

ORDINANCE NO. 1999 - 02

AN ORDINANCE OF THE TOWNSHIP OF SPRING, SNYDER COUNTY, PENNSYLVANIA, REQUIRING PLANS FOR PROPOSED SUBDIVISIONS AND LAND DEVELOPMENTS; ESTABLISHING PLAN SUBMISSION AND REVIEW PROCEDURES, PLAN REQUIREMENTS, DESIGN STANDARDS AND STANDARDS FOR SPECIALIZED DEVELOPMENTS; REQUIRING REVIEW AND APPROVAL OR DISAPPROVAL OF PLANS; REQUIRING AND RECOMMENDING CONSTRUCTION AND INSTALLATION OF CERTAIN IMPROVEMENTS FOR LAND DEVELOPMENTS; REQUIRING RECORDING OF APPROVED PLANS; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR AMENDMENT; PROVIDING FOR APPEALS FROM ACTIONS OF THE SPRING TOWNSHIP SUPERVISORS UNDER THIS ORDINANCE; AND PROVIDING FOR THE REPEAL OF ORDINANCE PROVISIONS INCONSISTENT WITH THE PROVISIONS OF THIS ORDINANCE.

TABLE OF CONTENTS

ARTICLE I - GENERAL PROVISIONS

1.01	Short Title.....	p. 1
1.02	Authority.....	p. 1
1.03	Intent And Purpose.....	p. 1
1.04	Definitions.....	p. 1
1.05	Interpretation.....	p. 8
1.06	Application Of Ordinance.....	p. 8

ARTICLE II - PLAN SUBMISSION PROCEDURE

2.01	Sketch Plan Submission.....	p. 9
2.02	Plan Submission.....	p. 9
2.03	Fee Schedule.....	p. 10
2.04	Review And Action By The Planning Commission	p. 11
2.05	Review And Action By Township Supervisors.....	p. 11
2.06	Recording The Plan.....	p. 12

ARTICLE III - PLAN REQUIREMENTS

3.01	Sketch Plan Requirements.....	p. 14
3.02	Plan Requirements.....	p. 14

ARTICLE IV - DESIGN STANDARDS

4.01	Application And General Standards.....	p. 18
4.02	Roads: General Standards.....	p. 18
4.03	Roads: Engineering Standards.....	p. 19
4.04	Storm Water Facilities.....	p. 22
4.05	Lots.....	p. 23

ARTICLE VIII - AMENDMENT AND SEVERABILITY

8.01	Authority To Amend.....	p. 43
8.02	Procedure To Amend.....	p. 43
8.03	Severability.....	p. 43

ARTICLE IX - ENFORCEMENT AND PENALTIES

9.01	Enforcement.....	p. 44
9.02	Penalties.....	p. 44
9.03	Injunction.....	p. 44
9.04	Preventive remedies.....	p. 45

ARTICLE X - APPEALS

10.01	Appeals.....	p. 46
-------	--------------	-------

ARTICLE XI - REPEALER

11.01	Repealer.....	p. 47
-------	---------------	-------

ARTICLE XII - ENACTMENT AND EFFECTIVE DATE

12.01	Enactment.....	p. 48
12.02	Effective Date.....	p. 48

APPENDIX

Appendix "A" - Township's Mud Free Road Ordinance No. 1991-1, With Exhibits

4.06	Easements.....	p. 24
4.07	Public Facilities And Grounds.....	p. 25
4.08	Common And Recreational Area Reservations.....	p. 25
4.09	Sewage Disposal Facilities.....	p. 25
4.10	Water Supply Facilities.....	p. 26
4.11	Flood Plain Provisions.....	p. 27

ARTICLE V - IMPROVEMENTS STANDARDS

5.01	General.....	p. 28
5.02	Required Improvements.....	p. 31
5.03	Recommended Improvements.....	p. 32
5.04	As-Built Drawings.....	p. 32

ARTICLE VI - SPECIALIZED DEVELOPMENTS

6.01	General.....	p. 33
6.02	Innovative Design.....	p. 33
6.03	Cluster Housing Developments.....	p. 33
6.04	Multiple Dwelling Building Developments.....	p. 34
6.05	Mobile Home Park Developments.....	p. 35
6.06	Commercial Developments.....	p. 37
6.07	Industrial Developments.....	p. 38
6.08	Seasonal Developments.....	p. 39
6.09	Travel Trailer Park And Campground Developments	p. 39

ARTICLE VII - EXEMPTIONS AND WAIVER

7.01	General.....	p. 41
7.02	Specific Exemptions.....	p. 41
7.03	Procedure Exemptions.....	p. 41
7.04	Waiver.....	p. 41
7.05	Procedure For Waiver.....	p. 42

ARTICLE I - GENERAL PROVISIONS

1.01 Short Title

1.011 This Ordinance shall be known and may be cited as the "Spring Township Subdivision And Land Development Ordinance. "

1.02 Authority

1.021 Authority for this Ordinance can be found in the provisions of Section 65741, 65753 and 65762 of the Pennsylvania Statues Annotated and Sections 10501 through 10515 of the Pennsylvania Municipalities Planning Code as set forth in Title 53 of Purdon's Pennsylvania Statues Annotated, all as currently amended.

1.03 Intent And Purpose

1.031 The intent and purpose of this Ordinance is to promote and protect public health, morals and safety and to provide for the general welfare by regulating subdivision and land development.

1.04 Definitions

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

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

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

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

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

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

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

Community Sewage System: A system, whether publicly or privately owned, for the collection and disposal of sewage or liquid industrial wastes, including various devices for the treatment of such sewage or wastes serving two (2) or more units or lots.

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

Comprehensive Plan: The Spring Township Comprehensive Plan, consisting of maps, charts, and textural matter, as well as any future revisions.

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

County: Snyder County, a political subdivision of Pennsylvania.

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

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

DEP: Pennsylvania Department of Environmental Protection.

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

Density: The Number of dwelling units per developable acre.

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

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

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

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

Individual Sewage System: A single system of piping, tanks and other facilities to collect sewage on a single lot and to dispose of it on that lot.

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

Land Development: any of the following activities:

- (1) The improvement of land for any purpose involving:
 - i) 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
 - ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
- (2) a subdivision of land;
- (3) The following are expressly excluded from the definition of "land development" (note: other considerations, such as on-lot sewage disposal, may require planning for such other considerations):
 - i) the conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - ii) the addition of an accessory building including farm buildings, on a lot or lots subordinate to an existing principle building; and
 - iii) the addition or conversion of buildings or rides within the confines

of an enterprise which would be considered an amusement park.
This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

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

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

Lot Area: The area contained within the property lines of an individual lot.

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

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

Lot line, Side: The side lot line shall be that boundary line of a lot which converges with the front lot line and which is along an existing or proposed continuous lot. A corner lot has only one side lot line while other lots have at least two side lot lines.

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

Mobile Home Pad: A section of an individual mobile home lot which has been reserved for the placement of the mobile home, appurtenant structures, or additions.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Mud-free Road Ordinance: Spring Township Ordinance No. 1991-1, attached hereto in Appendix A and incorporated herein by reference.

Multiple Dwelling Building: A building having three (3) or more separate dwelling

units, or a building having one (1) or more dwelling units and rooms devoted to other purposes.

On-lot Sewage Permit: A permit required to construct and use an individual or community on-lot sewage disposal system, including privies. Consult the Township's Sewage enforcement officer (SEO) for full requirements.

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

Parking Space: A space, surfaced to whatever extent necessary to permit use under all normal seasonal conditions of weather, available for the parking of one (1) motor vehicle.

Penn DOT: Pennsylvania Department of Transportation.

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

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

Planning Commission: Spring Township Planning Commission.

Public Grounds: Includes:

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

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

SEO: Sewage Enforcement Officer.

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

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

Soil Survey: A report published by the Soil Conservation Service, U.S. Department of Agriculture.

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

Subdivider: See Applicant, Developer.

Subdivision: The division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the division by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new road or easement of access, shall be exempt.

Surveyor: A surveyor licensed by the Commonwealth of Pennsylvania.

Township: Spring Township, Snyder County, Pennsylvania.

Township Secretary: Secretary of Spring Township, Snyder County, Pennsylvania.

Township Supervisors: Board of Supervisors of Penn Township, Snyder County, Pennsylvania.

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

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

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

1.05 Interpretation

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

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

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

1.0522 Words in the present tense include the future tense.

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

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

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

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

1.06 Application Of Ordinance

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

ARTICLE II - PLAN SUBMISSION PROCEDURE

2.01 Sketch Plan Submission

2.011 Every application is urged to submit a sketch plan to the Township Planning Commission. Such plan should include at least those items listed in Section 3.01.

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

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

2.02 Plan Submission

2.021 The applicant shall submit a minimum of six (6) copies of his plan to the Township Secretary. The Township Secretary shall date and initial each copy of the plan on the date it is received from the applicant. The Township Secretary shall immediately forward copies of the plan as follows:

2.0211 Two (2) copies to the Snyder County Planning Commission together with Applicant's fee for the County.

2.0212 One (1) copy to the Snyder County Conservation District.

2.0213 Three (3) copies to the Planning Commission.

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

2.023 Upon receipt of a plan, the Planning Commission shall schedule the date, place and time for review of the plan and shall notify the applicant of the same in writing.

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

module approved in accordance with the Pennsylvania Sewage Facilities Act, Act 537, as amended.

2.03 Fee Schedule

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

2.032 In cases where additional costs and professional fees may be reasonably and necessarily incurred by the Township in order to facilitate proper review of a plan, the applicant shall be notified of, billed and shall pay such additional costs and fees. In the event that the applicant shall dispute the amount of any such review fees, the applicant shall, within ten (10) days of the billing date, notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to Applicant's request over disputed fees. In the event that the parties cannot agree on the amount of review fees which are reasonable and necessary, then the parties shall follow the following procedure for dispute resolution (as set forth in Section 510(g) of the Municipalities Planning Code):

2.0321 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 the said expenses and make a determination as to the amount thereof which is reasonable and necessary.

2.0322 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 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

2.0323 In the event that the Township and 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 the 17th Judicial District (or of at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the municipal engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five years.

2.0324 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 by 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 one-half the fee of the appointed professional engineer."

2.04 Review And Action By The Planning Commission

2.041 Within sixty (60) calendar days after submission of a plan, the Planning Commission shall review and act on the plan and forward two (2) copies thereof, together with written notice of its action, to the Township Secretary.

2.042 Action by the Planning Commission may be any of the following:

2.0421 No recommendation.

2.0422 Recommend Rejection of the Plan.

2.0423 Recommend Preliminary Approval of Plan.

2.0424 Recommend Final Approval of Plan.

2.043 All reasons for every action of the Planning Commission shall be explicitly stated in the written notice mentioned in paragraph 2.041 above.

2.044 Upon receipt of the written notice of action by the Planning Commission, the Township Secretary shall give a copy thereof to the applicant together with notice of the date, time and place for consideration of the plan by the Township Supervisors.

2.045 The recommendations of the Planning Commission on plans shall not be binding on the Township Supervisors. Such recommendations are merely advisory and do not constitute, and shall not be deemed to constitute, final approval or rejection of submitted plans. A recommendation of final approval of a plan by the Planning Commission does not permit the applicant to proceed with the installation of site improvements, authorize the sale of lots, or allow the recording of the plan.

2.05 Review And Action By Township Supervisors

2.051 Within ninety (90) calendar days after submission of a plan, the Township

Supervisors shall review and act on the plan; provided at least forty-five (45) days have passed since the plan was submitted to the Snyder County Planning Commission.

2.052 If a plan is rejected by the Township Supervisors, all reasons for such rejection shall be explicitly stated in a letter of rejection sent to the applicant within (5) days of such action. The applicant whose plan is rejected may either submit a new plan or may appeal the action of the Township Supervisors under Article X of this Ordinance.

2.053 If, in the opinion of the Township Supervisors, a plan complies with most but not all of the terms and provisions of the Ordinance, the Township Supervisors may grant preliminary approval of the plan. All reasons for granting only preliminary approval of a plan shall be explicitly stated in a letter sent to the applicant within five (5) days of the Township Supervisors' Action. The applicant whose plan is granted preliminary approval may either comply with the conditions and requirements for obtaining final approval of his plan or may appeal the action of the Township Supervisors under Article X of this Ordinance.

2.054 If, in the opinion and sole discretion of the Township Supervisors, a plan substantially complies with the terms and provisions of this Ordinance or is within the scope of Article VII of this Ordinance, the Township Supervisors may grant final approval of the plan and place their endorsement on it. Within five (5) days after any final approval, the Township Secretary shall give the applicant a copy of the plan endorsed with final approval and direct him to record it in the Office of the Snyder County Recorder of Deeds within ninety (90) days.

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

2.06 Recording The Plan

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

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

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

Supervisors shall review and act on the plan; provided at least forty-five (45) days have passed since the plan was submitted to the Snyder County Planning Commission.

2.052 If a plan is rejected by the Township Supervisors, all reasons for such rejection shall be explicitly stated in a letter of rejection sent to the applicant within (5) days of such action. The applicant whose plan is rejected may either submit a new plan or may appeal the action of the Township Supervisors under Article X of this Ordinance.

2.053 If, in the opinion of the Township Supervisors, a plan complies with most but not all of the terms and provisions of the Ordinance, the Township Supervisors may grant preliminary approval of the plan. All reasons for granting only preliminary approval of a plan shall be explicitly stated in a letter sent to the applicant within five (5) days of the Township Supervisors' Action. The applicant whose plan is granted preliminary approval may either comply with the conditions and requirements for obtaining final approval of his plan or may appeal the action of the Township Supervisors under Article X of this Ordinance.

2.054 If, in the opinion and sole discretion of the Township Supervisors, a plan substantially complies with the terms and provisions of this Ordinance or is within the scope of Article VII of this Ordinance, the Township Supervisors may grant final approval of the plan and place their endorsement on it. Within five (5) days after any final approval, the Township Secretary shall give the applicant a copy of the plan endorsed with final approval and direct him to record it in the Office of the Snyder County Recorder of Deeds within ninety (90) days.

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

2.06 Recording The Plan

~~Snyder~~ 2.061 No plan shall be legally recorded unless and until it bears the endorsement of the ~~Penn~~ Township Supervisors.

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

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

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

ARTICLE III - PLAN REQUIREMENTS

3.01 Sketch Plan Requirements

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

3.0111 Name of landowner, address, and telephone number.

3.0112 Tract boundaries, accurately labeled.

3.0113 North indicator, scale, and date.

3.0114 A location map with sufficient information to enable the Planning Commission to locate the land.

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

3.0116 Identification of existing roads.

3.0117 Proposed location of roads and lot layout.

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

3.013 The type of sewage disposal facilities proposed should be specified in the sketch plan.

3.02 Plan Requirements

3.021 A plan shall include a map of the land drawn to a scale of one-hundred (100) feet or less to the inch. The map shall consist of black-on white or blue-on white prints on sheets no smaller than eight and one-half (8.5) inches by eleven (11) inches, and no larger than thirty-six (36) inches by forty-two (42) inches. If the map is drawn in two (2) or more sections, a key map showing the locations of the sections shall be placed on each sheet.

3.022 The following information shall be shown on the map:

3.0221 Title block, containing the name of the subdivision or development, name of landowner, tax map and parcel numbers, date, scale, and name of

individual who prepared the plan.

3.0222 North indicator.

3.0223 Sufficient information to accurately locate the land by indicating its distance from the nearest public road intersection, and the distances to and/or from major references, such as towns or villages. As an alternate means of location, reference may be made to Legislative Route number and distance to nearest station number.

3.0224 The larger tract boundaries showing bearings to the nearest minute and distances to the nearest one hundredth(.01) or a foot, if known, with the names of record owners of adjoining lands. The portion to be divided from the larger tract shall be accurately located.

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

3.02251 Water courses, natural or otherwise, and wooded areas. A survey is not necessary for accuracy.

3.02252 Bridges and roads: A centerline survey with bearings and distances is necessary. The rights-of-way widths can be noted along with paved road widths. The bridge width and type may be by notation.

3.02253 Transmission lines, whether electric, gas, sewer, telephone, television cable, or water, and whether underground or overhead, may be shown by indicating the locations of poles, manholes, curb shutoff valves and other evidences of location of such lines.

3.02254 On-lot sewage disposal systems and/or water supply systems shall be sized and located by survey to and/or from any convenient boundary intersection.

3.02255 Boundaries of flood-prone areas.

3.02256 Location of existing buildings and other significant man-made features.

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

3.0227 Existing and proposed lot lines shall be surveyed and shown on the map with straight lines using distances to the nearest one hundredth (.01) of a foot,

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

3.0237 A notice on the plan that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945, (P.L. 1242, No. 428) known as the State Highway Law (36 P.S. §670-420) in any case where a lot in the development will require access to a highway under the jurisdiction of PennDOT.

ARTICLE IV - DESIGN STANDARDS

4.01 Application And General Standards

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

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

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

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

4.02 Roads: General Standards

4.021 General Standards:

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

4.0212 The proposed road system shall extend existing or recorded roads at no less than the same right-of-way and cartway widths, but in no case at less than the required minimum widths.

4.0213 Where it is desirable and practical to provide for road access to adjoining land, the Planning Commission may recommend and the Township Supervisors may require that road stubs be extended to the boundary line of such land.

4.0214 Private roads and accesses shall be allowed, provided the following conditions can be satisfied:

4.02141 A private access road to serve four (4) one unit dwelling lots or less shall have a right-of-way width of at least twenty-five (25) feet.

4.02142 A private access road to serve more than four (4) one unit dwelling lots shall have a right-of-way width of fifty (50) feet.

4.02143 Private roads shall be so indicated on the map. A notation on the map shall indicate that either: (1) the applicant is responsible, or (2) the applicant has provided a legal arrangement for the future maintenance and improvement of such roads that will prevent them from becoming a burden to the Township.

4.02144 Private roads shall be constructed by the applicant to the standards specified in the Township's Mud Free Road Ordinance and any of its amendments. See: Township's Ordinance No. 1991- .

4.0215 Public alleys shall not be planned in residential developments except where applicant establishes the necessity for such alleys.

4.0216 The Township's Mud Free Road Ordinance (Township's Ordinance No. 1991-) establishes minimum design, engineering and construction standards for roads, and the plan must show compliance with the provisions of that ordinance.

4.0217 Road base designs with grades and cross-sections and designs for subsurface drainage facilities and transmission lines shall be included in the plan.

4.0218 All roads shall be designed so as to provide for the discharge of surface water.

4.0219 A new partial road shall **not** be planned except where it is essential to a reasonable subdivision of a tract of land in compliance with other requirements and standards of this Ordinance and where, in addition, satisfactory security for the development of the remaining part of the road is given to the Township Supervisors.

4.0220 The Township Supervisors reserve the right to determine and assign road names but will consider suggestions from the applicant.

4.03 Roads: Engineering Standards

4.031 Road Widths

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

4.03111 Roads:
Right-of-Way 50 feet
Cartway 36 feet*

4.03112 Turn-Around or Cul-de-sac (diameter):
Right-of-Way 120 feet
Cartway 100 feet*

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

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

4.03121 Parking in commercial and industrial areas and in areas of high density development.

4.03122 Adequate vehicle parking where off street parking is not otherwise provided.

4.032 Road Grades

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

4.0322 The Minimum centerline grades on vertical curves shall conform as much as possible to the local road design requirements of PennDOT.

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

4.033 Side Slopes Along Roads

4.0331 The slopes of banks along roads, measured perpendicular to the road centerline, shall be no steeper than the following:

4.03311 One (1) foot of vertical measurement for four (4) feet of horizontal measurement for fills.

4.03312 One (1) foot of vertical measurement for two (2) feet of

horizontal measurement for cuts.

4.034 Intersections

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

4.03411 Roads shall intersect as nearly as possible at right angles. No road shall intersect another at an angle of less than seventy-five (75) degrees.

4.03412 Roads intersecting another road shall either intersect directly opposite each other, or shall be separated by at least one hundred fifty (150) feet between center lines, measured along the centerline of the road being intersected.

4.03413 At the intersection of roads the radii of the cartways shall be not less than twenty-five (25) feet. Right-of-way lines at corner properties also shall have radii of at least twenty-five (25) feet.

4.03414 Clear sight triangles shall be provided at all intersections. No buildings or obstructions shall be permitted in the clear sight area. Clear sight triangles shall be measured at a height of four (4) feet above the centerline from point of intersection to a point of the roadway at the following distances:

(1) Intersection of two (2) roads: 100 feet

(2) Intersection of road with Township Road: 200 feet.

4.03415 Where an intersection occurs between a proposed new road and a Pennsylvania Legislative Route, a Pennsylvania Route, or a United States Route, the plan shall include a permit from PennDOT for such intersection.

4.035 Curves

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

4.036 Cul-de-sacs and Dead-End Roads

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

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

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

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

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

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

4.04 Storm Water Facilities

4.041 Any proposed plan will address the issue of storm water management both for the existing lot and for subsequent subdivisions. Storm sewers, culverts, and related facilities shall be planned, as necessary, to:

- (1) Permit unimpeded flow of natural water courses.
- (2) Ensure adequate drainage of all low points along the lines of roads.
- (3) Intercept storm water runoff along roads at intervals related to the extent and grade of the area drained.
- (4) Provide positive drainage away from on-site sewage disposal facilities.
- (5) Take surface water away from the bottom of vertical grades, lead water

from springs, and avoid excessive use of cross gutters at road intersections and elsewhere.

(6) Provide areas within the development for the detention of storm water runoff.

(7) Provide areas within the development for retention of storm runoff and other waters to provide a supply of water for use for fire protection, when possible.

4.042 In the design of storm water facilities, special consideration should be given to avoidance of problems which may arise from the concentration and discharge of storm water runoff onto adjacent lands.

4.043 Storm water facilities should be designed to handle not only the anticipated peak discharge from the development, but also the anticipated increase runoff that will occur when all the land at a higher elevation in the same watershed is fully developed.

4.044 Where a development is traversed by a channel, drainage way, or watercourse, a drainage easement, conforming substantially with the line of such channel, drainage way, or watercourse and of such width as will be adequate to preserve the unimpeded flow of the natural drainage, shall be planned. Approval by DEP of any in an existing watercourse shall be included in the plan.

4.045 Storm water detention provisions are required for all subdivisions or developments of four (4) or more lots. The plan shall show how the applicant intends to contain surface or run-off water on the site, in areas that are non-erosive, seeded and of such minimum slope as to allow some water to seep through the ground to the water table, without creating any hazards to persons or property.

4.046 Applicants shall plan to limit the rate of storm water runoff from their developments so that no greater rate or volume of runoff will occur than occurs from the site in its natural condition.

4.047 Land proposed for subdivision or land development shall **not** be developed or changed by grading, excavating, or by the removal or destruction of the natural topsoil, trees, or vegetative cover until approval of a plan with adequate provisions for minimizing erosion and sediment, or until a determination has been made by the appropriate regulatory agencies that such provisions are not needed.

4.05 Lots

4.051 Layout of Lots

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

4.052 Dimensions and Area of Lots

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

4.05211 A one unit dwelling lot not served by public water and public sanitary sewer shall be not less than one (1) acre, or such lesser area as may be permitted by DEP regulations.

4.05212 A one unit dwelling lot served by public water but not by community or public sanitary sewer shall not be less than one hundred (100) feet wide measured at the front building setback line, nor less in area than permitted by DEP regulations.

4.05213 A one unit dwelling lot served by public or community sanitary sewer shall have a minimum area of eight thousand (8,000) square feet, or such lesser area as the applicant can demonstrate to be appropriate in terms of innovative design.

4.05214 A corner lot designed for a dwelling shall be at least ten percent (10%) wider than adjacent lots to permit appropriate building setback from, and orientation to, both roads.

4.053 Building Setback Lines

4.0531 Building setback lines shall be at least fifty (50) feet from the centerline of the road and on the side of a lot shall be at least ten (10) feet from the side lot lines.

4.0532 Where an existing building line is established on at least fifty percent (50%) of the lots in a block in which the proposed subdivision is located or within two hundred (200) feet immediately adjacent to the proposed subdivision, the building set back distance may be increased or decreased by the Township Supervisors to conform to such established building line.

4.0533 On a corner lot, the building setback line from each adjacent road shall be applicable or such other distance as the Township Supervisors determine is more appropriate under the circumstances.

4.06 Easements

4.061 The minimum width of easements other than for roads shall be twenty (20) feet unless the applicant satisfies the Township Supervisors that a lesser width is appropriate.

4.07 Public Facilities and Grounds

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

4.08 Common and Recreational Area Reservations

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

4.09 Sewage Disposal Facilities

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

4.092 The requirements for the plan are as follows:

4.0921 If connection to a public sewer without extending or providing any new mains is proposed, the map shall show the location of the existing main and the existing and required easements for connection. There must be a statement in the plan, signed by the Spring Township Municipal Authority, verifying the acceptance of the proposed connection.

4.0922 If an extension of the public sewer system is proposed, the map shall be drawn to scale with lines, manholes, and clean-outs shown and their sizes noted. The line invert elevations at each man hole and clean-out, the proposed finished ground elevation, and datum to which they refer shall be noted on the map. All easements required by this Ordinance or by others shall be clearly shown and dimensioned on the map. There must be a statement in the plan, signed by Spring Township Municipal Authority, verifying the acceptance of the proposed extension.

4.0923 If individual sewage systems are proposed, the SEO shall conduct tests for the issuance of permits for every lot shown the map. The location for the seepage area and septic tank for each lot shall be shown on the map with

distances from any two (2) boundary line intersections to any two (2) corners of the seepage area. The permit number for each lot shall be noted in the plan.

4.0924 For a proposed lot with existing on-lot sewage disposal, the map shall show the location of the existing system bearing and distances measured at ninety (90) degree angles from any two (2) existing boundary lines. If known, the size and type of system, the permit number and the year of installation shall be noted on the map. Location of any water well also shall be shown.

4.0925 A plan with a proposed community sewage system shall:

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

4.0926 For a plan which proposes a land use that would not require sewage disposal:

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

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

4.10 Water Supply Facilities

4.101 Whenever an existing public or approved community water system is

geographically and economically accessible to proposed development, an extension to that system, designed to furnish an adequate supply of water to each lot, with line sizes and fire hydrant locations adequate to meet the specifications of the Association of Fire Underwriters, shall be included in the plan, with a copy of the approval of such system by DEP and suitable agreements for the ownership, maintenance, operation and use of the system. A plan that includes construction, either of a new system or an extension of an existing system, shall show all sources of supply, distribution lines, shut-offs, service lines and fire hydrants. These shall be shown by survey with the sizes and depths noted on the map. The pipe to be used shall be of the schedule and specifications as used by the Spring Township Municipal Authority. Multiple unit structures (apartment, condos, etc.) shall have a separate water meter for each dwelling unit.

4.102 Whenever an existing system is not accessible, particularly where individual sewage systems are planned, a community water supply shall be planned, if feasible, in which case all the items specified in Section 4.101 shall be included in the plan.

4.103 Where individual on-site water supply systems are planned, each lot shall be of a size and shape to allow safe location of such a system, and no water well shall be planned within one hundred (100) feet of any part of a subsurface sewage disposal system.

4.11 Flood Plain Provisions

4.111 A prospective applicant should consult with the Township Supervisors for a determination as to whether or not the proposed subdivision or development is located in a flood plain area.

4.112 If any part of the proposed subdivision or development is located in a flood plain area, the plan shall include provisions for compliance with the requirements of the Township's flood plain ordinance. See: Township's Ordinance No. 1982-4.

ARTICLE V - IMPROVEMENTS STANDARDS

5.01 General

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

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

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

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

5.0132 When requested by the developer, in order to facilitate financing, the Township Supervisors shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the Township Supervisors; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

5.0133 Without limitation as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of the approval or accompanying agreement for completion of the improvements.

5.0134 The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such costs. The Township may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the applicant or developer. The estimate certified by the mutually chosen engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that such additional engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.

5.0135 If the party posting financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of

financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure. In the case where development is projected over a period of years, the Township may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

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

5.0137 If water or sanitary sewer lines or both along with the apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the municipality, financial security to assure proper completion and maintenance there of shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall be included within the financial security as otherwise required by this section.

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

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

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

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

5.02 Required Improvements

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

5.0211 All roads included in a plan, except existing public roads and roads designed therein as private.

5.0212 All storm water facilities included in a plan shall be completed prior to the beginning of construction of any structure as described in the plan. In the event a development is sufficiently large that it will be constructed in specifically defined phases in the plan, storm water management can be completed at the beginning of each phase as long as other modifications\changes improve the performance of the existing facilities. There will be provisions made for the continued maintenance of all storm water facilities by the developer at his expense. Any performance failure of the storm water facility, by design flaw, or lack of maintenance will be corrected at the landowner's expense.

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

5.0214 In subdivisions or land developments where new street(s) or road(s) are established, the Developer, general contractor or principal owner shall be responsible for providing to Spring Township authorities an adequate number of such street signs and metal poles of appropriate length. These signs will either be installed by the Township or by the Developer under Township supervision.

5.0215 All sewage disposal facilities included in the plan. However, the applicant should perform any connection or extension Agreement entered into with the Spring Township Municipal Authority.

5.0216 All water supply facilities included in the plan. However, when applicable, the applicant should perform any connection or extension Agreement entered into with the Spring Township Municipal Authority, or other appropriate public utility.

5.03 Recommended Improvements

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

5.0311 All sewage disposal facilities included in the plan. However, the applicant should perform any connection or extension agreement entered into with the Spring Township Municipal Authority.

5.0312 All water supply facilities included in the plan.

5.0313 All monuments and line and corner markers included in the plan, except those designated as required improvements in Section 5.02.

5.04 As-Built Drawings

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

ARTICLE VI - SPECIALIZED DEVELOPMENTS

6.01 General

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

6.02 Innovative Design

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

6.03 Cluster Housing Developments

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

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

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

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

6.032 Site Standards

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

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

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

6.033 Density

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

6.034 Open Space

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

6.035 Roads

6.0351 All roads shall meet the standards established by the Township Mud Free Road Ordinance. See: Township Ordinance No. 1991-1.

6.036 Setback Distances

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

6.0362 No building shall be located within fifty (50) feet of the centerline of any road.

6.037 Off-Road Parking

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

6.04 Multiple Dwelling Building Developments

6.041 Multiple dwelling building development plans shall conform to the standards of

Section 6.04 as well as all other applicable provisions of this Ordinance not in conflict therewith.

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

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

6.044 Setback Distances:

6.0441 The minimum space between buildings shall not be less than the height of the tallest buildings or twenty (20) feet, whichever is greater.

6.0442 Minimum building setbacks from road center lines shall be fifty (50) feet. Minimum setback distances from all development boundaries shall be thirty (30) feet.

6.045 A minimum of two (2) off-road parking spaces per dwelling unit shall be located within two hundred (200) feet of each dwelling unit.

6.05 Mobile Home Park Developments

6.051 General Standards

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

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

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

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

6.052 Site Standards

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

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

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

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

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

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

6.0527 All roads shall meet the standards of this Ordinance and the Township's Mud Free Road Ordinance. See: Township's Ordinance No. 1991-1.

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

6.0529 All utilities shall be placed underground.

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

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

6.05212 Mobile home and building setback and spacing requirements:

6.052121 Fifty (50) feet from the centerline of roads.

6.052122 A minimum of seventy-five (75) feet from railroads and transmission lines.

6.052123 A minimum of twenty-five (25) feet must be provided between any two (2) mobile homes or buildings on two (2) separate lots.

6.06 Commercial Developments

6.061 General Standards

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

6.062 Site Standards

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

6.0622 Appropriate storm water facilities shall be provided.

6.063 General Design

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

6.06311 Desirable land utilization.

6.06312 Convenient traffic circulation and parking.

6.06313 Adequate service, delivery and pickup.

6.06314 Design coordination with adjacent lands.

6.064 Circulation

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

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

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

6.065 Parking Area Requirements

6.0651 Five and one-half (5-1/2) parking spaces per one thousand (1000) square feet of gross leasable or saleable area of each building shall be provided.

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

6.0653 All parking areas, service drives, and exit and entrance lanes shall be graded and paved according to the specifications of the Township's Mud Free Road Ordinance. See: Township's Ordinance No. 1991-1.

6.066 Landscaping

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

6.07 Industrial Developments

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

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

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

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

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

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

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

6.08 Seasonal Developments

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

6.082 Cottage or cabin sites or other such developments designed for seasonal use are considered subdivisions or land developments, whether lots or parcels are for sale, rent, or lease and shall be subject to the following:

6.0821 The applicant shall demonstrate to the Township that the character of the land is exclusively recreational and appropriate for cottage or camp sites, and does not have an urban or rural development potential.

6.0822 All lots shall have access to public roads by either private or public roads. Proposed new roads shall meet the public road requirements of this Ordinance with the following exceptions:

6.08221 Access to five (5) lots or less may be provided by a private road not less than thirty (30) feet in width with building setback of fifty (50) feet from the centerline of the road. The road shall be designed in accordance with the Township's Mud Free Road Ordinance. See: Township's Ordinance No. 1991-1.

6.08222 Access to more than five (5) lots shall be by a road forty (40) feet in width with building setback of fifty (50) feet from the centerline of the road. The road shall be designed in accordance with the Township's Mud Free Road Ordinance. See: Township's Ordinance No. 1991-1.

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

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

6.09 Travel Trailer Park and Campground Developments

6.091 Lot or space requirements:

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

6.0912 Minimum lot sizes: The minimum lot or camping space shall be thirty (30) feet wide by fifty (50) feet deep.

6.0913 Lot access: Each lot and camping space shall abut and have thirty (30) feet of frontage along the park or campground road system.

6.092 Road system: Road improvements and widths: A system of private roads shall be provided and constructed in accordance with the Township's Mud Free Road Ordinance. See: Township's Ordinance No. 1991-1. On-road parking shall be prohibited on any road with a right-of-way width of thirty (30) feet or less. Cartways of twenty (20) feet will be acceptable.

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

ARTICLE VII - EXEMPTIONS AND WAIVER

7.01 GENERAL

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

7.02 Specific Exemptions

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

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

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

7.03 Procedure For Exemption

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

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

7.04 Waiver

7.041 The Township Supervisors reserve the right to waive compliance with any or all items, provisions, standards, and requirements of this Ordinance when acting on a plan. The Township Supervisors will only grant waiver when the purposes of this Ordinance will not be frustrated thereby, and an undue hardship will be avoided thereby.

7.042 The Township Supervisors shall only exercise their right to grant a waiver of the requirements of this Ordinance by majority vote after notice and a hearing on the request for a waiver.

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

7.05 Procedure for Waiver

7.051 An applicant who seeks a waiver shall comply with the provisions of Section 3.02 Article III in regard to the contents of his sketch plan.

7.052 The applicant shall submit his sketch plan, with a request for waiver in the same manner as a plan under Article II of this Ordinance. The specific reasons for the request for waiver shall be set forth. The sketch plan and request for a waiver shall proceed through the review processes specified in Article II above. The applicant shall have the right to appeal should he be aggrieved by the action on his request for a waiver.

ARTICLE VIII - AMENDMENT AND SEVERABILITY

8.01 Authority To Amend

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

8.02 Procedure To Amend

8.021 The Township Supervisors shall fully comply with the requirements of the Pennsylvania Municipalities Planning Code and the Pennsylvania Second Class Township Code for the amendment of this Ordinance. Amendments shall become effective only after a public hearing held pursuant to public notice. In cases of an amendment other than one prepared by the Township Planning Commission, the Township Supervisors shall submit the amendment to the Planning Commission for its recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.

8.03 Severability

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

ARTICLE IX - ENFORCEMENT AND PENALTIES

9.01 Enforcement

9.011 The Township Supervisor are responsible for the implementation and enforcement of this Ordinance. The Township Planning Commission is an advisory body to the Township Supervisors and shall inform the Township Supervisors of any violation of this Ordinance.

9.02 Penalties

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

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

9.03 Injunction

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

9.032 Any plan for a subdivision or land development which is in violation of this Ordinance shall be null and void and shall not be recorded. The Township Supervisors may

request the Snyder County Court of Common Pleas to order any plan which is in violation of this Ordinance and which is recorded to be stricken from such records and to decree any transfers or conveyances made pursuant to such be null and void and of no legal effect.

9.04 Preventive remedies

9.041 In addition to other remedies, the Township may institute and maintain appropriate actions in law or equity to restrain, correct, or abate violations, to prevent unlawful construction, to recover damages, and to prevent illegal occupancy of a building, structure, or premises. The description by metes and bounds in the instrument of transfer or other 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.

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

- (a) The owner of record at the time of such violation.
- (b) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- (c) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- (d) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

ARTICLE X - APPEALS

10.01 Appeals

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

ARTICLE XI - REPEALER

11.01 Repealer

11.011 Any ordinance or any provision of any other ordinance, except Township's Mud Free Road Ordinance No. 1991-1, that is inconsistent with this Ordinance or any provision hereof is hereby repealed insofar as it is inconsistent.

ARTICLE XII - ENACTMENT AND EFFECTIVE DATE

12.01 Enactment

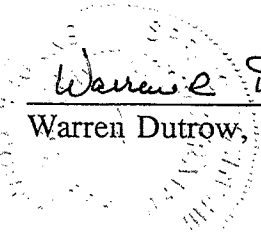
12.011 The Township Supervisors hereby enact this Ordinance this 25th day of May, 1999, after having fully complied with the applicable requirements of the Pennsylvania Municipalities Planning Code and the Pennsylvania Second Class Township Code.

12.02 Effective Date

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

Attest:

Spring Township Board of Supervisors


Warren E. Dutrow
Warren Dutrow, Secretary

Douglas M. Garrison
Douglas M. Garrison, Chairman

Richard F. Shirey
Richard F. Shirey, Supervisor

Bob B. Herbster
Bob B. Herbster, Supervisor