submission and review of a sketch plan shall not constitute an official submission of a plan to the Township which requires action by the Board of Supervisors pursuant to the terms of the Municipalities Planning Code.

**Diagram 180-20A - Sketch Plan Review Process**

\* - Pre-application review is optional



**§ 180-21. Suggested information to be submitted.**

The following information is suggested to be submitted for review under this article:

- A. A plan drawn at a scale not smaller than one inch equals 100 feet. This plan must be designated "sketch plan" thereon.
- B. An approximate key map showing the generalized location of the tract and adjacent streets.
- C. Tract boundaries with approximate dimensions.
- D. North point, topography, swales, major tree stands and other significant existing site features.
- E. Proposed street and lot layout with information as to the kinds of uses contemplated.
- F. The name and mailing address of the property owner and date.
- G. Such other information necessary for a meaningful discussion.

**§ 180-22. Site meetings.**

The applicant may, subject to availability, obtain meetings with Township officials, including the Board of Supervisors, Planning Commission, the Township Manager, the Township Engineer, the Township Solicitor, and others. Meetings with the Board of Supervisors and Planning Commission shall occur at a properly advertised meeting. Such meetings are purely voluntary, and no particular Township officer or his representative may be compelled to attend.

**§ 180-23. Fees.**

Sketch plans reviewed by the Township shall be subject to all fees and costs incurred by the Township pursuant to its efforts arising out of this article, including but not limited to engineer and solicitor fees and administrative costs. The cost to review the sketch plan shall be paid by the applicant.

ARTICLE V  
**Preliminary Plan Submission**

**§ 180-24. Plan requirements.**

- A. All new plans to be reviewed by the Planning Commission shall be received by the Township by the first day of the month in order to be on the following month's Planning Commission agenda, if the first day of the month falls on a non-workday, the submission date shall be pushed to the first workday following the non-workday(s). The developer shall submit 11 copies of the preliminary plan and three copies of all supporting documentation to the Township. In addition, the developer should submit three copies of all subsequent filings that include revisions to the preliminary plan. Should the Planning

Commission determine that certain revisions need to be made to the preliminary plan and supporting documentation, the developer shall make those revisions and resubmit the preliminary plan and supporting documentation to the Township for Planning Commission review by the 15th of the month to be placed on the following month's Planning Commission meeting agenda. Whenever the 15th day of the month falls on a non-workday, the submission date shall be pushed to the first workday following the non-workday(s). Should the Planning Commission require certain revisions be made to the preliminary plan and supporting documentation as a condition of the Planning Commission recommending to the governing body that the preliminary plan be approved, the developer shall submit the revised preliminary plan and supporting documentation to the Township by 4:00 p.m. on the Tuesday following the Planning Commission's meeting to be placed on that month's Board of Supervisors' workshop meeting. Plans tabled at the Board of Supervisors' workshop meeting shall be revised and returned to the Township by the second Tuesday of the following month for review at the following month's workshop meeting. Plans that are tabled at the Board of Supervisors' regular meeting shall be revised and returned to the Township by the second Tuesday of that month, for review at the workshop meeting of the same month. Plans will not be reviewed at the regular Board of Supervisors' meeting until the plan has been reviewed by the Board of Supervisors at the previous workshop meeting. Additionally, the developer shall deliver the preliminary plans to the Cumberland County Planning Department.

B. The submittal shall contain the following specifications:

- (1) Plans shall be on sheet sizes no larger than 24 inches by 36 inches and drawn to a scale not smaller than one inch equals 100 feet. If the plan requires more than one sheet, each sheet shall be numbered and sheet layout index shall be provided. A digital copy of the plan shall also be submitted in a PDF format, and a format compatible with the Township's or County's GIS platform.
- (2) The designation "preliminary plan" and the name of the development.
- (3) Proposed project name and municipality or municipalities and county in which located.
- (4) North point, graphic scale, written scale, and date, including the month, day, and year that the original drawing was completed, and the month, day, and year for each revision, if any.
- (5) The name(s), address(es) and phone number(s) of record owner(s) and subdivider(s).
- (6) The name, address, seal, registration number, and signature of the registered engineer and/or surveyor or landscape architect responsible for preparation of the plan, in whole or in part, certifying that the preparer of the plan has been to the site and observed the present condition and that the plan indicates the actual condition of the site, all as required by the applicable standards of their respective licensing boards.

- (7) The names of all abutting property owners, respective deed reference, instrument number or any other proper recording references for the Cumberland County Recorder of Deeds, and Cumberland County tax identification number.
- (8) Signature(s) of the owner(s) [or equitable owner(s)] certifying approval of the plan. If the proposed subdivision involves a proposed conveyance of a nonconforming lot to an adjoining property, lot addition, or a lot line adjustment the owner of said adjoining property shall also sign the proposed plan.
- (9) A location map, for locating the property being subdivided, showing the relationship of adjoining property to all streets, roads, and municipal boundaries and drawn to a scale of not less than one inch equals 2,000 feet.
- (10) If construction is to occur in phases, a plan showing the progression of phases, how each phase relates to completed and future phases, and a time schedule indicating when each phase is to be commenced and completed. The time schedule shall be updated in accordance with the provisions of § 180-13 herein.
- (11) Boundaries of the property being subdivided showing bearings and distances, a statement of total acreage of the property, the total number of lots being proposed and the location of municipal boundaries; deed, plan book, instrument number or any other proper recording references for the Cumberland County Recorder of Deeds appropriate for the subject plan, including any immediate prior subdivisions, phases, and deed conveyances from and to the subject tract.
- (12) Purpose for which sites other than buildable lots are dedicated or reserved.
- (13) All applicable zoning data, including any changes in the existing zoning to be requested by the subdivider and identifying the limits of any zoning districts or overlay zoning districts affecting the site.
- (14) All existing buildings, sewers, water mains, culverts, utility lines, petroleum or petroleum product lines, fire hydrants, and other significant man-made features.
- (15) All existing watercourses and bodies, tree masses, locations of outstanding, rare, threatened and endangered and historic trees, rock outcroppings, wetlands, floodplains and other significant natural features.
- (16) Existing (from actual field or aerial survey) and proposed contours of the site at vertical intervals of two feet for areas with an average slope of 4% or less and at intervals of five feet for areas with an average slope exceeding 4%. Extrapolated USGS contours shall only be accepted where no public improvements are proposed. Where public improvements are proposed, contours must be field verified with a two-foot minimum interval.
- (17) The location and elevation of the datum to which the contour elevations refer shall be an established USGS bench mark, National Geodesic Survey (NGS) or other datum acceptable to the Township Engineer.
- (18) Land which is flood-prone, or located within the flood hazard area defined in Chapter 204, Zoning, shall be identified on the plan. Information as set forth in

Article IX of this chapter relative to floodplain area regulations shall also be provided.

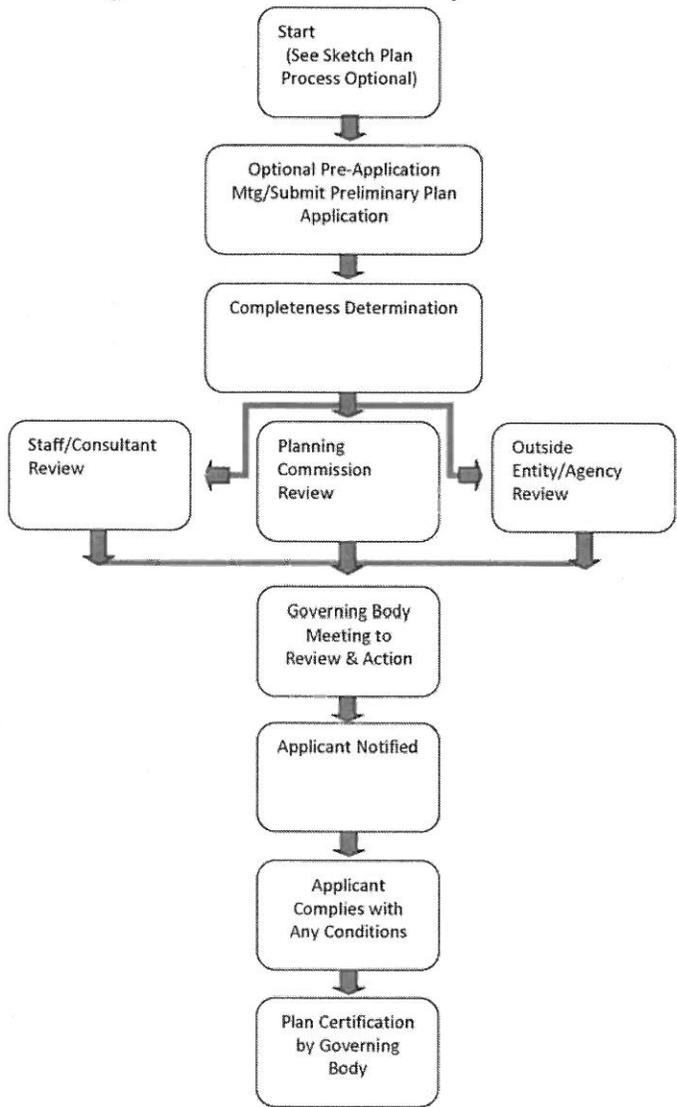
- (19) The typical cross section, names, and widths of right-of-way, cartway and paving of proposed streets, alleys and easements.
- (20) The layout of lots showing dimensions, lot numbers, and area of each lot, including the residual or remaining lot or parcel.
- (21) Parcels of land intended to be dedicated or reserved for schools, parks, playgrounds, parking areas, common open space, or other public, semipublic or community purpose.
- (22) All existing or proposed streets, driveways or private rights-of-way within or adjacent to the tract, including name, right-of-way width, cartway width, and distances shown between all access points, and whether they are intended to remain private or are to be dedicated to public use. All streets or driveways, whether public or private, will be permitted only insofar as they are in conformity with the specifications provided on the plan. Further, all driveways subsequently built or installed shall only be permitted as specified and as located on the subdivision plans regardless of the identity of who performed the construction or installation, regardless of the identity of the person who completed the approved subdivision or land development plan, or the original developer, contractor or landowner.
- (23) Profiles showing proposed street center lines, including existing and proposed gradients. The profile datum shall indicate the existing and proposed grade elevation at each station.
- (24) The location of curbs, sidewalks and streetlights, if required. Also, the location, type and size of all required stop signs, or other traffic control paving markers, signs, devices or signage including street names. The developer is responsible for specifications and installation of all such traffic controls as hereinabove related as shown on the plan, which shall, in all cases, meet design standards as established by PennDOT or the Township, as appropriate.
- (25) Clear sight triangles at street intersections, as set forth in § 180-34 of this chapter and as further provided in Chapter 204, Zoning.
- (26) A copy of any deed restrictions imposed on the property as a condition of sale by the former, present or former and future owners.
- (27) Front, side and rear building setback lines shall be shown on all lots, and residual or remaining lots or parcels.
- (28) When on-site sewage disposal systems are proposed, the locations of satisfactory percolation test sites and probe holes, including failed probes required for the planning module, shall be shown. A one-hundred-foot no-well-zone should be depicted on the plans around any proposed septic system drain field and/or any existing septic system drain field. A primary and secondary site will be shown.

- (29) Location, size, and invert elevation of proposed sanitary and storm sewers, the location and size of proposed water mains and fire hydrants.
- (30) For land development plans, proposed building locations and respective parking areas.
- (31) Where the preliminary plan covers only a part of the subdivider's holdings, or where development is to occur in phases, a sketch shall be submitted of the prospective street layout for the remaining area.
- (32) Signature block and date space for approval by the Township Board of Supervisors and review by the Cumberland County Planning Department and North Middleton Township Planning Commission.
- (33) The owner will provide for, install and maintain any necessary traffic safety devices as he may deem necessary or as may be required by the Township Engineer, until such time as the roads in question are accepted for public dedication.
- (34) Where an applicant proposes a subdivision or land development within an area which is or may be served by the existing sewer system, the applicant shall provide estimated volumes, and strength of sewage, and proposed method for connection to the existing sewer system.
- (35) When a proposed project, whether because of its location, topography, special man-made or natural features, or because of its potential impact on the Township or its environment, is deemed by the Planning Commission or the Board of Supervisors to require additional detail, information, data, studies, specifications and/or tests, not otherwise required in this chapter, the Planning Commission shall recommend and the Board of Supervisors may require the applicant to submit such information, by an agreed upon time, in no case later than approval of the final plan.
- (36) A note shall be included on the plan listing any special zoning decisions, variances, conditional use approvals, special exceptions, waivers which were granted for the project, which shall also include applicable case designations.
- (37) When a developer proposes a subdivision/land development for a commercial and/or industrial use, residential subdivision with more than 10 units, or multifamily residential use, the developer must provide information that adequate fire, police and ambulance protection facilities are available to serve the proposed use/development.
- (38) The following note shall be included on all subdivision and/or land development plans:

**AGRICULTURAL NUISANCE DISCLAIMER**

The lands depicted on this plan may be located adjacent to or involved in a normal agricultural operation as defined by Pennsylvania Act 133 of 1982, as amended, the "Right to Farm Law." If you purchase land that is depicted on this plan and said lands are located or involved as described above, you may be prohibited from filing a nuisance action against the operators of a normal agricultural operation. In addition you may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to noise, dust, odor, and the operation of machinery of any kind, including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides and pesticides.

**Diagram 180-24A - Preliminary Plan Process**



**§ 180-25. Supporting documentation.**

- A. If water is to be supplied by means other than on-site wells maintained and operated by individual lot owners, a copy of a certificate of public convenience from the Pennsylvania Public Utility Commission (PUC) or an application for such or a cooperative agreement or commitment must accompany the plan as evidence that the proposed development will be supplied with an adequate, reliable and safe water supply.
- B. All applicable filings required by the PA DEP in accordance with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended.<sup>4</sup>
- C. Groundwater supply report. Unless waived by the Board of Supervisors, a groundwater supply report shall be required to be submitted for all residential and nonresidential land development plans, nonresidential subdivisions, and all subdivision plans proposing 11 or more residential lots.
- (1) The applicant shall submit a report concerning the source of water to serve the proposed subdivision or land development. Said report shall be prepared by a registered professional engineer and be submitted in conjunction with the preliminary plan or when a community water system is proposed for review by the Township and the applicable authority.
  - (2) Prior to initiating the preparation of a water service feasibility report the applicant shall provide a description of the methodology to be used to complete the report. The description shall include the location and size of the tract, the intended use, including amount of daily water usage and general terrain and geologic features. The exact methodology of the study area should be based on engineering judgment and an understanding of existing geologic conditions at the site. In all instances, however, the study methodology must be mutually agreed upon by the applicant, their engineer, and the Township.
  - (3) All lots created, and any land development plan that proposes flows equal to or greater than 400 gallons per day within any area that the Act 537 Plan identifies to be served by public utilities, shall be served by public water where available.
    - (a) If connection to an existing public water supply system is proposed, the applicant or developer shall submit an agreement committing an authority or public utility to provide such water as will be utilized by the subdivision or land development for such period of time and under such terms and conditions as an authority or public utility provides water service elsewhere in its service area, including but not limited to the following:
      - [1] The locations and kind of fire hydrants shall be in accordance with the specifications of an authority or public utility that operates such water system in concert with the local fire department thread requirements. A copy of the approval of such system by an authority or the public utility shall be submitted.

---

4. Editor's Note: See 35 P.S. § 750.1 et seq.

- [2] The final plan application shall include a statement from an authority or the public utility indicating the approval of the plans for design, installation and possible financial guarantees.
- [3] The installation and construction shall be in accordance with the specifications of an authority or the public utility. An authority or the public utility shall establish requirements for the ownership and maintenance of such system.
- (4) If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or land development, the applicant shall present evidence that the subdivision or land development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners or by an authority. A copy of a certificate of public convenience or an application for such certificate, a cooperative agreement or a commitment to serve the area in question, whichever is appropriate, shall be acceptable evidence.
- (5) If community water systems are proposed, these systems shall be in compliance with the plans offered for dedication to an authority.
- (6) If the water supply system proposed involves the utilization of water obtained from the tract being subdivided or developed (irrespective of whether that water is being distributed as a part of a community water supply system), the report shall include certification by the applicant's engineer that a water supply system exists upon all lots created and upon any land development plan, which supply is capable of supplying potable water as follows:
- (a) Minimum residential yield and demand requirement. The report shall show that the proposed well(s) is (are) capable of supplying potable water at the minimum rate of 315 gallons per day per unit of residential occupancy at a demand rate of not less than two gallons per minute for one hour, either with or without the use of a storage system.
- (b) Minimum principal nonresidential yield and demand requirement. The report shall show that the proposed well(s) is (are) capable of supplying potable water at the minimum rate of 200 gallons per day per unit of nonresidential occupancy at a demand rate of not less than two gallons per minute for one hour, either with or without the use of a storage system.
- (c) Recharge requirement. The report shall show that the groundwater recharge on the tract in question after development will exceed the anticipated water usage. Water usage shall be based upon Department of Environmental Protection sewage flows provided by Department of Environmental Protection.
- (d) Nonresidential uses. When industrial, agricultural or commercial use is intended, the report shall set forth the proposed nature of the use, the proposed number of employees and whether or not water will be used for cleanup and/or processing or otherwise in connection with the use. Additionally, the applicant shall set forth the proposed allocation of available

water supply between or among the proposed uses and shall set forth a plan or proposal pursuant to which such allocation can reasonably be monitored and enforced by the Township or authority.

- (e) Aquifer test required. Prior to installation of any new water supply system or the subdivision of land into lots which would be served by individual wells in areas of, or in proximity to areas of, known groundwater contamination or inadequate yields of potable supplies, aquifer and water quality tests shall be performed. Areas of known groundwater problems shall be mapped and such information shall be maintained in the Township offices. Areas of known groundwater problems shall include, but are not limited to:
  - [1] Areas in proximity (one mile) of sinkholes, ghost lakes, or drainage entering the ground.
  - [2] Contaminated aquifers, including designated cleanup sites.
  - [3] Other areas with documented water quantity or quality problems, including pollutants in excess of federal safe drinking water standards.
  
- (f) Aquifer test standards and procedures. No person shall develop land within an area of known groundwater quantity problems without administering and passing on said land the aquifer test required by this section. Prior to conducting the required testing, the applicant shall provide the Township and the Township Engineer with the proposed test methodology that shall demonstrate compliance with the following objectives and standards:
  - [1] To obtain sufficient data for the calculations of aquifer performance, including the coefficients of transmissibility and storage, permeability, and specific yield.
  - [2] To determine the location and character of geologic boundaries.
  - [3] To ascertain the effects of well interference.
  - [4] To provide a guide in the spacing of wells for the development of a well field.
  - [5] In all cases the applicant shall demonstrate that the water to be supplied shall be potable and shall meet all applicable standards of DEP or the United States Environmental Protection Agency.
  
- (g) Criteria for a request of exemption. A proposed land development or subdivision which intends to use a groundwater source to supply water to the property may be exempted from these requirements by the Township if one or more of the following criteria are satisfied:
  - [1] The proposed project is located 1/4 mile or less, in the same geologic unit, from a previous aquifer test, within the past two years, and the previous test showed transmissibility (T) values greater than 1,000.

- [2] The proposed project has had two aquifer tests on different sides of the proposed project within 1/2 mile in the same geologic unit within the past two years, with T values greater than 1,000.
- [3] The proposed land development or subdivision is recommended for exemption by a qualified geologist based upon certified hydrogeological information.
- D. A stormwater management plan prepared in accordance with the standards established in Article X of this chapter.
- E. An erosion and sedimentation control plan prepared in conformance with the requirements of the Cumberland County Conservation District.
- F. In the event that the plans propose extension of service into the project by any authority or jurisdiction other than the Township, a statement from the applicable authority or jurisdiction regarding the adequacy of such extension shall be submitted.
- G. A preliminary grading plan for the site in accordance with Article XI of this chapter.
- H. A preliminary landscaping plan for the site in accordance with Article XII of this chapter.
- I. A preliminary traffic impact study in accordance with § 180-44 of this chapter.
- J. The developer shall provide the LeTort Regional Authority written notice and a copy of any plan or application for the development of land within the designated watershed or any tributary of LeTort Spring Run.
- K. In the opinion of the Township Engineer adequate studies to establish speed limits for all streets within or bordering on the proposed subdivision or land development. Said requirement shall apply to each such street that currently has no legal speed restriction posted or to such streets identified by the Board of Supervisors which maintain a speed restriction that may be changed due to the impact of the proposed subdivision or land development.

**§ 180-26. Review procedure.**

- A. Optional preapplication meeting.
- (1) The purpose of the preapplication meeting is to:
- (a) Introduce the applicant to the Township's plan review procedures;
  - (b) Discuss the applicant's objectives;
  - (c) Schedule site inspections, meetings, and plan submissions;
  - (d) Foster an informal review between the applicant and the Township;
  - (e) Reduce subdivision and land development plan design and construction improvement costs for the applicant;

- (f) Expedite the Township's review and approval process.
- (2) The preapplication meeting shall be held with the applicant, the applicant's site designers and/or professional consultants, applicable Township staff, and Township Engineer and/or other professional consultants hired by the Township.
  - (3) The applicant shall submit the preliminary plan in accordance with § 180-24B.
  - (4) The preapplication meeting shall be scheduled not less than 15 days prior to the required submission date for plan to be reviewed by the Planning Commission.
  - (5) The applicant will be charged for reasonable fees for the preapplication services for the Township Engineer and/or other professional consultants hired by the Township to assist with the review of the plan.
  - (6) Due to the informal nature of the preapplication meeting, the applicant and the Township shall not be bound by the discussion at and determination of the preapplication meeting. Comments made by the Township staff, Township Engineer and/or other professional consultants hired by the Township shall be interpreted as being suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made at the preapplication meeting.
- B. The plans shall be reviewed by the Township Engineer, the Township Solicitor, and other representatives of the Township as deemed necessary by the Township Manager and/or the Board of Supervisors. All fees and costs incurred by the Township for plan reviews and meetings shall be paid by the applicant. If, during the course of this review, the plan is found to be lacking material information required by the Board of Supervisors to make its determination, the applicant will be requested to withdraw the plan pursuant to the provisions of this chapter and make revisions thereto by providing the required data. If the applicant refuses to voluntarily withdraw the plan, the plan will be subject to rejection by the Board of Supervisors due to its incompleteness. See Diagram 180-24A.
- C. At a regular or special Planning Commission meeting following receipt of reports from the Township Engineer and other agencies listed above, prior to consideration of the preliminary plan by the Board of Supervisors as provided herein, the Planning Commission may:
- (1) Review the applicant's submission.
  - (2) Review all reports issued.
  - (3) Discuss submission with the applicant or agent.
  - (4) Evaluate the plan, reports, and discussion.
  - (5) Determine whether the preliminary plan meets the objectives and requirements of this chapter and other ordinances of the Township.
  - (6) Recommend approval, disapproval or conditional approval of the preliminary plan. Conditional approval shall set forth the conditions to be satisfied by the applicant.

- (7) Submit its reports to the Board of Supervisors. When the Planning Commission recommends disapproval in terms as filed, the decision should specify the reasons for disapproval.
- D. Revisions to preliminary plans. During the course of the Planning Commission's review of the preliminary plan and prior to any action by the Board of Supervisors within the required ninety-day period, the preliminary plan may be revised by the applicant. Eleven copies of any revised preliminary plan shall be submitted by 4:00 p.m. on the Tuesday following the Planning Commission's meeting in order to be placed on the next month's Planning Commission meeting agenda. The revised preliminary plans shall be reviewed as provided in § 180-26 above, with the exception of § 180-26A, Optional preapplication meeting. Plans shall note the dates of any and all revisions and a summary of the nature thereof. A written response letter shall be provided to address each comment provided by the Township Engineer.
- E. Within 90 days calculated in accordance with Section 508 of the Pennsylvania Municipalities Planning Code, as amended,<sup>5</sup> or unless said 90 days is extended in writing by agreement of the applicant, following submission of the completed preliminary plan to the Township, the Board of Supervisors shall:
- (1) Evaluate the applicant's submission, presentation and any other relevant information.
  - (2) Determine whether the preliminary plan meets the objectives and requirements of this chapter and other ordinances of the Township.
  - (3) Approve, disapprove, or conditionally approve, the preliminary plan.
  - (4) Inform the applicant, in writing, communicated to the applicant personally or mailed to him at his last address appearing on the application not later than 15 days following the decision. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the ordinance relied upon.
  - (5) Failure of the Township Board of Supervisors 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 application on terms 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 of presentation of communication shall have like effect.

---

5. Editor's Note: See 53 P.S. § 10508.

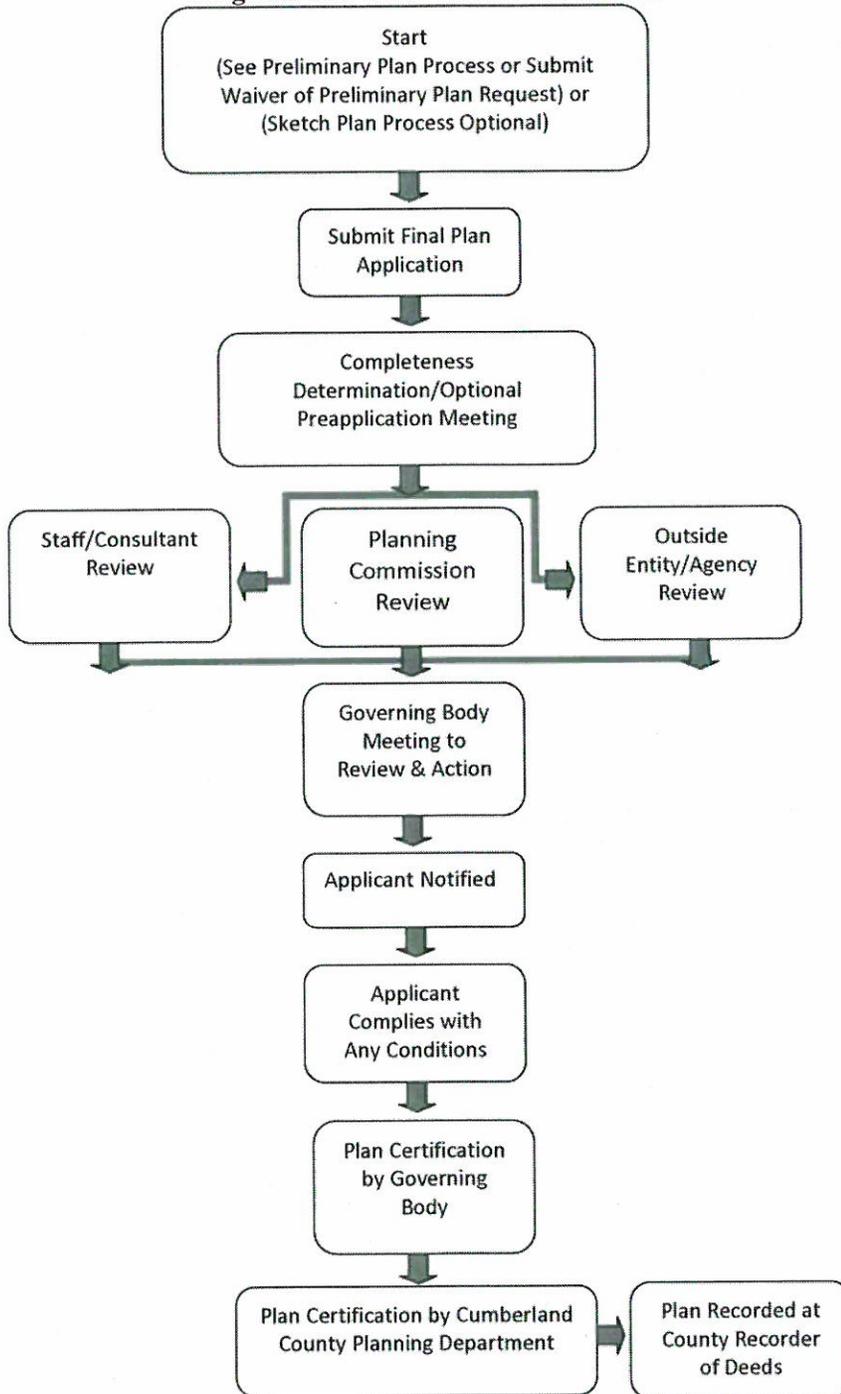
ARTICLE VI  
**Final Plan Submission**

**§ 180-27. Plan requirements.**

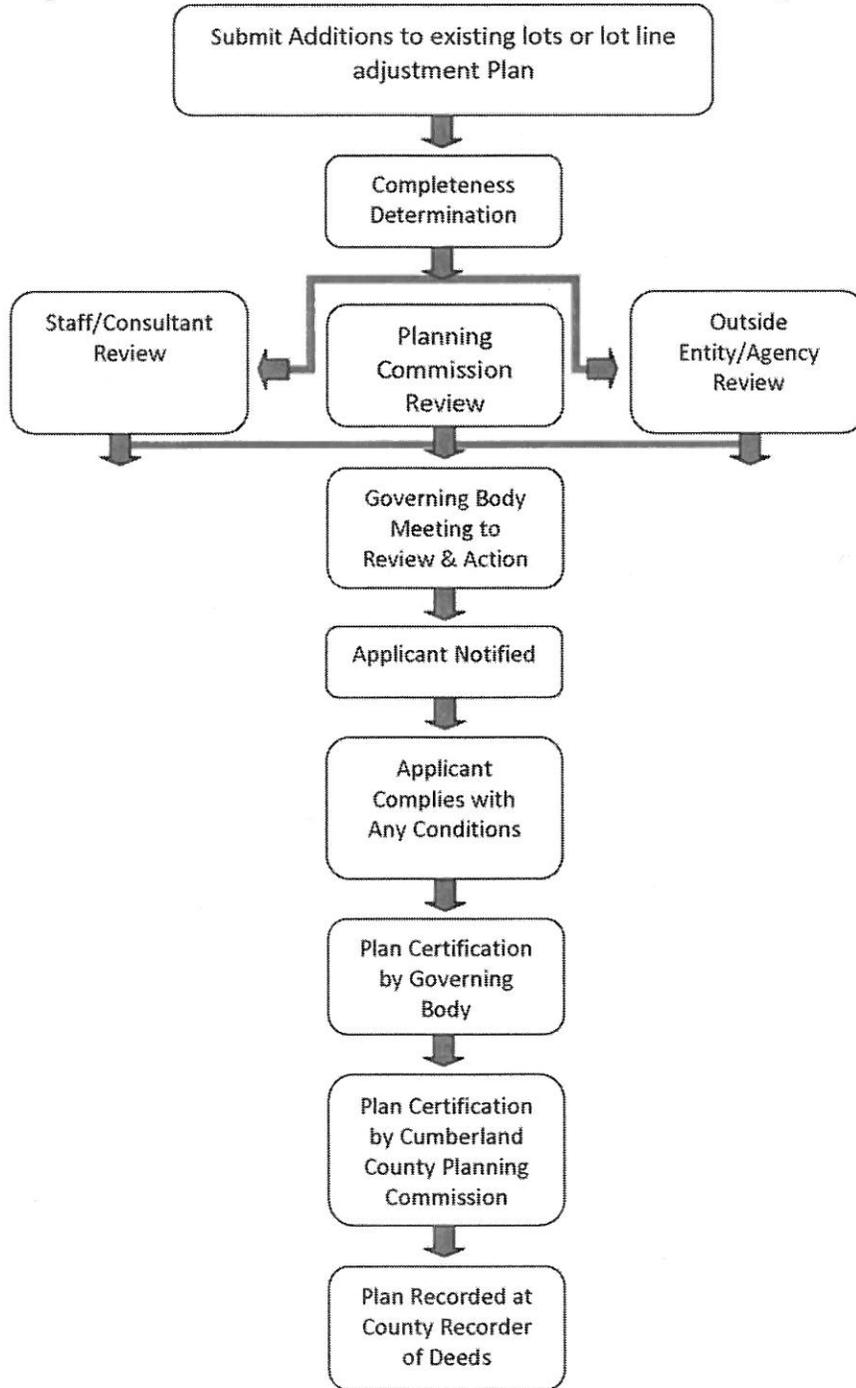
- A. If a preliminary plan precedes a final plan submission, application of said final plan will not be accepted until the preliminary plan has received approval by the Board of Supervisors. The developer is to submit the final plan and supporting documentation to the Township by the first day of the month in order to be on the following month's Planning Commission agenda. If the first day of the month falls on a non-workday, the submission date shall be pushed to the first workday following the non-workday(s). The developer shall submit 11 copies of the final plan and three copies of all supporting documentation to the Township. In addition, the developer should submit three copies of all subsequent filings that include revisions to the final plan. Should the Planning Commission determine that certain revisions need to be made to the final plan and supporting documentation, the developer shall make those revisions and resubmit the final plan and supporting documentation to the Township for Planning Commission review by the 15th of the month to be placed on the following month's Planning Commission agenda. Whenever the 15th day of the month falls on a non-workday, the submission date shall be pushed to the first workday following the non-workday(s). Should the Planning Commission require certain revisions be made to the final plan and supporting documentation as a condition of the Planning Commission recommending to the governing body that the final plan be approved, the developer shall submit the revised final plan and supporting documentation to the Township by 4:00 p.m. on the Tuesday following the Planning Commission's meeting to be placed on the following month's Board of Supervisors' workshop agenda. Plans tabled at the Board of Supervisors' workshop meeting, shall be revised and returned to the Township by the second Tuesday of the following month for review at the following month's workshop meeting. Plans that are tabled at the Board of Supervisors' regular meeting shall be revised and returned to the Township by the second Tuesday of that month, for review at the workshop meeting of the same month. Plans will not be reviewed at the regular Board of Supervisors' meeting until the plan has been reviewed by the Board of Supervisors at the previous workshop meeting. Additionally, the developer shall deliver the preliminary plans to the Cumberland County Planning Department.
- B. Final plans shall conform in all respects with preliminary plans as previously approved, and any conditions specified in the approval of preliminary plans shall be incorporated in the final plans. Final plans shall show the following:
- (1) Sheet sizes shall be no larger than 24 inches by 36 inches and shall be drawn to a scale no smaller than one inch equals 100 feet unless a larger scale has been required as a condition of preliminary approval. Where more than one sheet is required, an index sheet of the entire subdivision or land development shall be included on the cover sheet. The final plan shall be formatted so that it is legible when reduced to a size of 18 inches by 24 inches for recording. A digital copy of the plan shall also be submitted in a PDF format and a format compatible with the Township's or County's GIS platform.
  - (2) The designation "final plan" and date submitted.

- (3) Proposed and existing tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of residential lots and other sites with accurate dimensions, bearings, or internal angles, and radii, arcs, and deflection angles; all must be shown, and certified by a professional land surveyor. This requirement applies to both subdivision and land development plans. The error of closure shall not be more than one part in 5,000.
- (4) The information required to be shown or provided with the preliminary plan as listed in §§ 180-24B and 180-25. All information submitted as required by this section shall be submitted in final format, including all final engineering details.
- (5) Statement by owner dedicating streets, rights-of-way and any sites for public uses which are to be dedicated.
- (6) Signature block and date for acknowledgment of Cumberland County Planning Department and North Middleton Township Planning Commission review and approval by the Board of Supervisors of North Middleton Township.
- (7) A notation on the plan relating to the conformance with the requirement for a highway occupancy permit from the Pennsylvania Department of Transportation.
- (8) PA DEP code number referencing the approval of the sewage plan revision module.
- (9) Certification by a professional land surveyor, engineer, or landscape architect as defined by Article II of this chapter.
- (10) Certification of qualified professional that wetlands have been investigated and delineated for the site under review.
- (11) In addition to any zoning approvals, a list of waivers granted or requested, shall be noted on the plan.

**Diagram 180-27A - Final Plan Process**



**Diagram 180-27B - Additions to Existing Lots or Lot Line Adjustment**



**§ 180-28. Supporting documentation.**

- A. Whenever any improvements are proposed in connection with a subdivision or land development, it shall be the responsibility of the applicant to provide adequate engineering and related designs, construction specifications, performance guarantees, and ownership and maintenance responsibilities in accordance with the standards and requirements set forth in this chapter, as applicable.
- B. Final sewage planning module for subdivision or land development.
- C. Final stormwater management plan.
- D. Final erosion and sedimentation control plan and/or National Pollution Discharge Elimination System approved by the Cumberland County Conservation District and/or the Department of Environmental Protection. In the case of minor subdivision plans as defined in this chapter, Cumberland County Conservation District approval may not be required.
- E. A notarized certificate of ownership.
- F. An overall grading plan in accordance with Article XI.
- G. Suitable documentation that the applicable plans are in conformity with ordinances and regulations governing the extension of utility services.
- H. Verification of compliance with floodplain area regulations as set forth herein.
- I. Such other certificates, affidavits, endorsements, conditions, or dedications as may be required by the Board of Supervisors in the enforcement of these regulations.
- J. A draft deed of consolidation for parcels or lots being proposed as lot additions for review and approval by the Township Solicitor.
- K. Public improvement guarantees with construction cost estimates for review by the Township Engineer in accordance with Article XIII of this chapter.
- L. Copies of all permits/approvals received from all utilities, governmental agencies, or departments reviewing the plan.
- M. The developer shall provide the LeTort Regional Authority written notice and a copy of any plan or application for the development of land within the designated watershed or any tributary of LeTort Spring Run.

**§ 180-29. Review procedure.**

- A. Optional preapplication meeting.
  - (1) The purpose of the preapplication meeting is to:
    - (a) Introduce the applicant to the Township's plan review procedures;
    - (b) Discuss the applicant's objectives;

- (c) Schedule site inspections, meetings, and plan submissions;
  - (d) Foster an informal review between the applicant and the Township;
  - (e) Reduce subdivision and land development plan design and construction improvement costs for the applicant;
  - (f) Expedite the Township's review and approval process.
- (2) The preapplication meeting shall be held with the applicant, the applicant's site designers and/or professional consultants, applicable Township staff, and Township Engineer and/or other professional consultants hired by the Township.
  - (3) The applicant shall submit the final plan in accordance with § 180-27B.
  - (4) The preapplication meeting shall be scheduled not less than 15 days prior to the required submission date for plan to be reviewed by the Planning Commission.
  - (5) The applicant will be charged for reasonable fees for the preapplication services for the Township Engineer and/or other professional consultants hired by the Township to assist with the review of the plan.
  - (6) Due to the informal nature of the preapplication meeting, the applicant and the Township shall not be bound by the discussion at and determination of the preapplication meeting. Comments made by the Township staff, Township Engineer and/or other professional consultants hired by the Township shall be interpreted as being suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made at the preapplication meeting.
- B. The plans shall be reviewed by the Township Engineer, the Township Solicitor, and other representatives of the Township as deemed necessary by the Township Manager and/or the Board of Supervisors. All fees and costs incurred by the Township for plan reviews and meetings shall be paid by the applicant. If, during the course of this review, the plan is found to be lacking material information required by the Board of Supervisors to make its determination, the applicant will be requested to withdraw the plan pursuant to the provisions of this chapter and make revisions thereto by providing the required data. If the applicant refuses to voluntarily withdraw the plan, the plan will be subject to rejection by the Board of Supervisors due to its incompleteness. See Diagram 180-27A.
  - C. Copies of the final plan and supporting documentation shall be distributed by the Township to the Township Engineer and appropriate reviewing and advisory bodies for comment and report. Additionally, the Township will deliver the final plan and supporting documentation to the Cumberland County Planning Department and to adjacent municipalities and governmental agencies and authorities that may be affected by the plan. Upon permission granted by the Township, the developer may deliver the final plan and supporting documentation to those entities.
  - D. All plans shall be reviewed by the Township staff, Township Engineer, and when appropriate, by the Board of Supervisors. The Engineer's report shall be made available

to the Township Planning Commission and the Township Board of Supervisors prior to their action thereon. (See Diagram 180-27A)

- E. At a regular or special Planning Commission meeting following receipt of reports from the Township staff, Township Engineer and other agencies listed above, prior to consideration of the final plan by the Board of Supervisors as provided herein, the Township Planning Commission may:
- (1) Review the applicant's submission.
  - (2) Review all reports received.
  - (3) Discuss submission with the applicant or applicant's agent.
  - (4) Evaluate the plan, reports and discussion.
  - (5) Determine whether the final plan meets the objectives and requirements of this chapter and other ordinances of the Township.
  - (6) Recommend approval, disapproval or conditional approval of the final plan. Conditional approval shall set forth the conditions to be satisfied by the applicant.
  - (7) Submit its reports to the Board of Supervisors. When the Planning Commission recommends disapproval in terms as filed, the decision should specify the reasons for disapproval.
- F. Revisions to final plans. During the course of the Planning Commission's review of the final plan and prior to any action by the Board of Supervisors within the required ninety-day period, the final plan may be revised by the applicant according to the procedure for preliminary plan revisions and as set forth in § 180-26D herein.
- G. Within 90 days calculated in accordance with Section 508 of the Pennsylvania Municipalities Planning Code, as amended,<sup>6</sup> unless said 90 days is extended, in writing, by agreement of the applicant, following submission of the completed final plan to the Township, the Board of Supervisors shall:
- (1) Evaluate the applicant's submission, presentation and any other relevant information.
  - (2) Determine whether the final plan meets the objectives and requirements of this chapter and other ordinances of the Township.
  - (3) Approve, conditionally approve, or disapprove the final plan.
  - (4) Inform the applicant, in writing, communicated to the applicant personally or mailed to him at his last address appearing on the application not later than 15 days following the decision. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the ordinance relied upon.

---

6. Editor's Note: See 53 P.S. § 10508.

- (5) Failure of the Township Board of Supervisors 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 application in terms as presented unless the applicant has agreed, in writing, to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case failure to meet the extended time or change in manner of presentation of communication shall have like effect.

**§ 180-30. Additions to existing lots and lot line adjustments.**

A. Additions to existing lots and lot line adjustments, as permitted by § 180-16 shall not be required to show the following plan requirements (See Diagram 180-27B):

- (1) Section 180-24B(2): the designation "preliminary plan."
- (2) Section 180-24B(14): all existing buildings, sewers, water mains, culverts, utility lines, petroleum or petroleum product lines, fire hydrants, and other significant man-made features.
- (3) Section 180-24B(15): all existing watercourses and bodies, tree masses, locations of outstanding, rare, threatened and endangered and historic trees, rock outcroppings, wetlands, floodplains and other significant natural features.
- (4) Section 180-24B(16): existing (from actual field or aerial survey) and proposed contours of the site at vertical intervals of two feet for areas with an average slope of 4% or less and at intervals of five feet for areas with an average slope exceeding 4%. Extrapolated USGS contours shall only be accepted where no public improvements are proposed. Where public improvements are proposed, contours must be field verified with a two-foot minimum interval.
- (5) Section 180-24B(19): the typical cross section, names, and widths of right-of-way, cartway and paving of proposed streets, alleys and easements.
- (6) Section 180-24B(23): profiles showing proposed street center lines, including existing and proposed gradients. The profile datum shall indicate the existing and proposed grade elevation at each station.
- (7) Section 180-24B(24): the location of curbs, sidewalks and streetlights, if required. Also, the location, type and size of all required stop signs, or other traffic control paving markers, signs, devices or signage, including street names. The developer is responsible for specifications and installation of all such traffic controls as hereinabove related as shown on the plan, which shall, in all cases, meet design standards as established by PennDOT or the Township, as appropriate.
- (8) Section 180-24B(25): clear sight triangles at street intersections, as set forth in this chapter and as further provided in Chapter 204, Zoning.
- (9) Section 180-24B(29): location, size, and invert elevation of proposed sanitary and storm sewers, the location and size of proposed water mains and fire hydrants.

- (10) Section 180-25C: groundwater supply report.
- (11) Section 180-25D: a stormwater management plan prepared in accordance with the standards established in Article X of this chapter.
- (12) Section 180-25E: an erosion and sedimentation control plan prepared in conformance with the requirements of the Cumberland County Conservation District.
- (13) Section 180-25G: a preliminary grading plan for the site in accordance with Article XI of this chapter.
- (14) Section 180-25H: a preliminary landscaping plan for the site in accordance with Article XII of this chapter.
- (15) Section 180-25I: a preliminary traffic impact study in accordance with § 180-44 of this chapter.
- (16) Section 180-25K: adequate studies to establish speed limits for all streets within or bordering on the proposed subdivision or land development. Said requirement shall apply to each such street that currently has no legal speed restriction posted or to such streets identified by the Board of Supervisors which maintain a speed restriction that may be changed due to the impact of the proposed subdivision or land development.
- (17) Section 180-28C: final stormwater management plan.
- (18) Section 180-28D: final erosion and sedimentation control plan and/or National Pollution Discharge Elimination System approved by the Cumberland County Conservation District and/or the Department of Environmental Protection.
- (19) Section 180-28F: an overall grading plan in accordance with Article XI.

**§ 180-31. Time period for filing final plan.**

Except as otherwise provided with respect to a duly filed schedule providing for the completion of improvements beyond the five-year protection period set forth in the Municipalities Planning Code, the final plan shall be submitted not later than five years after the date of approval of the preliminary plan by the Board of Supervisors. Failure to comply with the aforesaid five-year time limitation shall render any approval of the preliminary plan null and void unless an extension of time is granted by the Board of Supervisors for good cause shown, in which case, failure to comply with any extension of time shall render said approval null and void.

ARTICLE VII  
**Design and Construction Standards**

**§ 180-32. Application; interpretation.**

- A. The standards of design and construction in this article shall be used to judge the adequacy of development proposals and shall be considered to be the minimum criteria in achieving the purpose and objectives of this chapter. When a proposed project, because of its location, topography, special natural or man-made features, or because of its potential impact upon the Township or its environment is deemed to require more stringent criteria or additional standards and/or regulations, the Planning Commission may recommend or the Board of Supervisors may impose such requirements in order to promote the public's health, safety, or welfare or to assist in achieving the purpose of this and other Township ordinances. Conversely, as set forth in Article XIV and Section 512.1 of the Municipalities Planning Code, 53 P.S. § 10512.1, variations or modifications to these criteria may be granted by the Township Board of Supervisors in accordance with the provisions set forth in Article XIV of this chapter.
- B. Where questions should arise regarding the interpretation of these design standards, the determination of the Board of Supervisors shall prevail.

**§ 180-33. General standards.**

- A. Land. No land shall be subdivided or developed for any purposes unless reasonable hazards to lives, health, or property from flood, fire and disease shall have been eliminated or unless the plans for the project shall provide adequate safeguard against such hazards.
- B. Development. Proposed projects shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously, and no construction in any development is to occur until a building permit is obtained from the Building Permit Officer.
- C. Natural and historic features. Reasonable measures shall be taken to insure, insofar as possible, the preservation of natural and historic features, areas and structures as identified in the Comprehensive Plan to be worthy of such preservation and to insure public access to such features, areas and structures where appropriate.
- D. Conformance with Comprehensive Plan. The layout or arrangement of the subdivision or land development shall conform to the North Middleton Township Comprehensive Plan and any regulations or maps adopted in furtherance thereof.
- E. Conformance with Zoning Ordinance. The layout or arrangement of the subdivision or land development shall conform to Chapter 204, Zoning, of the Code of the Township of North Middleton.

**§ 180-34. Streets.**

All lots shall front on a public or private street as provided in this chapter. All subdivisions or land developments shall at a minimum include two means of ingress and egress over public or private streets. Streets shall be designed and constructed as follows:

- A. Street pattern. The proposed street pattern shall be integrated with existing and/or officially planned streets and it shall be related to topography to produce usable lots and reasonable street grades. Streets in and bordering a subdivision or land development shall be coordinated, and be of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic, and facilitate fire protection.
- B. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provisions for the proper projection of streets to the boundaries of the tract to be subdivided.
- C. Where a development is to be constructed in phases, the arrangement of streets in each phase shall make provisions for the proper projections of streets to the boundaries of the next phase.
- D. Design and purpose. Streets shall be designed according to their function and laid out to preserve the integrity of their design in accordance with the following functional classification unless otherwise determined by the Board.
  - (1) Arterial roads. This classification includes highways which provide, develop or may develop substantial volumes of traffic. Design features of arterial roads must permit high operating speeds. An arterial roadway is a roadway upon which mobility is essential and local access is minimized. All arterial roadways shall have as few access points as minimally necessary, and in all cases shall be accessed only by other arterial, collectors, and access drives if the standards, criteria and conditions of this chapter are satisfied. All such access to arterial roads shall be accompanied by adequate traffic control devices to insure the safe and efficient movement of traffic.
  - (2) Collectors. A collector is a roadway upon which mobility and local access are of equal importance. The collector shall provide mobility from the local and collector roadway networks to the arterial road network. Collectors shall be accessed by arterials, other collectors, local roadways, and commercial and residential driveways, if the standards, conditions and criteria of this chapter are satisfied.
  - (3) Local roads. This classification includes all public roads which are not included in higher classifications. A local road is a roadway upon which mobility and through traffic is minimized and access is of primary importance. Access to local roads is permitted only by other collector roads, as specified in Subsection D(2) above, local roads, alleys and by single-family residential or farm driveways, if the standards, conditions and criteria of the chapter are satisfied.
  - (4) Alleys and service drives. This classification is intended to include minor streets which provide secondary access to the back or side of properties abutting a street. It is also intended to include private streets which are parallel to arterial highways

and collector roadways providing service access to property fronting on such highways and roadways.

- (5) Cul-de-sac. This classification is intended to include streets which have a turnaround area at their termini.
  - (6) Dead-end streets. This classification of street is prohibited unless designed as a permanent cul-de-sac.
- E. Roads shall be laid out according to the following minimum schedule; however, additional road width may be required as determined by the Board to ensure public safety and convenience in accordance with this chapter.

<b>Type of Road</b>	<b>Standard</b>
Arterial roads	PennDOT standards
Collector roads	PennDOT standards
Right-of-way	50 or 60 feet (as approved by Township Engineer)
Cartway (with curbing)	32 feet minimum
Cartway (without curbing)	24 feet
Shoulders	4 feet on each side
<b>Local roads</b>	
Right-of-way	50 feet
Cartway (with curbing)	32 feet minimum
Cartway (without curbing)	24 feet
Cartway (parking on 2 sides of the street)	36 feet (Curbing required)
Cartway (parking on 1 side of the street)	32 feet (curbing required)
Shoulders	4 feet on each side
<b>Alley or service drives (to be dedicated to the Township)</b>	
Right-of-way	33 feet
Cartway (with curbing)	24 feet minimum
Cartway (without curbing)	18 feet
Shoulders	2 feet on each side

- F. Cul-de-sac streets.
- (1) Permanent cul-de-sac streets shall not be utilized, unless specifically approved by the Board of Supervisors after recommendation by the Planning Commission.
    - (a) A cul-de-sac street will be approved when a through street is not more advantageous. To be recommended for approval, the applicant must demonstrate that there is no other manner in which to design a street system due to topography or land parcel shape or size.

- (b) Permanent cul-de-sac streets shall not exceed a center-line distance of 1,200 feet in length nor be less than 250 feet in length, measured from edge of the intersection of a street which is not a cul-de-sac to the end of the improved cartway at the end of the cul-de-sac street.
  - (c) Any street which is terminated for access to an adjoining property or because of authorized stage development shall be provided with a temporary, all-weather turnaround paved in accordance with the provisions of this chapter. The use of such turnaround shall be guaranteed until such time as the street is extended. All cul-de-sac streets, whether permanently or temporarily designed, shall be provided at the closed end with a fully paved turnaround constructed to the specifications of this chapter. The developer who extends a street which has been provided with a temporary turnaround shall remove the temporary turnaround and restore the area of the temporary turnaround.
- (2) Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the coverage created by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owners fronting on the cul-de-sac turnaround. The small triangles of land beyond the cul-de-sac to the tract boundary shall be so deemed that, until the street is continued, maintenance of these corners of land will be the responsibility of the adjoining owners.
  - (3) Cul-de-sac streets shall be provided at the closed end with a paved turnaround having a minimum diameter to the outer pavement edge or curbline of not less than 90 feet and a right-of-way line diameter of not less than 100 feet.
  - (4) Cul-de-sac streets in commercial and industrial development shall also be subject to review and approval of the Township Engineer as to adequacy to handle projected traffic.
  - (5) Drainage of cul-de-sac shall, wherever possible, be toward the open end of the cul-de-sac.
  - (6) All cul-de-sac streets shall be designed with an area reserved for the Township to push snow during snow removal operations. An easement shall be provided indicating that the Township has the right to use the area for snow removal. A curb cut shall be provided at least 20 feet in width so that snow can be pushed into the easement area. This easement shall have a minimum dimension of 20 feet by 20 feet.
  - (7) All street design standards herein which are pertinent to cul-de-sac shall apply.

G. Private streets.

- (1) New private streets. Private streets are prohibited unless they meet the same design standards and specifications as public streets and unless they are accompanied by a

right-of-way and permanent maintenance agreement subject to review and approval by the Township. This agreement shall be recorded with the office of the Cumberland County Recorder of Deeds on the same date as the recording of the final plan. The agreement shall contain at least the following:

- (a) Identification of all parties with responsibility for the ownership and maintenance of the private street.
  - (b) Provision for enforcing the agreement upon all parties of the agreement.
  - (c) Assurance that the street will be constructed and maintained in conformance with this chapter.
  - (d) A requirement that a future offer of dedication will not be made until and unless the street is restored to the prevailing standards for a Township street.
  - (e) A requirement that an offer of dedication will include either the entire street system, or sections which provide reasonable circulation with the public street system.
  - (f) A method for assessing maintenance repair cost.
- H. Where a subdivision abuts or contains an existing right-of-way of inadequate width, sufficient additional width shall be required to meet the above standards.
- I. Additional right-of-way and cartway widths may be required by the Board of Supervisors to promote public safety and convenience when special conditions require it and to provide parking space in areas of intensive use.
- J. Street grades. The minimum center-line grade for all streets shall be 1% and the maximum grade shall be as follows:
- (1) Arterial streets: PennDOT standards.
  - (2) Collector streets: 7%.
  - (3) Local roads and alleys: 10%.
  - (4) Cul-de-sac: 10%.
  - (5) Cul-de-sac turnarounds: 4%.
  - (6) Driveways/access drives: 10%.
  - (7) Private rights-of-way: 10%.
  - (8) Refer to § 180-34O(4) for grades within intersections.
- K. Crown. The slope of the crown on all streets shall be not less than 1/8 nor more than 1/3 inch per foot.
- L. Shoulders. Shoulders shall have a slope of 1/2 inch per foot.

M. Street construction standards. Streets must be constructed to the grades and dimensions drawn on the plans, profiles, and cross sections submitted by the applicant and approved by the Board of Supervisors. Before paving the street's surface, the applicant must install the required utilities and service laterals and provide, where necessary, adequate stormwater drainage for the street as approved by the Supervisors. All subgrade and paving work must be supervised by the Township Supervisors or their representative. All subgrade, stone subbase, and base pavement must lay over the winter months from November 1 through May 1, before being paved with the wearing course. The wearing course shall only be placed between May 1 and October 31. Prior to the commencement of paving, the Township shall be contacted to determine the suitability of compaction. The pavement base, wearing surface, and shoulders must be constructed according to the specifications in Table 180-34A, excepting, however, that for the construction of arterial roads or highways, the subdivider shall consult the Supervisors and be governed by the Pennsylvania Department of Transportation for the method of construction to be used. The developer shall also be responsible for the erection of all traffic control signage (i.e., warning, advisory, and informational) of the type and grade deemed necessary by the Board of Supervisors and must be installed in accordance with the latest addition of PennDOT's Sign Foreman Manual Publication 108.

**Table 180-34A  
Street Construction Specifications\***

<b>Pavement Alternative</b>	<b>Type Material</b>	<b>Thickness</b>	
		<b>Local Roads</b>	<b>Collector Street</b>
<b>Rigid pavement</b>	Portland cement concrete	6 inches	8 inches
	2A subbase	6 inches	6 inches
	Shoulders	Paved Type 3	Concrete Type 2
<b>Flexible pavements</b>	Superpave wearing course		
	Thickness	2 inches	2 inches
	Superpave mix	9.5 mm	9.5 mm
	Superpave base course		
	Thickness	3.5 inches	6 inches
	Superpave mix	25 mm	37.5 mm
	2A subbase	6 inches	8 inches
Shoulders	Same construction and pavement standard as the cartway		

NOTES:

- \* All components of the street construction shall conform to the specifications set forth in the "Pennsylvania Department of Transportation, Form 408 Specifications," 1987 as amended.
- \*\* The Township Engineer will consider alternative paving specifications subject to submission of paving plan supported by site specifications testing and a geotechnical analysis, PA approved. This plan must be certified by a licensed engineer.

N. Driveway entrances. Driveway entrances or aprons within the street right-of-way shall be surfaced to their full width, and in no case less than 10 feet, the type of surface to be the same as specified above. Where sidewalks are installed, the required driveway surfacing shall end at the street side of the sidewalk.

O. Intersections.

- (1) Intersections involving the junction of more than two streets are prohibited. Right-angle intersections must be used wherever possible; however, in no case shall streets intersect at less than 70° (measured on the center lines of the streets).
- (2) Curb radii. At intersections of streets, the radius of the curb or edge of shoulder shall not be less than the following:

<b>Intersection</b>	<b>Minimum Simple Curve Radii of Curb or Edge of Shoulder (feet)</b>
Arterial with arterial	45
Arterial with collector street	45
Collector with collector street	35
Collector with local road	25
Local road with local road	20
Alleys with all streets	15

- (3) Clear sight triangle. Proper sight lines must be maintained at all street intersections. Measured along the center line, there must be a clear sight triangle of 75 feet (150 feet for arterial streets) from the point of intersection, and no building or permanent obstruction and/or plant materials over 18 inches high shall be placed within the clear sight triangle.
- (4) Maximum grade within any intersection shall not exceed 4% in any direction, and approaches to any intersection shall follow a straight course both vertically and horizontally within 100 feet of the intersection. The intersection grade requirement applies to intersections involving arterial and collector streets, local roads and alleys, culs-de-sac, and private rights-of-way.

- P. Streets not in alignment. If streets are not in alignment, the distance between the center lines of streets opening on opposite sides of an existing or proposed street shall be no less than 125 feet.
- Q. Sight distance. Sight distance must be provided with respect to both horizontal and vertical alignment. Passing sight distance and stopping sight distance shall comply with the minimum requirements of PennDOT Publication 70, based on highway classification and speed limit.
- R. Curves, horizontal.
  - (1) Where connecting street lines deflect from each other at any one point, the lines must be connected with a true, circular curve.
  - (2) The minimum radius of the center line for the curve must be as follows:

<b>Type of Street</b>	<b>Minimum Radius (feet)</b>
Arterial	500
Collector	300
Local	200

- (3) Straight portions of the street must be tangent to the beginning or end of curves.
- S. Curves, vertical. Vertical curves shall be used in changes of grade when the algebraic difference exceeds 1%, and shall be designed for maximum visibility. Intersections shall be approached on all sides by requirements of Publication 70, based on highway classification and speed limit.
- T. Slope of banks along streets. The slope of banks along streets measured perpendicular to the street center line shall be no steeper than the following:
  - (1) One foot of vertical measurement for three feet of horizontal measurement for fills.
  - (2) One foot of vertical measurement for two feet of horizontal measurement for cuts.
- U. Names of streets. Names of new streets shall not duplicate or approximate existing or platted street names, or approximate such names by the use of suffixes as lane, way, drive, court, avenue. In approving the names of streets, cognizance may be given to existing or platted street names within the postal delivery district served by the local post office. New streets shall bear the same name or number of any continuation or alignment with an existing or platted street. The Township shall have the authority to disapprove any proposed street name.
- V. Alleys and service drives. The following standards shall apply to the design and location of alleys and service drives:
  - (1) Alleys shall not be permitted in residential developments except by the permission of the Board of Supervisors. All buildings or other structures adjacent to any alley

must comply with the side or rear yard setbacks from the alley right-of-way line as included in the appropriate district regulations in Chapter 204, Zoning.

- (2) Alleys, primary or secondary access drives serving commercial and industrial establishments are required unless other provisions for service are provided.

W. Joint use driveways.

- (1) A joint use driveway as the sole means of ingress and egress between a subdivision or land development and public rights-of-way serving more than one lot or dwelling unit are discouraged. The Supervisors, upon the recommendation of the Planning Commission, may, at the Board's discretion, grant modification of the requirement that lots or developments be accessed by a public street if the literal enforcement of said requirement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that the modification shall not be contrary to the public interest and that the purpose and intent of the chapter is observed, and further provided that each lot or development is sufficiently accessed by a joint use driveway which shall be adequately designed to safely accommodate the traffic expected from the proposed and foreseeable development, and provided further that the proposed joint use driveway shall not be required to carry significant traffic.
- (2) It shall be the responsibility of the applicant to substantiate adequately the need for such relief in accordance with Article XIV.
- (3) Joint use driveways shall not be approved if:
  - (a) A bridge or other structure is located on the joint use driveway which is not in conformity with standards determined appropriate by the Township Engineer.
  - (b) Access to the properties serviced by the joint use driveway by emergency vehicles shall be inhibited.
  - (c) The joint use driveway would service more than three dwelling units.
- (4) Supervisors may approve joint use driveways, provided the following conditions are met:
  - (a) Existing joint use driveways proposed to serve more than one lot or dwelling unit shall:
    - [1] Existing joint use driveways shall be improved with a dustless surface as specified on the final plan. When serving more than one lot, a minimum of six inches of shale and two inches of 2A modified stone shall be required along with a minimum cartway width of 14 feet with the cartway placed in the center of a private right-of-way. Any joint use driveway serving one lot and running through or between existing lots shall be a minimum of six inches of shale, two inches 2A modified stone up to the point where the bordering lots end and shall have the cartway placed in the center of said right-of-way.

- [2] The cartway shall provide a paved apron at any public road or street intersection, within the established right-of-way of the public road or street. The paving specification shall be the same as required for the classification of the adjacent public road or street.
- [3] Serve no more than a total of three lots or dwelling units.
- [4] Provide adequate access for emergency vehicles.
- [5] A private right-of-way shall be legally recorded with a minimum width of 20 feet.
- [6] Meet minimum, clear sight distances as set forth in this chapter.
- [7] Security shall be posted for joint use driveways to ensure completion of any improvements, in accordance with Article XIII.
- [8] Any subdivision or land development plan proposing a joint use driveway, approved by the Township under the provisions of this chapter, shall include the following notation on the plan sheet and shall be subject to the provisions specified therein.

"Each deed for the transfer or conveyance of any lot(s) shown on this plan shall contain restrictions and/or conditions that the private right-of-way and joint use driveway shown hereon shall remain a private right-of-way, and that the purchasers or owners of said lot(s), their heirs, successors and assigns, shall be responsible for the construction, maintenance, repair and snow and ice removal of said joint use driveway within the private right-of-way; which restrictions and/or conditions shall be deemed to be covenants running with the land. North Middleton Township shall not now, nor at any time in the future, have responsibility for the construction, maintenance, repair or snow and ice removal of any private right-of-way or joint use driveway shown on this plan, and, no further subdivision of any lot shown on this plan or the tract from which such lots have been subdivided shall be allowed, unless and until such right-of-way or joint use driveway is constructed or improved to current Township standards as a Local Road and offered for dedication in accordance with the requirements of the North Middleton Township Subdivision and Land Development Ordinance."

(b) Joint use driveways proposed to serve one or more lot or dwelling unit shall:

- [1] The proposed joint use driveway shall be improved with a dustless surface as specified on the final plan. When serving more than one lot a minimum of six inches of shale and two inches of 2A modified stone shall be required along with a minimum cartway width of 20 feet with the cartway placed in the center of a private right-of-way. Any joint use driveway serving one lot and running through or between existing lots

shall be a minimum of six inches of shale, two inches of 2A modified stone up to the point where the bordering lots end and shall have the cartway placed in the center of said right-of-way.

- [2] The cartway shall provide a paved apron at any public road or street intersection, within the established right-of-way of the public road or street. The paving specification shall be the same as required for the classification of the adjacent public road or street.
- [3] Serve no more than a total of three lots or dwelling units.
- [4] Provide adequate access for emergency vehicles.
- [5] A private right-of-way shall be legally recorded with a minimum width of 50 feet.
- [6] Meet minimum clear sight distances as set forth in this chapter.
- [7] Security shall be posted for joint use driveways to ensure completion of any improvements, in accordance with Article XIII.
- [8] Any subdivision or land development plan proposing a joint use driveway, approved by the Township under the provisions of this chapter, shall include the following notation on the plan sheet and shall be subject to the provisions specified therein.

"Each deed for the transfer or conveyance of any lot(s) shown on this plan shall contain restrictions and/or conditions that the private right-of-way and joint use driveway shown hereon shall remain a private right-of-way, and that the purchasers or owners of said lot(s), their heirs, successors and assigns, shall be responsible for the construction, maintenance, repair and snow and ice removal of said joint use driveway within the private right-of-way; which restrictions and/or conditions shall be deemed to be covenants running with the land. North Middleton Township shall not now, nor at any time in the future, have responsibility for the construction, maintenance, repair or snow and ice removal of any private right-of-way or joint use driveway shown on this plan, and, no further subdivision of any lot shown on this plan or the tract from which such lots have been subdivided shall be allowed, unless and until such right-of-way or joint use driveway is constructed or improved to current Township standards as a local road and offered for dedication in accordance with the requirements of the North Middleton Township Subdivision and Land Development Ordinance."

- X. Streets. When streets become passable, they shall be adequately signed and identified, and all houses, places of business, and other such buildings shall be conspicuously numbered for identification purposes, consistent with any applicable ordinances or Township permits.

- Y. Snowplowing. It shall be the responsibility of the developer to properly maintain all roads and keep them reasonably free and clear of snow and ice and other debris until such time as the Township has accepted an offer of public dedication thereon. In the event the developer should at any time fail to reasonably fulfill this responsibility, the Township and its agents, in its discretion, may enter the premises to properly maintain the road or remove any snow and ice, and the developer shall be held liable for all costs incurred by the Township therefor, including, but not limited to, costs associated with manpower, equipment and any damage that may occur to the Township equipment. In addition, the applicant/developer and/or owner agree to hold the Township harmless in the event of damage to the property or improvements and to indemnify the Township for any loss incurred by the Township. Such actions by the Township shall not in any way be construed to constitute an acceptance of the road for public dedication, or otherwise require the Township to regularly maintain any of the roads.
- Z. Subdivision compliance with road access requirements. No subdivision of land shall be permitted unless it is shown that each proposed lot, tract, or parcel will be able to obtain access to a public street without violating any road access standards specified elsewhere in this chapter or any other ordinance or law.
- AA. Construction of temporary or permanent ramps. The construction of temporary or permanent ramps of any material for the purpose of crossing a curb on a dedicated Township road shall be strictly prohibited. A note shall be placed on the plan acknowledging compliance with this section.
- BB. Placement of dumpsters. The placement of dumpster on any dedicated Township road shall be strictly prohibited.

### § 180-35. Blocks and lots.

- A. General layout.
- (1) In general, the lengths, depths, and shapes of blocks and lots must be determined with regard to:
    - (a) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
    - (b) Zoning requirements as to lot sizes, dimensions, yards and other open areas.
    - (c) Needs for convenient access, circulation, control and safety of street traffic.
    - (d) Limitations and opportunities of topography.
  - (2) Blocks shall not exceed 1,200 feet nor be less than 500 feet in length.
  - (3) Blocks shall be of sufficient depth to permit two tiers of lots, except where reverse frontage lots are necessary or in the case of cluster layouts or other site-specific limitations.
  - (4) In nonresidential areas, the block and lot layout must be designed with consideration of site conditions:

- (a) To permit the most efficient arrangement of space for present use and future expansion.
  - (b) To permit adequate, safe worker and patron access, circulation and parking, as well as loading and unloading.
- B. Lot size. The minimum lot size shall be as required by Chapter 204, Zoning.
- C. Lot width. The minimum lot width shall be as required by Chapter 204, Zoning.
- D. Lot frontage. The minimum lot frontage shall be as required by the Chapter 204, Zoning.
- E. Double frontage lots.
  - (1) Double frontage lots shall be discouraged, except where desired along limited access highways, or required due to the limitations of a specific site. Reverse frontage lots adjacent to limited access highways must face on an interior street, and back on such thoroughfares. Where a lot is permitted to have reverse frontage, a landscaped screen shall be provided between the lot and the limited access highway.
  - (2) Access to all other double frontage lots shall be limited to the street of lower classification.
- F. Lot lines. Lot lines shall be approximately at right angles or radial to street lines so long as reasonably shaped lots result.
- G. Lot access. Every lot shall have access off a street which shall be properly designed, improved, and constructed as required by this chapter. Lots in a subdivision or land development which are proposed to front upon an existing Township or state road which is not improved to the standards set forth herein shall, as a minimum, comply with the right-of-way requirements of § 180-34.
- H. Street address numbers shall be assigned to each lot by the Township or other assigning entity.

#### **§ 180-36. Easements.**

- A. Width; location. When easements are required for any utility serving a subdivision or land development, they must be a minimum of 20 feet wide and must, to the fullest extent possible, be adjacent to, or centered on, rear or side lot lines.
- B. Natural gas lines. All natural gas lines must be installed in compliance with the applicable state or federal laws. The minimum distance from a natural gas line to a dwelling unit or other structure must be as required by the applicable transmission or distribution company.
- C. Petroleum lines. Minimum setback easements, as established by the owner of such easement must be maintained.

- D. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainageway, channel or stream, and of such width as will be adequate to preserve the unimpeded flow of natural drainage as required by Article IX or X herein (whichever governs), or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities, or for the purpose of installing a stormwater sewer.

**§ 180-37. Access.**

- A. Streets shall be laid out to provide access to all lots and to adjacent undeveloped property, in which event the subdivider or developer shall improve or reserve access streets to the limit of the subdivision or development.
- B. In the event that the Board of Supervisors shall determine that the literal enforcement of the requirement that all lots shall front on a public or private street would constitute a hardship to the owner of the property, up to three lots, which include a parent tract, may be proposed for service by a joint use driveway on the parent tract which is in existence at the time of enactment of this chapter. However, this provision may only be utilized for one joint use driveway per parent tract at the Board of Supervisor's discretion. Such joint use driveway shall be designed to provide safe access to said lots and where such approval, in the opinion of the Board of Supervisors, will not adversely affect public health or safety, including but not limited to accessibility for fire and ambulance service and impact on bridges or other structures.
- C. Unless waived by the North Middleton Township Board of Supervisors, two or more means of ingress and egress shall be provided to service any subdivision or land development.

**§ 180-38. Standards for sidewalks.**

All sidewalks constructed within the Township shall conform to the following requirements. Where sidewalks are mandatory curbs shall also be required.

- A. Installation. Wherever a proposed subdivision or land development plan shall have an average of three or more lots or dwelling units per net acre, is a nonresidential subdivision or land development, or is immediately adjacent to or within 1,000 feet of any existing or recorded subdivision or land development plan located along the same side of a connecting street having sidewalks, such sidewalks shall be installed on all lot frontages and a vegetative strip of four feet in width shall be provided between the sidewalk and curb.
- (1) Sidewalks shall be located within the right-of-way of the street, shall be four feet in width and abut the vegetative strip. A grass area shall be maintained between the sidewalk and curb.
  - (2) In the vicinity of shopping centers, schools, recreation areas and other such facilities, sidewalks must be at least five feet wide and terminate at the street right-of-way line.

- (3) If the Township deems necessary, for health and safety conditions, sidewalks may be required at the Board of Supervisors' discretion.
- B. Construction. Sidewalks located within the dedicated street right-of-way shall be constructed of cement concrete according to the standards set forth in the most recent edition or revision of PennDOT Specification Form 408.
- C. Waiver of requirement. The Board of Supervisors may waive a requirement for the construction of sidewalks. A grant of such a waiver shall be recorded in the minutes of the Board of Supervisors and shall require that the following language be shown on the final plan:

"The owners of these lots, upon notification by North Middleton Township, shall be responsible for the construction of sidewalks to Township specifications within six months of the date of such notification."

- D. Sidewalks shall be ADA compliant.
- E. Where, in order to promote the continuation of sidewalks over and across property in a planned community, condominium, or other development containing a homeowners' association, condominium association or the like, and where sidewalks are required under this chapter, all sidewalks within the development shall be connected and sidewalks shall be required to be installed and maintained across commonly owned property of all homeowners and any association in order to create a connected, continuous sidewalk system throughout the development and to avoid areas along the common ground where sidewalks start and stop and prevent the continuity and continuous sidewalk path throughout the proposed development.

**§ 180-39. Curbs and gutters.**

Construction of curbs and gutters within the Township shall conform to the following requirements:

- A. When required. Whenever a proposed subdivision or land development plan shall have an average of three or more lots or dwelling units per acre, is a nonresidential subdivision or land development, or where any project is immediately adjacent to or within 1,000 feet of any existing or recorded subdivision or land development located along the same side of a connecting street and having curbs, curbs shall be installed on all lot frontages on the street. In areas where curbing is not required, suitable gutters shall be designed and installed, subject to Township approval, to control erosion. If curbs are to be installed, the pavement shall extend from curb to curb. When the stormwater management plan, as determined by the Township, adequately controls surface water, curbs and gutters and such would not be necessary hereunder except for the density provisions herein, the curbing requirements hereof may be waived by the Township as provided for below.
- B. Construction. Curbs and gutters shall be constructed according to the standards set forth in the most recent edition or revision of PennDOT Specifications, Form 408. The type of

curbs or gutters shall be determined by the engineer. Curbs must be of eight-inch vertical face design. Concrete gutter/curb combination is prohibited where streets are proposed to be dedicated to the Township, or could be dedicated to the Township in the future.

- C. Waiver of requirement. The Board of Supervisors may waive a requirement for the construction of curbs. A grant of such a waiver shall be recorded in the minutes of the Board of Supervisors and shall require that the following language be shown on the final plan:

"The owners of these lots, upon notification by North Middleton Township, shall be responsible for the construction of curbs to Township specifications within six months of the date of notification."

- D. If the Township deems necessary, for health and safety conditions, curbs and gutters may be required at the Board of Supervisors' discretion.

#### **§ 180-40. Outdoor lighting.**

All outdoor lighting installed and/or replaced in North Middleton Township after the effective date of this chapter shall comply with the provisions of § 204-337 related to outdoor lighting within Chapter 204, Zoning.

#### **§ 180-41. Recreational land; fee requirements.**

- A. Purpose. To ensure that present and future residents of the Township will have available to them adequate parks, recreational areas and facilities by establishing requirements for the dedication of land or a fee in lieu of such dedication to be imposed upon subdividers and land developers as authorized by the Municipalities Planning Code. All land so dedicated or fees collected in lieu thereof shall be used only for the purpose of providing accessible park or recreational facilities. The decision to require dedication of land or a fee in lieu of such dedication will be made at the option of the Board of Supervisors and/or at the recommendation of the Township Engineer.
- B. Applicability. This section shall apply to all subdivisions and land developments in North Middleton Township, including mobile home parks.
- C. General requirement. Every subdivision or land development shall, as a condition to approval, and subject to the standards for acceptance set forth hereafter, provide for the development of recreational areas or facilities by either the dedication of land suitable therefor or the payment of a fee in lieu of such dedication. The Board of Supervisors has the option to require the subdivider and/or land developer to make either a dedication of land or pay a fee in lieu of such dedication in accordance with the hereinafter established standards:
- (1) Land dedication requirement. Except as hereinafter provided, every owner, subdivider or developer of a subdivision or land development shall dedicate a

portion of the land proposed for said development to the Township for recreational purposes in accordance with the following standards and formula:

- (a) Single-family detached or semidetached, including each mobile home pad in a mobile home park shall dedicate a minimum of 3,000 square feet per lot or dwelling unit.
  - (b) Multifamily developments shall dedicate a minimum of 3,000 square feet per unit. Twenty five percent of the land so dedicated may be included in and used to satisfy the open space requirement for development.
  - (c) Conversions from single- to multifamily will be subject to the standard for multifamily developments.
  - (d) Nonresidential developments shall dedicate a minimum of 10% of gross land area to recreational use.
  - (e) Single lot one-time exemption. The subdivision or development of one single-family residential lot from a larger tract shall be exempt from the dedication or fee requirements of this chapter; provided, however, that this exemption shall be available one time only and further subdivisions or land development from the same tract shall not be exempted. Further, a note shall be made on the subdivision plan that the one-time exemption was applied.
- (2) Standards and criteria for dedication and acceptance of recreational land. Acceptance of dedication shall be at the option of the Board of Supervisors. In determining whether to accept or reject land offered for dedication the Board shall consider the recommendation of the Parks and Recreation Board and the following factors:
- (a) All land offered for dedication shall be contiguous and located in a single area of not less than three acres in area.
  - (b) Not more than 25% of the offered land shall be located in a floodplain or exceed a slope in excess of 8%.
  - (c) Offered land must be suitable for recreational use as a public park based upon its size, topography and soil conditions.
  - (d) Offered land shall abut and have direct access to a public road and shall be suitable for the installation of water and sewer facilities and other utilities.
  - (e) The decision of the Board of Supervisors to accept or reject dedication shall be conclusive. In the event dedication is rejected, the developer or subdivider shall comply with the provisions herein for payment of a fee in lieu of dedication.
- (3) Fees in lieu of dedication.
- (a) In lieu of dedication of land as aforesaid, the developer or subdivider shall pay a fee to the Township in an amount based upon a schedule of fees adopted by resolution of the Board of Supervisors. Said fee schedule shall

establish a set fee for lots and dwelling units, including mobile home pads thereon, and may be revised from time to time without further amendment of this chapter.

- (b) Payment of fees. All fees hereunder shall be due and payable in full upon approval of the subdivision or land development plan or any phase or section thereof.
- D. Use of land or fees received. All land or fees received by the Township shall be used to establish and develop recreational areas and facilities within the Township which shall be reasonably available for use and enjoyment by the residents of the development or subdivision assessed for said lands or fees. Such facilities shall not however be required to be within or immediately adjoining such subdivisions or developments. A separate park and recreation capital account in the name of the Township shall be established to set aside the funds collected and ensure their use for recreational purposes exclusively. Said account shall be an interest-bearing account, and funds not utilized within the period provided by law shall, upon request, be returned to the owner or developer in accordance with the provisions of Municipalities Planning Code.

**§ 180-42. Monuments and markers.**

A. Monuments must be set:

- (1) At the intersections of all street right-of-way lines.
- (2) At the intersection of lines forming angles in the boundaries of the subdivision.
- (3) At one corner of a lot comprising a single lot subdivision, or at one predominant intersection of a street and a property line of a lot in a subdivision comprised of not more than five contiguous lots or parcels.
- (4) At least three predominant line intersections or line angles in subdivisions of more than five lots or parcels, and in any land development plan. When any plan of development and/or subdivision encompasses more than 20 acres, the Township Supervisors and/or the Township Engineer may require additional monuments at designated points.
- (5) Such other points as may be required by the Township Supervisors when unusual conditions may create sight problems or cause unusual deviation from normal surveying practice.

B. Markers must be set:

- (1) At all corners, except those monumented.
- (2) By the time the property is offered for sale.
- (3) At the beginning and ending of curves along street property lines if not monumented.
- (4) At points where lot lines intersect curves either front or rear.

- (5) At angles in property lines of lots.
- C. Monuments and markers shall be made of the following size and material:
- (1) Monuments shall be four inches square or four inches in diameter and shall be 30 inches long. Monuments shall be made of concrete, stone or by setting a four-inch cast iron or steel pipe filled with concrete.
  - (2) Markers shall be 3/4 inch square or 3/4 inch in diameter and 24 inches long. Markers shall be made of iron pipes or iron or steel bars.
- D. Monuments and markers must be placed so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the finished grade of the surrounding ground. Monuments must be marked on top with a copper or brass plate or dowel set in the concrete.

**§ 180-43. Sewers and water.**

- A. Where a public sanitary sewer system is within 1,000 feet, or where plans approved by the municipality provide for the installation of such public sanitary sewer facilities to within 1,000 feet of a proposed subdivision, the subdivider shall provide the subdivision with a complete sanitary sewer system. The design and installation shall be subject to the approval of the Board of Supervisors, such approval to be based on the North Middleton Authority's recommendation.
- B. Where the installation of a public sanitary sewer system is not required, the subdivider or owner of the lot shall provide for each lot, at the time improvements are erected thereon, a private sewage disposal system consisting of a septic tank and tile absorption field or other approved sewage disposal system. All such individual sewage disposal systems shall be constructed in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection.
- C. Where a private, community sewerage system is proposed, such system shall be subject to approval of the Pennsylvania Department of Environmental Protection before approval by the Township. As a condition of Township approval, the Board, upon recommendation of the Planning Commission, may establish terms for future acceptance of such system on behalf of the North Middleton Authority which may include a deferral of acceptance or a permanent refusal to accept. All private, community sewerage systems shall be owned and maintained by a perpetual entity, and such ownership and maintenance responsibility shall be clearly established as a condition of final plan approval.
- D. Where a water main supply system is within 1,000 feet of, or where plans approved by the Township provide for the installation of such public water facilities, the subdivider shall provide the subdivision with a complete water main supply system to be connected to the existing or proposed water main supply system. The design and installation shall be subject to the approval of the agency or entity having jurisdiction as a condition of Township approval.

- E. Where installation of a public water main supply system is not required, the subdivider or owner of the lot shall provide for each lot, at the time improvements are erected thereon, an individual water supply approved when applicable by the Pennsylvania Department of Environmental Protection, as to source, installation, and quality of water.
- F. Where a private, community water system is proposed, such system shall be subject to the applicable approval of the Pennsylvania Department of Environmental Protection before approval by the Township. As a condition of Township approval, the Board of Supervisors, upon recommendation of the Planning Commission, may establish terms for future acceptance of such system on behalf of the North Middleton Authority which may include a deferral of acceptance or a permanent refusal to accept. All private, community water systems shall be owned and maintained by a perpetual entity, and such ownership and maintenance responsibility shall be clearly established as a condition of final plan approval.

**§ 180-44. Traffic impact studies.**

- A. Purpose. To provide the Board of Supervisors with an opportunity to:
  - (1) Identify traffic and transportation problems associated with the adequacy of the existing transportation network and facilities to provide access to and from and through the site in light of the character and volume of traffic expected to be generated by the proposed subdivision and/or land development.
  - (2) Delineate solutions to such problems or facilities, including the prescription of improvements to be provided by or at the expense of the applicant.
- B. When required. A transportation impact study shall be submitted regarding subdivisions and land developments which meet the following criteria:
  - (1) Residential: involving 25 or more dwelling units.
  - (2) Nonresidential: involving 50 or more parking spaces.
  - (3) Other: when the Planning Commission or Board of Supervisors shall determine that the volume or type of anticipated vehicular movements resulting from the proposed subdivision or land development may adversely impact road conditions.
- C. By whom prepared; costs.
  - (1) The study shall be prepared by a qualified traffic engineer and/or transportation planner who shall be mutually agreed upon by the developer and the Township. The study preparer shall have sufficient, documented prior traffic study experience to qualify him/her to perform the study and render any opinions and recommendations set forth therein.
  - (2) The cost to prepare the study will be borne entirely by the developer.
- D. Contents. The study shall contain information, analyses and conclusions regarding the following:

- (1) General site description. The site description shall include the size, location, proposed land uses, construction staging and completion date of the proposed land development. If the development is residential, types of dwelling units and number of bedrooms shall also be included. The general site description shall also include probable socioeconomic characteristics of potential site uses to the extent that they may affect the transportation needs of the site (i.e., number of senior citizens).
- (2) Transportation facilities description.
  - (a) Proposed internal transportation system. This description shall show proposed vehicular, bicycle and pedestrian circulation, all proposed ingress and egress locations, all existing or proposed internal roadways, including the widths of paved cartway and rights-of-way, parking conditions, traffic channelization and any other traffic signals or other intersection control devices, within or near the site of the subdivision or land development.
  - (b) External transportation system. This report shall describe the entire external roadway system within the study area of the proposed subdivision or land development. Major intersections in the study area shall be identified and sketched. All existing and proposed public transportation services and facilities within a one-mile radius of the site shall also be documented. All future highway improvements, including proposed construction and traffic signalization, shall be noted. This information shall be obtained from the Pennsylvania Department of Transportation. Any proposed roadway improvements resulting from proposed surrounding developments shall also be recorded.
  - (c) Existing traffic conditions. Existing traffic conditions shall be measured and documented for all roadways and intersections in the study area. Existing traffic volumes for average daily traffic, peak highway hour(s) traffic, and peak development-generated hour(s) traffic shall be recorded. Manual traffic counts at major intersections in the study area shall be conducted, encompassing the peak highway and development-generated hour(s) and documentation shall be included in the report. A volume capacity analysis based upon existing volumes shall be performed during the peak highway hour(s) and the peak development-generated hour(s) for all roadways and major intersections in the study area. Levels of service shall be determined for each location. This analysis will determine the adequacy of the existing roadway system to serve the current traffic demand.
  - (d) Transportation impact.
    - [1] Estimation of vehicular trips to result from the proposal shall be completed for the average daily peak highway hour(s) and peak development-generated hour(s). Vehicular trip generation rates to be used for this calculation shall be obtained from the Trip Generation Rates Table found in the latest edition of the Institute of Transportation Engineers Trip Generation Manual. These development-generated traffic volumes shall be provided for the inbound and outbound traffic

movements as estimated, and the reference source(s) and methodology followed shall be documented. All turning movements shall be calculated. These generated volumes shall be distributed to the study area and assigned to the existing roadways and intersections throughout the area.

- [2] Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to individual access points. Pedestrian volumes shall also be calculated, if applicable. If school crossings are to be used, pedestrian volumes shall be assigned to each crossing. Any characteristics of the site that will cause particular trip generation problems shall be noted.
- (e) Conclusions and recommended improvements. Levels of service for all roadways and intersections shall be listed. All roadways and/or intersections showing a level of service below D for signalized intersections and below E for nonsignalized intersections shall be considered deficient, and specific recommendations for the elimination of these problems be listed. This listing of recommended improvements shall include, but not be limited to, the following elements: internal circulation design, site access location and design, external roadway and intersection design and improvements, traffic signal installation and operation, including signal timing, and transit design improvements. All physical roadway improvements shall be shown on the preliminary plan. Existing and/or future public transportation service shall also be addressed. A listing of all actions to be undertaken to increase present public transportation usage and improve service, if applicable, shall be included. An analysis based on the guidelines contained in studies by the Cumberland County Planning Commission and the Tri-County Planning Commission (Carlisle Area Transportation Study) shall be undertaken to indicate whether or not future public transportation service should be provided to the development. The listing of recommended improvements for both roadway and transit shall include, for each improvement, the party responsible for the improvement, the cost and funding of the improvement, and the completion date for the improvement.
- (3) Modified study. Whenever a study is required solely because of the findings of the Planning Commission or Board of Supervisors as provided in Subsection B(3) above, or if the Board of Supervisors shall conclude that certain of the required information, analyses or conclusions are unnecessary for an identification of the traffic problems or finding solutions therefor, the Board of Supervisors shall delineate the scope and contents of the study so as to include only those matters it deems appropriate to aid in the identification and solutions of the problems envisaged.

#### **§ 180-45. Road access control.**

- A. General arrangements. Streets, roadways, alleys, driveways, and private drives form the circulation system. The circulation system shall be designed to:

- (1) Permit the safe, efficient and orderly movement of vehicles.
  - (2) Provide, when possible, two directions of vehicular access by means of a street or access drive to and within a development.
  - (3) Meet the needs for the present and future population.
  - (4) Provide a simple and logical pattern.
  - (5) Respect the natural features and topography.
  - (6) Present an attractive streetscape.
- B. Access onto state and Township roadways shall be controlled in a manner which is intended for the safe operation of vehicles on and along public streets and highway facilities. The functional classification and speed limit of a roadway will determine the location, number, and spacing between access points allowed onto the roadway.
- C. Unless otherwise indicated herein, proposed location and spacing of new access drives/driveways accessing roadways must comply with standards set forth in the Pennsylvania Department of Transportation Publication 201, Engineering and Traffic Studies, with respect to safe and desirable sight and stopping sight distances.

#### ARTICLE VIII Mobile Home Park Regulations

##### **§ 180-46. Additional rules and regulations established.**

In addition to the rules, regulations, standards and procedures established in other sections of this chapter and Chapter 204, Zoning, the following shall also apply to mobile home parks.

##### **§ 180-47. Permits required.**

It shall be unlawful for any person to maintain, construct, alter, or extend any mobile home park within the limits of the Township without a valid annual license by the Township.

##### **§ 180-48. Application for initial permit.**

Application for a mobile home park permit shall follow the requirements and procedures as established in this chapter for preliminary and final subdivision and land development plans.

##### **§ 180-49. Action on final plan by Township Supervisors; term of permit.**

Upon approval of the entire final plan and payment of the required fees, the Board of Supervisors shall issue a mobile home park permit to the owner which shall be valid for a period of one year thereafter.

**§ 180-50. Renewal permits.**

Renewal permits shall be issued by the Board of Supervisors or its representative, upon the furnishing of proof by the applicant that his/her park continues to meet the standards prescribed in Chapter 204, Zoning, and this chapter and is in compliance with the applicable regulations of the PA DEP.

- A. A representative of the Board of Supervisors may inspect a mobile home park at reasonable intervals and at reasonable times to determine compliance with this chapter.
- B. The permit shall be conspicuously posted in the office or on the premises of the mobile home park at all times.

**§ 180-51. Compliance of existing mobile home parks.**

Mobile home parks in existence at the date of adoption of this chapter shall, within 120 days after the effective date of this chapter, obtain and maintain a valid Township mobile home park permit, and comply with the terms of this chapter.

- A. Existing mobile home parks shall be required to submit an existing plot plan, drawn to scale, when applying for a mobile home park permit as required under this chapter.
- B. Any subsequent new construction, alteration or extension of existing mobile home park shall comply with the provisions of this chapter.
- C. Any existing mobile home park, which in the opinion of the Board of Supervisors creates a fire, safety, or health hazard, shall be required to comply with all provisions of this chapter, within a period of two years from the adoption of this chapter; otherwise, any existing mobile home park may continue as long as the park complies with § 180-46 of this chapter and otherwise remains lawful and does not create a fire, safety, or health hazard.

**§ 180-52. Individual mobile homes.**

Individual mobile homes not located in a mobile home park shall not be required to obtain a mobile home permit. They shall, however, be required to obtain a building permit. Individual mobile homes shall comply with all other applicable Township ordinances and regulations that govern single-family homes.

**§ 180-53. Fees.**

The initial permit fee for each mobile home park and the annual renewal permit fee for each mobile home park shall be established by resolution of the Board of Supervisors.

**§ 180-54. Site location.**

The location of all mobile home parks shall comply with the following minimum requirements:

- A. Free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents.
- B. Not subject to flooding.
- C. Not subject to hazard or nuisance such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor, or glare.

**§ 180-55. Soil and ground cover requirements.**

- A. Exposed ground surfaces in all parts of every park shall be paved or covered with stone or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
- B. Mobile home park grounds shall be maintained free of vegetative growth which is a nuisance or poisonous or which may harbor rodents, insects or other pests in sufficient quantities as to be harmful to man.

**§ 180-56. Areas for nonresidential use.**

No part of any park shall be used for nonresidential purposes except such uses that are required for direct servicing and recreation for the residents of the park and for the management and maintenance of the park.

**§ 180-57. Water and sewer service for lots in mobile home parks.**

Land laid out as a mobile home park and all lots, mobile homes and buildings thereon shall be serviced by water and sewer systems approved by the PA Department of Environmental Protection.

**§ 180-58. General design requirements.**

- A. Size and number of lots. Lots in a mobile home park shall not be less than 70 feet wide nor less than 10,000 square feet in area, per mobile home unit, exclusive of streets, public uses, open space and stormwater management facilities.
- B. Foundations.
  - (1) The area of the mobile home space shall be improved to provide an adequate foundation for the placement of the mobile home. The mobile home space shall be designed so as not to heave, shift or settle unevenly under the weight of the mobile home because of frost action, inadequate drainage, vibration, or other forces acting on the superstructure and shall be installed as per manufacturer's instructions and/or current ANSI regulation for mobile home installation.
  - (2) All mobile home pads shall comply with HUD, Pennsylvania regulations and manufactured housing guidelines.

- C. Erection and placement of mobile homes.
- (1) 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 superstructure.
  - (2) Mobile homes shall be installed as per manufacturer's instructions and/or current ANSI regulation for mobile home installation.
  - (3) Anchors and tie-downs shall be placed at least at each corner of the mobile home stand, and each shall be able to sustain a minimum tensile strength of 2,080 pounds.
- D. Street numbers and names. All mobile homes shall be given street numbers and all park streets shall be named. Street signs complying with Article VII, § 180-34, shall be erected.
- E. Lighting. All park streets, auxiliary parking lots and walkways shall be illuminated during nighttime hours. Street luminaries shall be set no more than 200 feet apart, except approaching street intersections where the maximum shall be 100 feet. At park entrances at least two luminaries shall be provided. Luminaries shall be mounted at a height of no less than 16 feet, and provide a minimum of 860 lumens per fixture. Auxiliary parking lots shall have no less than one luminary for each 20 spaces, or fraction thereof, which shall be located so as to distribute the light as evenly as practicable.

**§ 180-59. Required setbacks; buffer strips.**

- A. All mobile homes shall be located at least 50 feet from any park property boundary line abutting upon a public street or highway right-of-way, a street being offered for dedication, or a street that could be offered for dedication in the future, and at least 50 feet from other park property boundary lines. Otherwise all mobile homes and accessory structures shall provide buffer areas which shall not be occupied by streets, sewage disposal systems, package plants, or similar land uses.
- B. There shall be a minimum distance of 30 feet between an individual mobile home (including accessory structures attached thereto and patios) and the adjoining pavement of a privately owned and maintained park street, or common parking area or other common areas. Further, in no case shall a side yard be less than 15 feet.

**§ 180-60. Proposed street system.**

- A. All streets to be offered for public dedication will conform to specifications for local streets as established by this chapter.
- B. All streets within mobile home parks, whether offered for public dedication or not, shall conform to the following standards:
  - (1) General requirements. A safe and convenient vehicular access shall be provided from abutting public streets or roads.

- (2) Access. The entrance road connecting the park streets with a public street or road shall have a minimum cartway width of 24 feet. Wherever a street intersects a public street, a stop sign in conformity with Township regulations shall be installed and maintained.
- (3) Internal streets. Roadways shall be paved with an all-weather, dust-free surface at least 24 feet in width. An additional width of 10 feet shall be provided for each lane of on-street parking.
- (4) Required illumination of park and street systems. All parks shall be furnished with lighting units so spaced and equipped with illumination placed at such mounting heights as will provide adequate levels of illumination, as determined by the Township Engineer, for the safe movement of pedestrians and vehicles at night. The cost of installation, maintenance, and continued use of such lighting shall be the responsibility of the owner(s). The cost of installation, maintenance and continued use shall be the responsibility of the owner(s), developer or a lot owners' association, if applicable.
- (5) Paving. All streets shall be paved in accordance with the provisions of Article VII hereof.

#### **§ 180-61. Walks.**

- A. General requirements. Walks are required along both sides of any proposed park street, and all walks shall provide safe, convenient all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets, and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided. Walks shall be provided in accordance with standards and specifications of § 180-38 of this chapter.
- B. Common walk system. Where a common walk system is provided and maintained between locations, and where pedestrian traffic is concentrated, such walks shall have a minimum width of four feet.
- C. Individual walks. All mobile home spaces shall be connected to common walks, or to streets, or to driveways or parking spaces connecting to a street. Such individual walks shall have a minimum width of two feet.

#### **§ 180-62. Open space requirements.**

All mobile home parks shall provide, and so indicate on the plan of the mobile home park, a minimum of 25% of the gross acreage of the mobile home park devoted to active and/or passive common recreational facilities. Responsibility for maintenance of the recreational areas shall be with the landowner and/or operator. Should the landowner and/or the operator neglect to maintain the designated recreational areas, as depicted on the plan, the Township may elect to maintain the said areas and assess the landowner for any costs incurred.

- A. The recreation and open space shall be located as centrally as possible within the mobile home park in order to be easily accessible to the residents of the mobile home park.

- B. The open space shall be landscaped with a water absorbent surface except for recreational facilities and walkways utilizing a hard surface.
- C. The open space may be dedicated to the Township, provided the Township is willing to accept and maintain the open space

**§ 180-63. Water and sewer service.**

All mobile parks shall be served with public water and sewer services. Fire hydrants shall be installed as agreed upon by the Township and the North Middleton Authority in the event such water system is dedicated to and accepted by said Authority.

**§ 180-64. Parking requirements.**

Each mobile home lot shall be provided with a minimum of two paved parking spaces containing at least 180 square feet of bituminous or concrete surface. If on-street parking is not provided, one additional off-street parking space shall be provided in a common visitor parking compound. Such visitor parking compounds shall be sized, arranged, and located so that the spaces are within 300 feet of walking distance to all units served. Access to all parking spaces shall be limited to interior roads of the mobile home park; in no case shall access to such parking spaces be provided from adjoining public roads.

**§ 180-65. Storage sheds, extensions and additions.**

Individual mobile homes may install accessory structures, storage sheds, extensions and additions to mobile homes and patios. Any such structure or improvement shall not intrude into any required yard setbacks and shall conform in style, quality and color to the existing mobile home.

**§ 180-66. Electrical distribution system.**

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.

**§ 180-67. Structural requirements for service buildings and other community service facilities.**

- A. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
- B. All structures containing laundry and/or toilet facilities shall:
  - (1) Have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions in lavatories and other plumbing fixtures

shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture-resistant material.

- (2) Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than 10% of the floor area served by them.
- (3) Have at least one window which can be easily opened or a mechanical device which will adequately ventilate the room.
- (4) Toilets shall be located each in a separate compartment equipped with a self-closing door.

**§ 180-68. Refuse disposal.**

- A. The storage, collection and disposal of refuse in the mobile home park shall be so managed as to create no health hazards or air pollution.
- B. All refuse shall be stored in flytight, watertight, rodent-proof containers, which shall be located not more than 150 feet away from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Protection. Rubbish and recyclables shall be collected and disposed of in accordance with the prevailing Township waste removal policy or contract as frequently as may be necessary to insure that the containers shall not overflow.

**§ 180-69. Fire protection.**

- A. Where fire hydrants are not provided, fire extinguishers of a type approved by the Fire Underwriter Laboratories (A-B-C) classification type, bearing the Underwriter's label, shall be readily accessible to each mobile home, or mobile home park owners shall require each mobile home to be equipped with a fire extinguisher. Portable fire extinguishers of a type approved by the fire prevention authorities shall be maintained in all public service buildings under park control.
- B. Burning of refuse shall not be permitted.

**§ 180-70. Responsibilities of park management.**

- A. The person to whom a permit for a mobile home park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- B. The park management shall supervise the placement of each mobile home on its mobile home stand, which includes securing its stability and installing all utility connections.
- C. The park management shall give the Board of Supervisors or its representative access to all mobile home lots, service buildings, and other community service facilities for the purpose of inspection.

- D. The management shall maintain a register containing the names and addresses of all park occupants. Such register shall be available to any authorized person inspecting the park.
- E. The management shall notify the local office of the Pennsylvania Department of Environmental Protection immediately of any suspected communicable or contagious disease within the park.

**§ 180-71. Revocation of permit.**

- A. Whenever, upon inspection of any mobile home park, it is determined that conditions or practices exist which are in violation of any provision of this chapter, or any regulations adopted pursuant thereto, the Board of Supervisors, or its representative shall give notice, in writing, to the person to whom the permit was issued, such notice to consist of a listing of the violated sections of this chapter and shall advise him or her that unless such conditions or practices are corrected within a period of time specified in the notice, the permit to operate will be suspended. At the end of such period, such mobile home park shall be reinspected and, if such conditions or practices have not been corrected, the Board of Supervisors shall give notice, in writing, of a hearing for the suspension of the mobile home permit to the person to whom the permit is issued.
- B. In the event such permit is revoked, the Township shall have the right to proceed in law and/or in equity to close the mobile home park and/or to require compliance with the provisions and requirements of this chapter.

ARTICLE IX  
**Floodplain Regulations**

All subdivision and land development plans submitted to North Middleton Township shall comply with Chapter 112, Floodplain Management, of the Code of the Township of North Middleton.

ARTICLE X  
**Stormwater Management Plan and Design Criteria**

**§ 180-72. Scope.**

- A. A stormwater management plan (SWMP) prepared in accordance with the hereinafter provisions shall be required for each subdivision or land development plan at both the preliminary and final plan submittal stage. As an integral part of the SWMP, erosion and sedimentation control measures shall be included. A SWMP must be approved prior to the construction of any improvements.
- B. All SWMPs shall be prepared and certified by a professional engineer; provided, however, that a SWMP may be prepared by a professional land surveyor if said plan constitutes a stormwater management plan as defined by Article II of this chapter.

- C. For the purposes of stormwater management planning, the definition of "land development" shall also include any subdivision or new construction or expansion of any residential, commercial, industrial, accessory or other improvement that creates an area of impervious material on the parcel of 1,000 square feet or more. The one-thousand-square-foot requirement applies on individual large projects, projects which exceed a cumulative total of 1,000 square feet after the effective date of this chapter, and any projects occurring after the one-thousand-square-foot level has been reached, either initially or cumulatively. See Chapter 175, Stormwater Management, of the Code of the Township of North Middleton.
- D. All subdivision and land development plans submitted to North Middleton Township shall comply with Chapter 175, Stormwater Management.

**§ 180-73. Township liability.**

The degree of stormwater management sought by the provisions of this chapter is considered reasonable for regulatory purposes. This section shall not create liability on the part of the Township, any appointed or elected official of the Township, the Cumberland County Conservation District, or any officer, engineer or employee thereof for any erosion, sediment pollution or flood damages that result from reliance on this chapter or any administration decision lawfully made thereunder.

**§ 180-74. Content.**

The SWMP shall be a separate document and shall contain the following:

- A. A general description of the proposed project.
- B. Project location on a 7.5 minute USGS map.
- C. Topographic features of the project site and adjacent lands that may impact upon the stormwater management design.
  - (1) This data shall include:
    - (a) The natural drainage pattern of the site.
    - (b) Contour lines at two-foot intervals for slopes of 20% or less.
    - (c) Contour lines at five-foot intervals for slopes of greater than 20%.
  - (2) Contour data shall be based on USGS benchmark or other datum acceptable to the Township Engineer, and the location or description of said benchmark shall be indicated on the plan.
- D. The names of existing or proposed developments or adjacent land and the locations and dimensions of all streets and/or easements in each development.
- E. The existing and proposed use of the tract.
- F. The total number of lots and the total acreage of the site.

- G. Tract boundaries.
- H. Runoff calculations and related design computations of the total drainage basin necessary to substantiate the proposed temporary and permanent stormwater management facilities.
- I. Design and specifications of temporary and permanent stormwater management facilities.
- J. Storm sewer and channel profiles and design cross sections; management facility designs, profiles and cross sections.
- K. Staging or implementation schedule for constructing the proposed stormwater control system.
- L. A grading plan for the entire site which will include all off-road areas, including building sites. This grading plan may be general in nature, but shall provide enough detail to support postdevelopment stormwater drainage facility designs.
- M. Provisions to ensure adequate maintenance of stormwater management facilities for both during-construction and post construction conditions.
- N. Signature of the licensed professional who performs the work, certifying the accuracy of the plan and all calculations associated therewith.

**§ 180-75. Computations for determining runoff and design facilities.**

Computations for determining stormwater runoff and for the design of stormwater management facilities shall be based upon either the Soil-Cover-Complex Method of the Rational Method. Runoff from sites with drainage areas with less than 10 acres may be calculated by the Rational Method. Sites with drainage areas of 10 to 20 acres may be calculated by the Rational Method or by the Soil-Cover-Complex Method. Drainage areas in excess of 20 acres shall be calculated by the Soil-Cover-Complex Method. Computations based upon an alternative method may be accepted upon recommendation of the Township Engineer. The following standards shall apply:

- A. Predevelopment and postdevelopment conditions.
  - (1) Permanent control measure/facilities shall be designed to assure that the maximum rate of stormwater runoff is no greater after development than prior to development at all points of discharge from the subject site for design storms of two-, five-, ten-, twenty-five-, fifty- and one-hundred-year storm events.
  - (2) In those cases, however, where existing storm drainage facilities and/or road embankments control predevelopment discharge from the site, predevelopment conditions shall be simulated in the postdevelopment design for all of the above-referenced storm events.
  - (3) Calculations of the predevelopment peak discharge for nonforested pervious areas shall presume a good condition meadow cover. Twenty percent of existing impervious area, when present, shall be considered meadow, good condition, in the model for existing conditions for redevelopment.

- (4) The engineer preparing the calculations shall provide a signed and dated statement indicating that he/she has been to the site for the purpose of conducting a visual inspection in order to determine the existing ground cover. The date of the site inspection shall be included in the said statement.
  - (5) Land development proposals involving parking lots in excess of 1.0 acre, uses involving handling of chemicals, grease, oil, solvents and/or other potential contaminants, commercial degreasing and car washing operations, shall, in addition to the above, incorporate into the stormwater management plan measures/facilities to maintain predevelopment stormwater quality at all points of discharge from the site.
- B. Detention ponds.
- (1) All stormwater detention ponds shall be designed in accordance with the above criteria. Calculations shall be accompanied by the following supporting data:
    - (a) Either singular or composite inflow and outflow hydrographs.
    - (b) Stage-storage data.
    - (c) Stage-discharge data.
    - (d) Storage-routing calculations.
    - (e) Other data as required by the Township Engineer.
  - (2) Detention ponds based on graphical or short-cut methods are prohibited.
  - (3) Emergency spillways, as a minimum, shall be set at an elevation to allow discharge from the pond during the twenty-five-year storm. In no case, however, shall the composite outflow from the primary release device(s) and the emergency spillway exceed predevelopment rates.
  - (4) Spillways shall be provided structural stability. As such, locating spillways within the embankment is prohibited unless adequate reinforcing is provided.
- C. Culverts, pipes, and storm sewers shall be designed for a ten-year storm with a five-minute time of concentration ( $T_c$ ). Designs based upon calculation of actual  $T_c$  will be allowed if pipe size exceeds 36 inches in diameter based upon said five-minute  $T_c$ . Supporting documentation verifying the same is required. In the event, however, that a culvert passes beneath a public roadway it shall be designed in such a manner to prevent the road from inundation during a twenty-five-year storm.
- D. The SWMP shall include calculations indicating velocities of flow, grades, sizes, and capacities of water-carrying structures, debris or sedimentation basins, and retention and detention ponds and sufficient design information to construct such facilities.
- E. Subsurface infiltration facilities may be allowed only after all other alternatives have been explored and found not to be practical for the proposed subdivision or land development. Lack of sufficient area to install other alternatives shall not be an acceptable reason for allowing infiltration facilities.

F. Stormwater retention facilities.

- (1) Stormwater retention facilities shall only be permitted in those cases where the developer has proven that in the predevelopment condition an existing road embankment extends over an existing natural depression thereby causing runoff to be retained behind said embankment without release other than by natural causes, such as percolation or evaporation. In such cases, the depth of the proposed retention facility shall not exceed the depth of that experienced in the predevelopment condition. Requirements for design shall be described in Subsections A and B above.
- (2) Ponding of runoff except for detention purposes and as described in Subsection F(1) is prohibited.

G. All natural drainageways and existing contouring of predevelopment drainage patterns shall be preserved to the maximum extent possible. Postdevelopment drainage patterns shall simulate predevelopment patterns.

H. The design storm precipitation depth estimates to be used in the analysis of peak rates of discharge and water volume control should be obtained from the Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland 20910. NOAA's Atlas 14 can be accessed at Internet address: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.

I. Maximum permitted velocities are as follows:

- (1) Three feet per second where only sparse vegetation can be established.
- (2) Four feet per second under normal conditions where vegetation can be established by seeding.
- (3) Five feet per second where a dense, vigorous sod can be quickly established or where water can be temporarily diverted during establishment of vegetation.
- (4) Six feet per second where well-established sod is in existence.
- (5) For lined water-carrying channels the following velocities are required:

<b>Channel Lining</b>	<b>Maximum Velocity (feet per second)</b>
6-inch rock riprap	6
9-inch rock riprap	8
Asphalt	7
Durable bedrock	8
12-inch rock riprap	9
Concrete or steel	12

- (6) The normal maximum velocity of open channel flows shall not exceed 10 feet per second.
- J. Energy dissipators/erosion control devices shall be placed at the outlets of all pipes where flow velocities exceed maximum permitted channel velocities.
  - K. Vertical pipes, inlets and other surface water receiving structures shall be installed with trash racks, or so designed to control trash accumulation.
  - L. Stormwater runoff channels shall be designed to avoid trapping excess sediment, except if structures are so designed to trap sediment. In all instances, the minimum velocity of stormwater through runoff channels shall be 1.5 feet per second.
  - M. Piping.
    - (1) All piping used in the stormwater drainage system shall be CMP galvanized steel aluminum alloy, reinforced concrete, PVC or other material approved by the Township Engineer. A minimum pipe size of 18 inches in diameter shall be used in all roadway systems proposed for dedication to the Township. A minimum pipe size of 12 inches in diameter is permitted on private facilities which receive no off-site drainage. Pipes shall be designed so as to provide a minimum velocity of 2.5 feet per second when flowing full. Arch pipe may be used in lieu of round pipe where cover or utility conflict conditions exist.
    - (2) All storm drainage piping discharging to the ground surface shall be provided with either reinforced concrete head walls or metal pipe end sections compatible with the pipe material and size involved. A riprap apron of adequate length shall be provided at all surface discharge points in order to minimize erosion. The apron shall extend to the crown of the pipe. Riprap size shall be determined by flow velocity leaving the system.
  - N. Inlets.
    - (1) Storm drainage inlets shall be provided at all low points and hydraulically intermediate points on a system. Location spacing of inlets shall be based on the hydraulic capacity of each inlet related to the flow received and the amount of flow bypass from upstream inlets. Inlets shall be placed so street drainage shall not cross intersection or 1/2 the width of the adjacent travel lane.
    - (2) All street inlet tops shall be a combination curb/gutter inlet referred to as "PennDOT Type C" with sufficient curb reveal depth to match the adjacent eight-inch curb, where an eight-inch curb is proposed. In private parking areas, streets and yard areas with no curbing. Type M inlet tops shall be used. All inlets shall have bicycle safety grates.
  - O. A central stormwater management system shall be designed for all nonresidential subdivisions and land developments proposing lots of four acres or less (average lot size throughout the development). In no case will the responsibility of stormwater management be passed off on the future lot owner. In all other instances where lots exceed the four-acre minimum, the developer is encouraged to consider centralized stormwater management facilities.

**§ 180-76. Compliance with Department of Environmental Protection regulations.**

- A. Design criteria contained in this section are intended for usage in conjunction with Chapter 105 regulations of the Department of Environmental Protection. All information and regulations contained in Chapter 105 shall be considered to be incorporated into this section of the chapter as if reproduced in full. It will be the developer's responsibility to review Chapter 105 regulations for his/her project and insure compliance with the same. Neither the Township Engineer nor any other official of the Township shall be called on to interpret, determine necessity, or waive requirements of Chapter 105.
- B. A Department of Environmental Protection permit, in accordance with Chapter 105, shall be required for any obstruction or encroachment in the regulated Waters of the Commonwealth, prior to the approval of the final plan. All areas of the Township shall be classified suburban or urban for bridge and culvert designs. In the event any question arises between this chapter and the Department of Environmental Protection regulations, the design criteria contained in the Department of Environmental Protection regulations shall govern.

**§ 180-77. Floodplain management in wetlands.**

- A. The one-hundred-year floodplain shall be established for all watercourses (defined bed and bank) and shall be delineated by one of the following methods:
  - (1) A hydrologic report prepared by an agency of the county, state, or federal government.
  - (2) A hydrologic report prepared by a professional engineer registered in Pennsylvania and qualified to perform such duties.
- B. Whenever a floodplain is located within or along a lot, the plan shall include:
  - (1) The boundary of the floodplain with elevations and dimensions.
  - (2) A note that the floodplain shall be kept free of structures, fill and other encroachments.
- C. All development within a floodplain shall comply with the standards and requirements provided in Chapter 204, Zoning.<sup>7</sup>
- D. In conjunction with the above section, the developer shall comply with all federal and state wetlands regulations in effect at the time his/her plan is submitted. Wetlands shall be delineated on all subdivision and land development plans that involve construction improvements or earthmoving activities. In those instances where single lots are being accessed from existing public streets, with driveways crossing wetlands, said wetland area must be delineated on a note placed on the plan advising the future lot owner of the requirements to comply with all necessary wetlands regulations. In all other instances, it shall be the responsibility of the developer to investigate the presence of wetlands on

---

7. Editor's Note: See also Chapter 80, Building Construction.

his/her site. A certification statement to this effect shall be placed on the plan by the designer preparing the plan.

**§ 180-78. Erosion and sedimentation.**

In those areas involving residential development where there are no new improvements being proposed (i.e., no new streets, drainageways, detention ponds, etc.) and/or other stormwater management facilities, a typical individual lot erosion and sedimentation control plan or notation shall be placed on the subdivision or land development plan. In all other instances, the erosion and sedimentation control plan shall be submitted to the Cumberland County Conservation District for its review and approval prior to final plan approval. In those cases involving major land development or subdivision plans, said approval must be obtained at the final plan stage.

**§ 180-79. Ownership; maintenance program.**

Each SWMP shall contain provisions which clearly set forth the ownership and maintenance responsibility of all permanent stormwater management facilities, including:

- A. Description of temporary and permanent maintenance requirements.
- B. Establishment of suitable easements for access to all facilities, by county and Township officials.
- C. Identification of the responsible party or entity for ownership and maintenance of both temporary and permanent stormwater management and erosion control facilities. In meeting this requirement, the following priority is herein established:
  - (1) Maintenance by private entity. In cases where the permanent control facilities are owned by a private entity (such as a homeowners' association), such entity shall be responsible for maintenance. In this case, a legally binding agreement between the entity and the Township shall be made providing for maintenance of permanent control facilities, including the inspection by the Township of all such facilities deemed critical to the public welfare on a regular basis and after each major flood event.
  - (2) Township ownership. The applicant may offer to dedicate the stormwater management facilities to the Township. The Township shall not be required to accept dedication of stormwater management facilities. However, said facilities may be offered for dedication, upon such terms and conditions established by the Board of Supervisors, and the decision to accept such dedication shall be at the sole discretion of the Board of Supervisors. As a condition of Township acceptance of said facilities, the applicant shall provide sufficient funds, as estimated by the Township Engineer, to cover anticipated maintenance, repair and construction or reconstruction costs for ten year from the date of final plan approval.

**§ 180-80. Stormwater management construction standards; basic construction criteria.**

Construction standards for stormwater management and erosion control facilities shall be in accordance with the approved plans and accompanying specifications, if any. The construction details and standards of the following publications in their most recent revisions shall control:

- A. Pennsylvania Department of Environmental Protection Erosion and Sediment Pollution Control Program Manual
- B. PennDOT, Form 408, Specifications.
- C. PennDOT, RC Series, Roadway Construction Standards.

**ARTICLE XI****Grading and Site Planning Requirements****§ 180-81. Grading.**

In order to provide more suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

- A. All lots, tracts, or parcels shall be graded to provide proper drainage away from buildings and dispose of the runoff without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding. It is required that all lots and property being developed with an approved grading plan construct the site consistent with the approved grading plan. Any departure from or revision to the approved grading plan must be authorized by the Township and/or its engineer prior to construction.
- B. All drainage provisions shall be designed to adequately handle the surface runoff and carry it to the nearest suitable outlet, such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be paved, sodded or planted and shall be of such slope, shape and size as to conform to the requirements of the Township.
- C. Concentration of surface water runoff shall only be permitted in swales or watercourses that lead to a natural watercourse or drainage structure.
- D. Grading will not be done in such a way so as to divert water onto the property of another landowner without the expressed consent of the Township and the affected landowner.
- E. During grading operations, necessary measures for dust control will be exercised.
- F. Topsoil shall be preserved and redistributed as cover and shall be expeditiously planted with perennial grasses or ground cover.
- G. Tree guards during construction and grading, and limitations as to cuts and fills, both temporary and permanent, near trees shall be provided as necessary to give reasonable assurance of their continued healthy growth.

- H. Grading equipment will not be allowed to cross live streams. Provision will be made for the installation of culverts or bridges. Emergency crossings may be permitted through permission of PA DEP.
- I. The developer of lots, tracts or parcels, land developments or subdivisions shall be responsible to install all proposed swales and contours as designed and depicted on the approved land development or subdivision plan prior to the sale of any lot in said land development or subdivision plans.

**§ 180-82. Excavations and fills.**

- A. Cut and fill slopes shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing, except as approved by the Township Engineer when handled under special conditions.
- B. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.
- C. Cut and fills shall not endanger adjoining property.
- D. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
- E. Fill shall not encroach on natural watercourses or construction channels, without all necessary permits from the Department of Environmental Protection, Cumberland County Conservation District, and other local, state, and federal authorities.
- F. Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.

**§ 180-83. Grading plans.**

- A. All preliminary subdivision and land development plans shall include a preliminary grading plan that will provide sufficient information to determine the location of stormwater management facilities, roadway grading, and overall site changes.
- B. All final subdivision and land development plans that require earthmoving activities shall submit a final grading plan that provides sufficient information to determine the exact location of stormwater management facilities, roadway grading, and overall site changes to the Township for review and approval. The grading plan shall be recorded with the final plan at the Cumberland County Recorder of Deeds' office and cannot be altered, revised, or changed without revising the final subdivision or land development plan and obtaining the necessary approvals from North Middleton Township.
  - (1) A note shall be placed on the final subdivision or land development indicating that the property owner cannot change the grading of the property, as depicted on the approved grading plan, without approval by the Township.
  - (2) When applicable, all earth disturbance activities shall receive appropriate approvals and permits from North Middleton Township, Cumberland County Conservation

District, the Department of Environmental Protection, and other applicable local, state, and federal authorities.

**§ 180-84. Steep slope protection overlay.**

A. Purpose. Steep slopes and hillsides are unique areas. Steep slope areas are fragile and susceptible to erosion, landslides, mudslides, degradation of their natural vegetation and increased flooding using conventional development practices. By protecting these assets North Middleton Township intends to:

- (1) Guide development away from steep slope areas;
- (2) Minimize grading and other site preparation in steep slope areas;
- (3) Provide safe means for ingress and egress while minimizing scarring from steep slope and hillside construction;
- (4) Preserve the natural conditions in steep slope areas; and
- (5) Prevent flooding and the deteriorating effects of erosion to streams, watercourses, and drainage areas.

B. Establishment of steep slope protection overlay boundaries.

- (1) The steep slope protection overlay shall consist of all land within the development/disturbance area of the property which has a 15% or greater slope based upon Lidar or other comparable data or a field or aerial survey of the property as determined by a professional land surveyor or professional engineer licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of land surveying and/or engineering. Additional or exact field recorded data/detail shall be required if determined necessary by the Township Engineer to complete a plan review.

C. Disturbance limits.

- (1) Based upon the slope of the land, the following disturbance limits shall be the maximum area of such steep slopes that may be regraded and/or stripped of vegetation, as set forth in Table 180-84A. Such percentages, as set forth in Table 180-84A, shall be based on the steep slopes contained within the entire lot or lots to be developed at the time of application for development (including subdivision/land development plans).

**Table 180-84A  
Slope Ranges and Amounts of Disturbed Area**

<b>Slope Range</b>	<b>Maximum Disturbed Area (percent)</b>
15.0% to 17.99%	50%
18.0% to 24.99%	25%

**Table 180-84A**  
**Slope Ranges and Amounts of Disturbed Area**

<b>Slope Range</b>	<b>Maximum Disturbed Area (percent)</b>
25.0% +	0%

- (2) Grading or earthmoving on all steep slope areas shall not result in earth cuts and/or fills in which the highest vertical dimensions exceed 10 feet, except where no reasonable alternatives exist for construction of streets, drainage structures, private driveways, stream crossings, and other improvements (whether public or private), in which case such vertical dimensions shall not exceed 20 feet. Finished slopes of all cuts and/or fills shall not exceed 3:1, unless the applicant can demonstrate that steep slopes can be stabilized and maintained adequately. The landscape shall be preserved in its natural state insofar as a practicable.
  - (3) The type and location of any permitted on-lot sewage disposal facility shall be provided in accordance with this chapter, Chapter 204, Zoning, and the PA DEP.
- D. Minimum lot area standards. No portion of a lot containing a slope equal to or greater than 25% shall count toward the minimum lot area required by the underlying zone.
- E. Minimum setbacks. No change in existing topography, which results in a slope greater than the predevelopment condition, may be located within 10 feet of the abutting property.
- F. Design information. All applications for development shall include a detailed description of the methods proposed to be used for construction in areas containing slopes of 15% or greater to attain the following:
- (1) Protection and stabilization of areas that have a high potential for soil erosion;
  - (2) Accommodate stormwater runoff/drainage;
  - (3) Assure structural safety and minimize harm to the environment associated with development on steep slopes;
  - (4) Protection and preservation of on-site and off-site valuable natural wildlife and/or plant habitats;
  - (5) Protection and preservation of on-site and off-site water quality; and
  - (6) Protection of steep slopes on abutting properties.
- G. Standards.
- (1) The steep slope protection overlay shall be established at the time of the submission of the application for development (subdivision/land development plan).
  - (2) In all subdivision and land development applications, the steep slope protection overlay and each slope range within the overlay shall be clearly identified. A

conservation easement covering the steep slope protection overlay shall be provided in accordance with this chapter. No designation or identification of the steep slope protection overlay district shall be required on individual lots exceeding 10 acres and not involving any new streets, easements of access or any proposed development, unless it is determined by the Township that the proposed development may adversely impact a neighboring property.

- H. Land may be removed or altered. Up to 1/4 of the land with slopes greater than 25% may be removed or altered only when such slopes are isolated, small or otherwise occur as knolls which do not adversely affect the design of the plan, subdivision, or land development.

**§ 180-85. Stream protection overlay.**

- A. Purpose. It is the intent of this overlay is to preserve natural and man-made streams, creeks, watercourses, and the critical natural areas around them as important hydrological and environmental assets. These natural and man-made streams, creeks, watercourses, and the critical natural areas around them are considered some of the North Middleton Township's most important natural resources, features and resources, as set forth in the most recent version of the North Middleton Township Comprehensive Plan.
- B. Establishment of stream protection overlay boundaries.
- (1) The stream protection overlay shall consist of all land and water areas in and around all streams, creeks, and watercourses (including intermittent streams and watercourses) that are typically inundated throughout the year. The size and limits of the stream protection overlay shall be based on size and width of the streams, creeks, and watercourses as well as the critical environmental features present in the areas surrounding the streams, creeks, and watercourses. The overlay shall be drawn to encompass all critical areas as described below.
  - (2) Critical environmental features and areas to be included in the stream protection overlay. In addition to the streams, creeks, and watercourses, the following critical environmental features, resources and areas adjacent to such streams, creeks, and watercourses shall be included in the stream protection overlay:
    - (a) All lands within 25 feet of the water's edge of the stream, creek, and watercourse under typical flow conditions.
    - (b) Alluvial soils located within 50 feet of the water's edge of the stream, creek, and watercourse under typical flow conditions.
    - (c) Springs located within 50 feet of the water's edge of the stream, creek, and watercourse under typical flow conditions.
    - (d) Slopes of 25% or greater located within 50 feet of the water's edge of the stream, creek, and watercourse under typical flow conditions. In determining the limits and extent of these features, these slope areas shall extend to the uppermost edge of the area with 25% or greater slopes.

- C. Required vegetation. Within the stream protection overlay, native species of trees, shrubs and ground cover must be provided and maintained for stream bank stabilization, soil stability and habitat for native animal species. Where adequate vegetation does not already exist, new plantings shall be provided.
- D. All necessary permits shall be obtained from the PA DEP and/or the United States Army Corps of Engineers for any proposed activities that involve the discharge of dredge or fill material, excavation or encroachments of waterways.
- E. Standards.
  - (1) The stream protection overlay shall be established at the time of the submission of the application for development (subdivision/land development plan).
  - (2) In all subdivision and land development applications, the stream protection overlay shall be clearly identified. A conservation easement covering the stream protection overlay shall be provided.

**§ 180-86. Surface water protection overlay.**

- A. Purpose. Natural and man-made lakes and ponds and the natural areas around them are important hydrological and environmental assets. It is the intent of this surface water protection overlay to preserve these natural and man-made assets. By protecting these assets identified in the most recent version of the North Middleton Township Comprehensive Plan, the Township intends to:
  - (1) Protect wildlife.
  - (2) Preserve existing vegetation along lakes or ponds.
  - (3) Minimize scenic degradation.
  - (4) Protect the integrity of ponds and lakes as functioning wetland areas.
  - (5) Minimize the negative effects on lakes or ponds from agriculture and development related erosion.
- B. Establishment of surface water protection overlay boundaries. The surface water protection overlay shall consist of all land and water areas in and around all natural and man-made lakes and ponds. The size and limits of the surface water protection overlay shall be based on size and width of the lakes and ponds as well as the area within 25 feet of the water's edge of all man-made and natural lakes or ponds under typical conditions. All natural and man-made lakes, ponds and established easement areas shall remain in permanent open space. Because these areas may relate to other hydrologic features, no development or diverting of these water bodies shall be permitted without proper approval from PA DEP.
- C. All necessary permits shall be obtained from the PA DEP and/or the United States Army Corps of Engineers for any proposed activities that involve the discharge of dredge or fill material, excavation or encroachments of water bodies.

## D. Standards.

- (1) All lands identified in the surface water protection overlay shall contain no more than 15% impervious surface.
- (2) At least 70% of the surface water protection overlay shall remain and be preserved in its natural state as open space insofar as is practicable.
- (3) The surface water protection overlay shall be established at the time the submission of the application development (including subdivision/land development plans).
- (4) In all subdivision and land development applications, the surface water protection overlay shall be clearly identified and conservation easement covering the surface water protection overlay shall be provided.

**§ 180-87. Wetland protection overlay.**

## A. Purpose. Wetland areas are indispensable and fragile hydrological natural resources that provide:

- (1) Habitat for fish, wildlife and vegetation.
- (2) Water-quality maintenance and pollution control.
- (3) Flood control.
- (4) Erosion control.
- (5) Open space.
- (6) Scientific study opportunities.
- (7) Recreational opportunities.

## B. Damaging or destroying wetlands threatens public safety and the general welfare. By protecting these assets identified in the most recent version of the North Middleton Township Comprehensive Plan, North Middleton Township intends to:

- (1) Require planning to avoid and minimize damage of wetlands whenever prudent or feasible.
- (2) Require that activities not dependent upon wetlands be located to other upland sites.
- (3) Allow wetland losses only where all practical or legal measures have been applied to reduce those losses that are unavoidable and in the public interest.

## C. Establishment of wetland protection overlay boundaries. The wetland protection overlay shall be based on a wetland investigation by the applicant. For all subdivision or land development applications involving areas with hydric soils and/or areas considered to be wetlands, a qualified professional or soil scientist with experience in delineating wetlands

shall conduct a field investigation and delineate the limits of the wetlands on the parcel of land being subdivided or developed. As part of this requirement, a report containing the field investigation notes, wetland data sheets, summary, conclusions and resume of the person(s) responsible for the field investigation shall be issued to North Middleton Township for review and consideration. Further, the subdivision plan or land development plan shall contain a certification note that has been endorsed by the qualified person(s) responsible for the field investigation and the wetlands delineation, as accurately depicted on the subdivision plan or land development plan.

- D. Review of wetland delineation. Where the applicant has provided a determination of the wetland protection overlay, the North Middleton Township Engineer or qualified North Middleton Township consultant shall review, and may render adjustments to, the boundary delineation. In the event that the adjusted boundary delineation is contested, the applicant may appeal to the Board of Supervisors for a waiver.
- E. All necessary permits shall be obtained from the PA DEP and/or the United States Army Corps of Engineers for any proposed activities that involve the discharge of dredge or fill material, excavation or encroachments of wetlands.
- F. Standards.
  - (1) The wetland protection overlay shall be established at the time of the application for development (subdivision/land development plan). The wetland delineations shall be performed in accordance with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and any subsequent amendments thereto.
  - (2) In all subdivision and land development applications, a wetlands investigation shall be required and a conservation easement covering the wetland protection overlay shall be provided; provided, however, no designation or identification of the wetlands protection overlay shall be required on individual lots exceeding 10 acres and not involving any new streets, easements of access or any proposed development.

## ARTICLE XII Landscaping Requirements

### § 180-88. Purpose and compliance.

The intent of this article is to promote practical and attractive development within North Middleton Township by:

- A. Minimizing erosion and sedimentation, and stimulating groundwater recharge.
- B. Minimizing glare and heat on proposed hard surfaces, and reducing noise pollution.
- C. Stimulating air purification and oxygen regeneration.
- D. Maintaining existing, healthy vegetation.

- E. Providing harmonious development of properties adjacent to incongruous zoning districts or uses by providing minimum landscaping requirements.

**§ 180-89. Specific requirements.**

Landscaping of subdivisions and land developments shall comply with the following:

- A. Obstructions to vision. No bushes or shrubs exceeding 30 inches in height, or at such lesser height which due to ground elevations would obstruct the vision of motorists, shall be permitted within 10 feet of the right-of-way line of private drives, driveways or street intersections.
- B. Street trees. Street trees are prohibited.
- C. Existing trees.
- (1) Existing trees shall be protected to prevent unnecessary destruction. At least 15% of the number of trees (minimum trunk caliper of six inches at a height of four feet above the ground) that exist at the time of plan submission shall be maintained or replaced immediately following construction. Replacement trees shall be a minimum trunk caliper of 2.5 inches at a height of six inches above finished grade and located within nonbuildable sections of the site (i.e., floodplain, steep slope, and setback areas).
  - (2) Existing trees as described below shall not be removed without the express approval of the Board of Township Supervisors, after proof of good and necessitous cause for removal, and upon recommendation of the Township Planning Commission:
    - (a) All trees having a diameter of 30 inches or greater at a height of four feet above the ground, or any tree identified as a national, state or county champion tree by the Pennsylvania Forestry Association, designated as "outstanding tree."
    - (b) Trees, shrubs or plants identified on the list of rare, threatened and endangered species of the United States Fish and Wildlife Service, designated as "rare, threatened and endangered species."
  - (3) Trees that are part of a historic site or associated with a historic structure, designated as "trees of historic significance."
- D. Where on-lot sewage disposal systems are proposed, trees shall not be placed over the top of the area where the proposed septic tank and drain field are to be constructed.
- E. All shrubbery and plants shall have a normal habitat or growth, and shall be sound, healthy, vigorous and free of disease, insects, insect eggs and larvae.
- F. All trees required by ordinance shall have a minimum trunk diameter of 2.5 inches at a height of six inches above finished grade.

- G. All plantings shall be performed in conformance with good nursery and landscape practices and to other standards that are established by the Township.
- H. Requirements for the measurement, branching, grading, quality, and burlapping of all shrubbery shall follow the code of standards recommended by the American Association of Nurserymen, Inc., in the American Standard Nursery Stock, ANSIZ60, 1-1973, as amended.
- I. Screen buffering. Screen buffering shall be in accordance with § 204-26 of the Chapter 204, Zoning.
- J. Windbreaks. The use of planting rows to serve as windbreaks to control the drifting of snow across public and private thoroughfares as well as for general comfort is recommended.
- K. Only grass lawn shall be permitted to be installed and maintained in the area between the curb and sidewalk. The lawn in this area should be maintained and/or mowed to a height not exceeding eight inches.

**§ 180-90. Recommended plant materials.**

Species selection shall be based upon the existing site conditions, including the site geology, hydrology, soils and microclimate, as well as functional considerations of screening, energy conservation and architectural compatibility.

ARTICLE XIII

**Improvements and Construction Assurances**

**§ 180-91. Guarantee of required improvements as prerequisite to final plan approval.**

- A. No such plan shall be finally approved unless the developer shall provide for the deposit with the Township of financial security in an amount sufficient to cover the costs of said improvements as well as recreational facilities, open space improvements, or buffer or screen plantings which may be required. The developer shall not be required to provide financial security for the cost of any improvements for which financial security is required by and provided to the Pennsylvania Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law."<sup>8</sup>
- B. Contingent approval.
  - (1) When requested by the developer, in order to facilitate financing, the Board of Supervisors shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security. The final plan or record plan shall not be signed nor recorded until the financial security agreement is executed and delivered to the Township.

---

8. Editor's Note: See 36 P.S. § 670-101 et seq.

- (2) The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the Board of Supervisors; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer. A request for extension shall be submitted in writing by the developer not more than 90 days following the date of contingent approval. Said request shall specify the reasons for the extension, and the developer shall show good cause for the granting thereof. The Township may require a written agreement of extension conditioned upon such terms as are deemed necessary and reasonable.
- C. Without limitation as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, federal or commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
- 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 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals said 110%.
- G. The amount of financial security shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such by the Commonwealth of Pennsylvania. The engineer shall certify the amount of security to be a fair and reasonable estimate of such cost. The Board of Supervisors, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in the commonwealth and chosen mutually by the Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.

- 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 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above procedure.
- I. In the case where development is projected over a period of five years, the Board of Supervisors may authorize submission of final plans 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 party posting the financial security may request the Board of Supervisors to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be, in writing, addressed to the Board of Supervisors, and the Board of Supervisors shall have 45 days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon receipt of such certification, the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Board of Supervisors fails to act within said forty-five-day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board of Supervisors may, prior to final release at the time of completion and certification by its engineer, require retention of 10% of the estimated cost of the aforesaid improvements.
- K. Where the Board of Supervisors accepts dedication of all or some of the improvements following completion, the Board of Supervisors may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation, or 15% of the original security, whichever is greater.
- 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 Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
- M. The Township may 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 plan upon actual completion of the improvements depicted upon the approved final plan, regardless of whether financial security has been provided as a condition for the final approval of a plan as set forth in this section. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected may 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 plan, either upon the lot or lots or beyond the lot or lots in question if such improvements are not necessary for the reasonable use of or occupancy of the building or buildings.

**§ 180-92. Inspection during construction.**

The Board of Supervisors shall authorize and direct the Township Engineer to cooperate with the applicant in arranging for the Engineer's periodic presence at the site of the work and construction of the required facilities and improvements during such phases thereof as in the judgment of the Engineer will enable him to determine whether or not such construction is in general conformity with the final plan and all Township requirements. The Township Engineer is not a resident engineer. The developer's contractor shall be responsible for such inspections, etc., that are needed to insure that the constructed improvements are in conformance with the approved plans and specifications.

- A. No underground pipes, structures, subgrades or base courses shall be covered until inspected and approved by the duly authorized official of the Township. Failure in compliance with this regulation shall provide cause for uncovering of such work, at the applicant's expense, to permit the required inspection.
- B. Notice shall be given to the Township at least 48 hours in advance of commencement of any construction operation to provide for required inspection.
- C. In those cases where the Township Engineer deems necessary, the developer, through his contractor, shall retain the services of a certified soils engineer to perform moisture and density testing in order to determine compaction or the extent thereof as related to the requirements of such Township construction and materials specifications as have been or may be adopted by the Board of Supervisors.
- D. The wearing course on all streets proposed to be dedicated to the Township shall not be placed prior to such time as 75% of the lots within the development have been built upon.
- E. Whenever any work or materials are found to be not in compliance with the final plan and/or applicable Township requirements, the Township Engineer or any other duly authorized Township representative, may stop work on the job until such noncompliance or variance is eliminated and any work or materials installed which are not in compliance are made to comply. It shall be unlawful to do or perform any work in violation of such stop order, except as may be necessary to prevent injury or damage to person or property. Such stop order may be revoked by the Board of Supervisors.

- F. Whether or not such construction or work shall have been accomplished in accordance with Township requirements shall be determined by the Township Engineer upon the basis of his on-site inspections during such phases thereof as in his judgment will enable him to make such determination. The Engineer shall submit a written report to the Board of Supervisors in regard thereto.

**§ 180-93. As-built plan.**

- A. After final plan approval, following the completion of all required improvements and prior to acceptance of the dedication of any improvements by the Township, the applicant shall submit an as-built plan prepared by a professional engineer or professional land surveyor. Said plan shall indicate that the constructed improvements are in conformance with the previously approved drawings and specifications. Said plan shall also note any and all deviations from the previously approved drawings and specifications. A stable film reproducible and two copies of the as-built plan shall be filed with the Township. In addition, the developer shall submit the final as-built plans in a GIS format that is compatible with the Township's or county's GIS platform, and a PDF version.
- B. The as-built plan shall be drawn to the same scale as the final plan, certified to by a professional engineer or surveyor and approved by the Township Engineer. Said plan shall indicate the actual location, dimensions and/or elevations of all completed improvements, including but not limited to:
- (1) Concrete monuments.
  - (2) The edge of the cartway and top of the curb for both sides of each street.
  - (3) Sanitary sewer mains, manholes and laterals.
  - (4) Storm sewers, inlets and culverts.
  - (5) Water mains and fire hydrants.
  - (6) Streetlights.
  - (7) Landscaping and screen planting.
  - (8) Permanent sedimentation, erosion control and stormwater management structures.
  - (9) All easements.

**§ 180-94. Release from financial security.**

When the developer has completed all of the required and necessary improvements, and has submitted the required as-built plan, the developer shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer.

- A. The Board of Supervisors shall, within 10 days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the required improvements.
- B. The Township Engineer shall, thereupon, file a report, in writing, with the Board of Supervisors, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Township Engineer of the authorization for inspection by the Board of Supervisors.
- C. The 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 Township Engineer, said report shall contain a statement of reason for disapproval or rejection.
- D. The Board of Supervisors shall notify the developer, within 15 days of receipt of the Engineer's report, in writing, by certified mail or registered mail, of the action of the Board with relation thereto.
- E. If the Board of Supervisors or the Township 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 of all liability, pursuant to its performance guaranty bond or other security agreement.
- F. If any portion of the said improvement shall not be approved or shall be rejected by the Board of Supervisors, the developer shall proceed to complete the same, and upon completion, the same procedure of notification as listed above shall be followed.
- G. 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 Board of Supervisors or the Township Engineer.
- H. The developer may request a partial release for completed improvements, the request for which shall be processed as provided above. The Board of Supervisors may elect, at their sole discretion, to permit such partial release of financial security, and any partial release thereof shall not entitle the developer to any further release thereof unless the Township shall agree that all improvements are complete.

**§ 180-95. Remedies to effect completion of improvements.**

In the event that any improvements which may be required have not been installed as provided in this chapter or in accordance with the approved final plan, the Board of Supervisors shall have the power to enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security the Board of Supervisors may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements covered by such security, and not for any other Township purpose.

**§ 180-96. Fees for inspection of improvements.**

The Board of Supervisors shall prescribe that the applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule adopted by resolution of the Board of Supervisors upon enactment of this chapter, or as such schedule may be amended. A copy of said fee schedule shall be available for review at the Township Office. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township Engineer or consultants 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 Township when fees are not reimbursed or otherwise imposed on applicants.

**§ 180-97. Disputes over fees.**

- A. If the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within 10 working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
- B. In the event that the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution as set forth below:
  - (1) If within 20 days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review such expenses and make a determination as to the amount thereof which is reasonable and necessary, provided that the professionals resolving such dispute shall be of the same profession or discipline as the consultants whose fees are being disputed.
  - (2) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer, in his or her sole opinion, deems necessary and render a decision within 30 days of the selection date. The applicant shall be required to pay the entire amount determined in the decision immediately.
  - (3) In the event that the Township and the applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of Cumberland County (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five years.

- (4) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill; if the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay 1/2 of the fee of the appointed professional engineer.

ARTICLE XIV  
**Modification of Requirements**

**§ 180-98. Special conditions.**

Where a literal enforcement of the provisions of these regulations will result in unreasonable hardship because of peculiar conditions pertaining to the land in question, the Board of Supervisors may grant a modification of the requirements of one or more provisions of this chapter, provided that such reasonable alteration thereof will not be contrary to the public interest and so that the spirit of these regulations shall be observed and substantial justice done.

**§ 180-99. Applications for modification.**

Applications for any modification or waiver of requirements or specifications imposed by this chapter or other ordinances shall be submitted in writing by the applicant at the time the application for subdivision or development is filed with the Township. The application shall state the property involved, explain fully the grounds of unreasonableness or hardship on which the request is based, the specific provision or provisions of the ordinance involved, and the minimum modification necessary.

**§ 180-100. Modification action by Board of Supervisors.**

- A. The Board of Supervisors shall consider and act upon requests for modification at a regularly scheduled meeting of the Board. The application for any modification or waiver of requirements or specifications shall be referred to the Planning Commission.
- B. A formal hearing shall not be required; however, the applicant or any interested party may request a hearing upon agreement to pay for the public notice and stenographic costs thereof.
- C. At any meeting or hearing, the applicant or his representative shall present evidence in support of the request.
- D. The Board of Supervisors, after hearing said evidence and considering the application, may grant or deny said modification or may approve the modification with conditions. Approval of an application for modification of requirements shall only be the minimum modification necessary and shall be entirely within the discretion of the Board of Supervisors.

- E. In modifying any requirements, the Board of Supervisors shall record its action and the grounds for the modification of a requirement to the applicant applying for the modification.
- F. Whenever a request for the modification of a requirement is denied, the Board of Supervisors shall record its action and the grounds for such denial in its minutes. The Board of Supervisors shall transmit a copy of the action and the grounds for denial of any alteration to the applicant applying for the modification.

## ARTICLE XV

### **Enforcement; Violations and Penalties; Amendments**

#### **§ 180-101. Administration and enforcement.**

- A. Duties and authority.
  - (1) The Board of Supervisors shall have the duty and authority for the administration and general enforcement of the provisions of this chapter, as specified or implied herein.
  - (2) Officials of the Township having regulatory duties and authorities connected with or appurtenant to the subdivision, use or development of land shall have the duties and authorities for the controlling enforcement of the provisions of this chapter, as specified or implied herein or in other ordinances of the Township.
- B. No construction, building, alteration, or any other improvement to land, or change in the manner of the use of the land shall be effected unless it fully complies with the standards of this chapter and other ordinances, as well as the standards contained in any applicable subdivision or land development plan approved pursuant to this chapter.
- C. The Sewage Enforcement Officer shall require that applications for sewage disposal system permits contain all the information for him to ascertain that the site for the proposed system is acceptable in accordance with the provisions of this chapter, and the rules and regulations of the Department of Environmental Protection and any requirement of the Township pertaining to the issuance of such permit.
- D. Preventive remedies.
  - (1) In addition to other remedies, the Township may institute and maintain appropriate actions by law or equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
  - (2) The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this chapter. The

Township's 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 the violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- (3) As an additional condition for the issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

#### **§ 180-102. Amendments.**

- A. Amendments to this chapter 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 in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended by Act 170 of 1988, and as subsequently amended.
- B. In case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission for recommendations at least 30 days prior to the date fixed for the public hearing on such proposed amendment.
- C. At least 30 days prior to the hearing on the amendment, the Township shall submit the proposed amendment to the Cumberland County Planning Department for recommendations.
- D. Within 30 days after adoption, the Board of Supervisors shall forward a certified copy of any amendment to this chapter to the Cumberland County Planning Department.

#### **§ 180-103. Violations and penalties.**

- A. Jurisdiction. Initial jurisdiction in the courts shall be as provided in the PA Municipalities Planning Code, as amended.
- B. Enforcement remedies.

- (1) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500, plus all court costs, including reasonable attorneys' fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorneys' fees collected for the violation of the chapter shall be paid over to the Township.
- (2) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- (3) Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

