

**ORDINANCE No. 211 – 2021**

**Sadsbury Township**

**Subdivision and Land Development Ordinance**

**Adopted April 13, 2021**

**EFFECTIVE MAY 13, 2021**

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## **Article 1 – General Provisions**

### **101 – Short Title**

This Ordinance shall be known, and may be cited as, “The Township of Sadsbury Subdivision and Land Development Ordinance.”

### **102 – Purpose**

The purpose of this Ordinance is to:

- A. Regulate subdivisions and land developments within the Township pursuant to the legislative grant of power contained in Section 501 of the Pennsylvania Municipalities Planning Code (PaMPC).
- B. Ensure that, in so far as possible, the layout or arrangements of subdivision and land developments conform to Sadsbury Township’s adopted Comprehensive Plan and any adopted Official Map.
- C. To help implement the Sadsbury Township and Crawford County Comprehensive Plans, especially the Community Development Goals and Objectives.
- D. To provide uniform standards for the submission, approval and recording of subdivisions and land developments.
- E. To provide equitable and uniform processing and approval proceeding for all developers.
- F. To ensure public and private improvements meet minimum quality specifications.
- G. To ensure the protection of private property through accurate depictions of lots, maintenance of reasonable setbacks, protection of property from stormwater or sewage runoff, prevention or minimizing of the impact of nuisance light and noise from land use conflicts, and to ensure adequate water supplies and sanitary sewer service for new and existing development.
- H. To generally protect the health, safety and welfare of all residents.

### **103 – Authority and Jurisdiction**

The authority of the Township to adopt this Ordinance regulating subdivision and land development within Sadsbury Township is granted by Article V of the Pennsylvania Municipalities Planning Code of July 31, 1968, Act No. 247, as reenacted and amended. As a result, no subdivision or land development of any lot, tract or parcel of land shall be made, no streets, 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’ buildings abutting thereon, or no sale of a new lot or occupancy of a land development shall occur except in accordance with the provisions of this Ordinance.

### **104 – Interpretation**

The provisions of this Ordinance shall be interpreted to be the minimum requirements to meet the purposes of this Ordinance. Where the provisions of this Ordinance conflict or are

inconsistent with the provisions of any other regulation or requirement, the more restrictive provisions in question shall apply.

### **105 – Municipal Liability**

The granting of a permit or approval of a subdivision and/or land development plan shall not constitute a representation, guarantee, or warranty of any kind by the Township or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon the Township, its officials or employees.

### **106 – Effective Date, Jurisdiction, and Repealer**

- A. This Ordinance shall become effective thirty (30) days from the date of enactment and shall remain in effect until amended or rescinded by the Township Board of Supervisors. By this ordinance as of its effective date, Ordinance 151 of 1986 and its amendments shall be repealed. No applicable land development or subdivision of land shall occur in Sadsbury Township except by the provisions of this Ordinance. Compliance with this Ordinance does not release any party from compliance with other applicable local, county, state or federal laws or regulations.
- B. Should any portion of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any other section or provision of the Ordinance, other than the one so declared.

### **107 – Recording or Sale of Lots**

- A. No plan of a subdivision or land development proposed within Sadsbury Township shall be recorded in any public office unless or until that plan has been reviewed and approved by the Township and shall bear the proper certification of such action.
- B. It shall be unlawful for any person to sell, trade or otherwise convey or offer to sell, trade or otherwise convey any lot, parcel, or tract of land as part of, or in conformity with, any plan, plat, or lot line revision of any subdivision or land development unless and until said plan, plat, lot line revision, or land development shall have been first recorded in the office of the Crawford County Recorder of Deeds per section 211.

### **108 – Sanctions and Penalties**

Any person, partnership or corporation who or which being the owner or agent of any lot, tract or parcel of land shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or who sells or transfers any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or land development or erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this act and of the regulations adopted hereunder and has been approved and recorded as provided herein, shall be guilty of a violation; and such person, or the members of such partnership, or the officers of such corporation, or the agent of any of them, responsible for such violation shall be subject to enforcement, sanctions, and/or penalties as authorized by Sections 603 and 604 of this

Ordinance and Sections 515.1, 515.2, and 515.3 of the Pennsylvania Municipalities Planning Code with the remedy provided.

#### **109 – Copies**

Copies of the Subdivision and Land Development Ordinance shall be made available to the general public at a fee adequate to compensate the Township for the cost of reproduction.

#### **110 – County Review**

All applications for subdivision and/or land development approval within Sadsbury Township shall be forwarded upon receipt to the Crawford County Planning Agency for non-binding review and report as prescribed by Section 206 of this Ordinance and Section 502b of the Pennsylvania Municipalities Planning Code.

#### **111 – Planning Department**

For purposes of administering this ordinance, the Township of Sadsbury hereby creates a Planning Department and designates the Township Zoning Officer to act as the Township Planning Department with authority to take actions and exercise authority as prescribed herein.

## Article 2 – Review Process Requirements

### 201 – Introduction

The purpose of this section is to set forth the procedures for the submission of, processing, and approval of major subdivisions, minor subdivisions, mobile home parks, and minor or major land developments. Generally, the processing of these developments will follow similar steps, although the details on the specific information, drawing scale, and other details may vary. Determination shall be made by the Township, based upon consistency with Table 201 and the definitions of this Ordinance and the MPC. For general information, the following is provided:

- A. Expanding Land Subdivision: An expanding land subdivision is any removal of a complete lot by erasing one or more lot lines, resulting in both fewer lots existing than prior to the subdivision and greater size for one or more individual lots. To qualify as an expanding land subdivision, all lots or parcels proposed must be owned by the same entity.
- B. Lot Line Revision: A lot line revision is the adjustment of one or more lot lines between two or more adjacent parcels and which does not result in the creation of any new lot. Lot line revisions include lot combinations that do not meet criteria to qualify as expanding land subdivisions.
- C. Minor Subdivisions, and Minor Land Developments: This Ordinance allows a streamlined process for less complicated and smaller-scale developments. Generally, these involve small subdivisions along existing roads and smaller land developments. To qualify as such, no extension of utilities or new roads may be involved except for extensions of approved private driveways for right-of-way access. A one-step process is permitted involving a final plan. Consideration as a minor subdivision shall not include a subdivision or re-subdivision of any lot, tract, parcel, site, or other division of land or portion thereof that had received previous approval as a subdivision within ten (10) years prior to the submission of the application, where the cumulative effect of combining said current and prior subdivisions would result in a subdivision not meeting the criteria of this section. If such prior approval has taken place, all previous applications shall be made a part of the new proposal and considered a single application for purposes of classification.
- D. Major Subdivisions and Major Land Developments involve a two-stage process, using a preliminary and final plan. The purpose of the preliminary plan is to set forth the proposed development in detail. This allows for a comprehensive review of the proposed development to acquaint the developer with any requirements that may have been missed. The final plan is the document to be officially recorded. If any deficiencies have been corrected, the final plan can be approved.

**Table 201**

<b>Development Type</b>	<b>Definition</b>	<b>Submission</b>	<b>Decision by</b>
Expanding Land Subdivision	Removal of a complete lot by erasing one or more lot lines, resulting in both fewer lots existing than prior to the subdivision and greater size for one or more individual lots. To qualify, all lots or parcels proposed must be owned by the same entity.	Final plan	Zoning Officer
Lot Line Revision	Adjustment of one or more lot lines between two or more adjacent parcels and which does not result in the creation of any new lot. Includes lot combinations that do not meet criteria to qualify as expanding land subdivisions.	Final plan	Zoning Officer
Minor Subdivision	Creation of no more than six (6) lots including residual not including new public streets or public water or sewer facilities.	Final plan	Board of Supervisors
Major Subdivision	Creation of more than six (6) lots, or any subdivision including a new public street or public water or sewer facilities.	Preliminary and final plans	Board of Supervisors
Minor Land Development	New development involving less than five thousand (5,000) square feet gross floor area, and earth disturbance area of less than one (1) acre, and generation of less than one hundred (100) peak-hour vehicle trips in one direction; OR A multi-family dwelling development involving fewer than five (5) dwelling units.	Zoning permit application accepted as final plan	Zoning Officer
Major Land Development	New development involving five thousand (5,000) or more square feet gross floor area, or earth disturbance area of one (1) acre or more, or generation of one hundred (100) or more peak-hour vehicle trips in one direction; OR A multi-family dwelling development involving five (5) or more dwelling units.	Preliminary and final plans	Board of Supervisors
Mobile Home Parks	A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes. Procedurally, all mobile home parks shall be processed as major subdivisions.	Preliminary and final plans	Board of Supervisors

Any request for a modification submitted with an application for any type of development in the above table must receive approval by the Board of Supervisors in accord with Section 605.

## **202 – Approval Bodies**

- A. The Sadsbury Township Board of Supervisors shall have authority to render approval or denial decisions on plans, preliminary or final, for minor and major subdivisions, major land developments, and mobile home parks. All such plans shall be referred upon filing to the Sadsbury Township Planning Commission for review.
- B. The Sadsbury Township Zoning Officer shall have authority to render approval or denial decisions on expanding land subdivisions, lot line revisions, and minor land developments.
- C. After approval, all plans must be recorded with the Crawford County Recorder of Deeds and proof of such submitted to the Township in accord with Section 211 of this Ordinance or approval is void.

## **203 – Pre-Submission Conference**

A pre-submission conference is not required. However, it is highly recommended. The purpose is to acquaint the developer with the requirements of this Ordinance and to avoid unneeded processing or incorrectly prepared plats. This step is also recommended for minor subdivisions though the developer or the developer's surveyor should understand the requirements of this Ordinance. Though no set format is required, applicants are encouraged to present information on the primary elements of the proposed development.

## **204 – Preliminary Plans and Final Plans**

- A. A preliminary and final plan shall be submitted for a major subdivision, major land development, or mobile home park.
- B. A final plan shall be submitted for an expanding land subdivision, lot line revision, or minor subdivision.
- C. A zoning permit application with no additional information will be accepted as a final plan for a minor land development.

## **205 – Time of Submission**

All plans for minor and major subdivisions, major land developments, and mobile home parks needing review of the Township Planning Commission must be filed at least fourteen (14) calendar days prior to a meeting of the Planning Commission in order to be considered at that meeting. The applicant, developer, or designated agent is strongly encouraged to attend the Planning Commission meeting at which time the application is to be considered.

## **206 – Number of Copies/Other Information**

- A. For minor and major subdivisions, major land developments, and mobile home parks: At least six (6) copies of the plan with all required exhibits and completed applications must be submitted. The applicant must submit two (2) full sized copies and four (4) reduced size copies (11X17 inch format). Article 4 details the required size, scale, and type of submission.

- B. For expanding land subdivisions and lot line revisions: Three (3) copies of the plan with all required exhibits and completed applications must be submitted.
- C. The Township may develop and include a formal application, which shall accompany all subdivisions and land developments.
- D. The applicant shall forward one (1) copy to the Crawford County Planning Agency for its review and comment. The subdivision or land development shall not be approved until comments are received from that agency or the expiration of thirty (30) days from the date the application was forwarded. If the County Planning Agency imposes a fee for its review and report, the applicant shall pay that fee.

## **207 – Subdivision Clerk**

All plans, exhibits, applications and correspondence shall be directed to the Subdivision Clerk, who shall be selected by the Township. The Subdivision Clerk is also responsible for all communications to the developer, including notices of approval, disapproval, and conditional approval.

## **208 – Receipt**

The Subdivision Clerk shall receive submissions, provided the required submission includes the appropriate number of plan copies and all fees are paid. Within five (5) business days of receipt, the Zoning Officer, acting as the Township Planning Department, shall review the application to determine if all required information is complete. If the application is incomplete, the Zoning Officer shall notify the applicant in writing within one business (1) day of that determination. The application shall not be considered filed for purposes of review until all plans, drawings, and information required by this Ordinance are submitted. When the application is complete and accepted as filed, the Zoning Officer or Subdivision Clerk shall notify the applicant and provide a receipt of completion upon the applicant's request and forward the application to the Township Planning Commission for review.

## **209 – Time**

The Board of Supervisors or Zoning Officer shall render its decision and communicate it to the applicant within ninety (90) days of the date the application is filed, or within such time periods as permitted by the Pennsylvania Municipalities Planning code, (whichever is greater).

## **210 – Approval, Disapproval or Conditional Approval**

The Township is vested with the power to render the following decisions:

- A. Approval: Approve the application when the Township is assured the application complies in all respects with this Ordinance or appropriate modifications or waivers were granted for features that do not comply.
- B. Disapproval: Disapprove the application if it does not comply in all respects with this Ordinance. If the application is disapproved, the Township shall cite the deficiencies of the application and identify appropriate sections of this Ordinance that the application or plat did not comply with.

- C. Conditional Approval: The Township may approve the application with conditions designed to remedy deficiencies or assure compliance with requirements of this Ordinance. If so, the Township shall specify the defects found in the application and those sections of this Ordinance or law involved, as appropriate, and what other conditions must be met for approval. These conditions shall be forwarded to the applicant and must be accepted by the applicant, in writing, within fifteen (15) days of notice thereof. If not accepted in writing, or if rejected, the conditional approval shall be rescinded and the application disapproved.
- D. Notice of Action: The Subdivision Clerk on behalf of the Board of Supervisors, or the Zoning Officer, as appropriate, shall notify the applicant, in writing, by first class mail, of the decision within fifteen (15) days of the decision.

## **211 – Recording of Plan**

- A. Upon approval of the final plan, the developer shall record the plan with the County Record of Deeds. The final plan shall be recorded within ninety (90) days after the date of the final plan approval, or within ninety (90) days after the date of delivery to the applicant of an approved and signed plan following completion of conditions imposed for such approval. Should the developer fail to record the final plan within such a period, the approval shall be considered null and void.
- B. The Developer shall record the final plan with the County Recorder of Deeds before proceeding with the sale of lots, and the Township shall require receipt of recording before the issuance of zoning or building permits by the Township per 211D.
- C. Recording the final plan after approval shall have the effect of an irrevocable offer to dedicate all public streets and other public ways to public use, and to dedicate or reserve all park reservations, and school sites and other public service areas as provided. Approval shall not impose any duty upon the Township concerning maintenance, acceptance, or improvement of any such dedicated streets, parks areas, or portions of improvements until the proper authorities of the Township shall have made actual appropriation by ordinance of acceptance.
- D. The developer shall furnish the Township with a receipt of recording within five (5) business days of the recording. Failure to supply the Township with such a receipt shall result in delay of other permits or approvals.

## **212 – Fees and Processes subject to Pa Municipalities Planning Code**

- A. All processes and procedures shall follow the Pennsylvania Municipalities Planning Code where not explicitly stated.
- B. Fees for the review and processing of subdivision and land development plans will be charged at the time of application in accordance with the Township fee resolution. The Township Supervisors may amend these fees from time to time by successive resolution. Fees charged for professional consultants shall be consistent with Section 503(1) of the Municipalities Planning Code.

### **Article 3 – Plan Requirements**

This Article details the information that must be included on plans submitted to the Township.

#### **301 – Preliminary Plan/Final Plan**

A. Scale: The plan shall be drawn to scale based on the following:

1. If the average size of the proposed lots (not including residual) in the subdivision is five (5) acres or smaller, the plan shall be drawn to a scale of one (1) inch equals one hundred (100) feet (1" = 100').
2. If the average size of the proposed lots (not including residual) in the subdivision is between five (5) acres and fifty (50) acres, the plan shall be drawn to a scale of one inch equals two hundred feet (1" = 200').
3. If the average size of the proposed lots (not including residual) in the subdivision is over fifty acres, the plan shall be drawn to a scale of one inch equals four hundred feet (1" = 400').

B. Plan Size and Legibility:

1. The subdivision plan submitted for preliminary approval shall be a clear, legible black- or blue-line print on white paper, or suitable equivalent.
2. Preliminary plans shall be on sheets no larger than twenty-four (24) by thirty-six (36) inches. For small subdivisions, an alternate standard sheet size will be accepted. Final plans drawn in two (2) or more sections shall be accompanied by a key diagram showing the relative location of the sections.

C. Plan Information: All plans shall show or be accompanied by the following information as detailed in Table 301:

**Table 301 – Plan Content Requirements**

<b>Item</b>	<b>Complete or Not Applicable</b>	<b>Acceptable</b>
Proposed subdivision name or identifying title		
North point, scale, and County Assessment Lot Number and date		
A title/certificate block, containing the following:		
Name and address of owner of property and acknowledgement of subdivision		
Name and seal of registered design professional responsible for the plan		
Certificate of review by the Crawford County Planning Commission		
Certificate of review and approval by Township Planning Commission and Township Supervisors		
Tract boundaries with bearings and distances and total acreage being subdivided		
Existing zoning districts, and any abutting zoning districts (if different from subject parcel)		
All proposed lots with size and dimensions		
Any proposed building placement (land developments)		
Proposed lighting and landscaping plans (land developments)		
Contours at vertical intervals of two (2) feet. Areas of steep slope shall be identified as moderate steep slopes (16% to 25%) and very steep slopes (25%+). (Major Subdivisions and Land Developments only)		
All existing watercourses, lakes or ponds, floodways, floodplains, identified wetlands and other environmentally sensitive areas (including any abutting agricultural security areas)		
All existing property lines, easements and rights-of-way, and the purpose for which the easements or rights-of-way have been established		
Proximity to any public water source and identification of any activities that might impact the quality or quantity of such water sources. (Major Subdivisions and Land Developments only)		
Existing or proposed buildings, sewers, water mains, culverts, petroleum or gas wells or petroleum product lines, fire hydrants and other significant man-made features. Gas wells shall be marked as active, capped or abandoned		
All existing streets on or adjacent to the tract, including name, right-of-way width, and pavement width		
Location, name and width of all proposed streets, alleys, rights-of-way, and easements; proposed lot lines with approximate dimensions; playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use		
The names of owners of all abutting unplatted land and the names of all abutting subdivisions		
Identify any areas where non-agricultural earth disturbance will occur, including estimated acreage of disturbance		
A map for the purpose of locating the site to be subdivided at a scale, which illustrated the location of the site as it related to at least three (3) existing public streets		
Location of any proposed parking areas and access points to existing roads or streets		
Location of all permanent monuments and markers (final plan only)		
Accurate bearings and dimensions for all lots (final plan only)		
Section 420 Notice – PennDOT Highway Occupancy Permit information (if needed)		

- D. The preliminary plan shall include therein or be accompanied by:
1. All required permits and related documentation from the Pennsylvania Department of Environmental Protection (PA DEP) and any other Commonwealth agency, or from the County or Township where any alteration or relocation of a stream or watercourse is proposed.
  2. Documentation indicating that all affected adjacent municipalities, PA DEP, the Department of Community and Economic Development, and the Federal Insurance Administrator (flood insurance), have been notified whenever any alteration or relocation of a stream or watercourse is proposed.
  3. Copies of the proposed deed restrictions, or private covenants, if any, shall be attached to the preliminary plan.
  4. Proposed cross-sections, profiles and details of any new proposed streets, sewer or waterlines, storm sewer facilities, or any other public improvement.
  5. Where the preliminary plan covers only a part of the developer's entire abutting holdings, a statement on eventual development of those lands, including information on prospective eventual street layout, shall be provided.
- E. The final plan shall include therein or be accompanied by:
1. Construction plans including, but not limited to, typical cross sections, street profiles and drainage details for all streets. Such profiles shall show at least the following: existing (natural) grade along the proposed street centerline; proposed finished centerline grade or proposed finished grade; sanitary sewer and water mains and manholes; storm sewer mains, inlet, manholes, and culverts.
  2. Protective covenants, if any, in form for recording.
  3. Proof of approvals by all appropriate public and governmental authorities or agencies where applicable including, but not limited to, occupancy permits for any planned road entrances onto existing roads or highways, and permits or approvals from the Department of Environmental Protection, the Pennsylvania Department of Transportation, or other state or local agencies relating to sewage facilities, water obstructions, air quality, etc., as applicable.
  4. If public or community water or sewer is proposed, a letter from the agency providing said service that it can and will serve the proposed development.
- F. A Grading and Drainage Plan shall be required for major subdivisions and major land developments.

## **Article 4 – Design and Construction Standards**

All subdivisions and land developments shall comply with the standards of this Article, the Sadsbury Township zoning ordinance and any public and private improvements code or other construction specifications which shall be adopted by resolution or ordinance. In addition to these standards, the Township may require evidence of compliance with all other municipal, county, state, or federal laws or regulations.

### **401 – Density**

To provide for sufficient light, air, access, orderly design and freedom from hydrologic, geologic or topographic hazards, all subdivisions shall be designed in conformance with this section to determine allowable density in conformity with this article and the Sadsbury Township Zoning Ordinance, especially the definition of “lot area.” This section is included to supplement, rather than replace the zoning ordinance. Where there is a conflict or inconsistency between this section and the zoning ordinance, the zoning ordinance standards shall apply. The maximum number of lots permitted in a subdivision shall be calculated by dividing the net area, after deducting non-buildable land in conformance with this section, by the allowable lot size specified in the Sadsbury Township Zoning Ordinance.

Non-Buildable Areas Deduction: The following areas are regarded as non-buildable areas and shall not be considered in calculations of minimum lot size, density or dimensions. This shall be calculated by subtracting the acreage subject to the following constraints from total acreage of the tract.

- A. All lands within the rights-of-way of planned or existing public streets or highways, or within the rights-of-way of existing or proposed overhead utility lines.
- B. All land in designated floodplain.
- C. All land in designated wetlands or open water.
- D. All land with natural ground slopes exceeding twenty-five percent (25%).
- E. Retention ponds/areas for stormwater management.

Lots containing any steep slope, wetland, open water, right of way or floodplain shall be enlarged so that the buildable area or defined lot area (the area free of any nonbuildable or constrained land) meets the required lot area requirements of the applicable zoning district. These environmentally sensitive lands may be added to one or more lots or unsubdivided. A deed restriction or conservation easement may be required by the Township to prevent future subdivision and or development of environmentally sensitive areas. Where a conservation easement or deed restriction is required, such lands shall also show access to a public way or easement to ensure access. Nothing in this section is meant to prevent the creation of lots of greater than the net minimum size.

## 402 – Lots and Blocks

Location of Lots: All lots shall abut an existing or proposed public street (or approved private street) with at least fifty feet of lot frontage abutting the street right of way.

Lot Averaging: In major subdivisions of ten (10) lots or more (excluding original or residual tract), lots below the minimum standard may be allowed provided no lot is less than twenty-five percent (25%) below the minimum, the average of all newly created lots equals the stated minimum, and no substandard lot contains environmentally sensitive areas as described in Section 401. However, to avoid conflict with the zoning ordinance, all zoning yard and setback standards must be met.

Blocks: Blocks shall be not less than six hundred (600) feet in length. In the design of blocks larger than one thousand feet (1,000), special consideration shall be given to the requirements of satisfactory fire protection.

Flag Lots: Flag lots are permitted in limited cases where deemed necessary. However, no flag lot shall be more than twice the applicable minimum lot size unless accompanied by restrictions to prevent future subdivision or assurance that the “flag pole” portion could be developed as a future public street. No flag lot shall be permitted unless the “flag pole” portion is at least fifty (50) feet in width for its entire portion. The number or ratio of flag lots to all lots (including residual) must not exceed the following:

Subdivision of six (6) or fewer lots	May have up to one (1) flag lot
Subdivision of seven (7) or more lots	May have up to two (2) flag lots

Depth-to-Width Ratio: The depth-to-width ratio shall not exceed 4:1 unless in the case of lots of over four (4) acres in size.

## 403 – Monuments and Markers

- A. Monuments shall be set permanently at the intersections of all lines forming angles in the boundary of any major subdivision plan, at the intersections of all rights-of-way of street crossing any subdivision boundary and at the right-of-way intersection of all interior streets to be recorded.
- B. Marker pins shall be set permanently at all points of tangent and points of curvature along interior streets to be recorded and at all lot corners, or any points of changes of direction along lot lines.
- C. Monuments and marker pins shall be set in the field by a registered professional surveyor in accordance with bearings and distances shown on the recording drawing.
- D. Monuments shall be of permanent construction, and may consist of concrete with a brass or similar plate denoting exact points of intersection, or steel marker pins set permanently in concrete.
- E. Pins shall be of solid metal at least thirty (30) inches long and one-half (½) inch in outside diameter and shall be driven into the ground to finished grade.
- F. Any monuments or pins that are removed shall be replaced by a registered surveyor.

## 404 – Sewer and Water Systems

All subdivisions and land developments shall meet Act 537 sewage facilities planning requirements administered by the Township and the PA Department of Environmental Protection. All subdivisions or land developments not using on-lot systems (septic or individual wells) shall show evidence of an adequate sewer system and adequate water supply to serve the needs of the proposed development. All proposals for new community sewer or water systems shall be approved by the appropriate existing operating authority or agency. Proposals for new community sewer systems will be considered where they are consistent with the Township's Comprehensive Plan or the Township's Act 537 Plan. However, the Township may require additional performance guarantees to ensure the sound management of any individual community water or sewer system. Subdivisions and land developments shall be required to connect to an existing public or community sewer or water system if public service is available and is within five hundred (500) feet of the proposed development.

## 405 – Design Standards for Roads

- A. Minimum road right-of-way widths and cartway widths shall be as follows (See also Table 405.3 for other design criteria.):

Type of Street	Cartway With Curbs	Cartway <sup>2</sup> No Curbs	Right-of-Way	Shoulders
Cul-de-Sac street <sup>1</sup>	26 Feet*	20 Feet	50 Feet	6 Feet
Cul-de-Sac turnaround	60 Feet radius	60 Feet radius	75 Feet radius	6 Feet
Minor/Local	26 Feet*	20 Feet	50 Feet	6 Feet
Collector	28 Feet	22 Feet	60 Feet	8 Feet
Industrial/Commercial	28 Feet	24 Feet	60 Feet	8 Feet
Arterial	As prescribed by the Pennsylvania Department of Transportation Design Standards			

<sup>1</sup>Residential. Other cul-de-sacs follow commercial/industrial standards.

<sup>2</sup>Requires shoulders

\*Two 12-foot traffic lanes with 2 feet to top of "rolled gutter" curb.

As a matter of general policy, the Township prefers roads without curbs. Curbed streets shall only be permitted where essential for stormwater management.

In order to determine the classification of a residential street, the following two tables shall be used as a guide:

Table 405.1 – Street Classification

	Projected Daily Volume Traffic (ADT)
Cul-de-Sac	0-250
Minor/Local	0-1,000
Collector	1,000-3,000*

Source: Table 2-1, *Residential Streets*, 2<sup>nd</sup> Edition, American Society of Civil Engineers, National Association of Home Builders, Urban Land Institute

Table 405.2 – Residential Trip Generation Rates  
Daily Vehicle Trips Per Dwelling Unit

	<u>Weekday</u>	<u>Peak Hour</u>
Single-Family Detached	10.0	1.0
Apartments		
All	6.0	0.7
Low-Rise	7.0	0.7
High-Rise	4.0	0.4
Townhouses and Single-Family Condominiums	6.0	0.6

Source: Table 2-2, *Residential Streets*, 2<sup>nd</sup> Edition, American Society of Civil Engineers, National Association of Home Builders, Urban Land Institute – figures rounded.

**\*Note:** In the event the projected volume of a street exceeds three thousand (3,000) vehicles per day, then its design shall be based upon current PennDOT or other accepted engineering standards but in no event shall be less than the standards for a collector.

- B. In cases where a new subdivision is planned to join the road system on an existing subdivision, the above minimum requirements shall apply except where the existing streets and right-of-ways are larger than required. In this event, the Township may require that the new roads and right-of-ways be as large as those in the existing subdivision. Any road that is planned, though not already established, shall be continued at not less than its width as planned.
- C. Provisions for additional street width (right-of-way) may be required by the Township in specific cases for:
  - 1. Public safety and convenience.
  - 2. Parking in commercial and industrial areas and in areas of high-density residential development.
- D. General design criteria and construction specifications for streets not otherwise covered in this Ordinance shall be in accordance with specifications as set forth by the Township or the latest versions of *Publication 13M, Design Manual Pt 2, Highway Design*, *Publication 242, Pavement Policy Manual*, and/or other current manual or guide by the Pennsylvania Department of Transportation setting design and construction standards for local roads and streets.
- E. Cul-De-Sacs
  - 1. In no event shall a street be allowed to dead end without a permanent or temporary cul-de-sac.
  - 2. Residential dead-end streets (cul-de-sacs) may be permitted when it is clear that through traffic is not essential to the street system in that district, and under existing conditions. A dead-end street must have adequate turning space for vehicles, which shall include a minimum right-of-way radius of seventy-five (75) feet, and a minimum road edge (excluding shoulders) or curb radius of sixty (60)

feet. The entire turnaround area is to be paved. Cul-de-sacs shall be signed with a "No Outlet" sign for ingress traffic and a "Stop" sign for egress traffic. In no event shall a cul-de-sac serve more than twenty-five (25) dwelling units or exceed one thousand (1,000) feet in length. No dead end street shall connect to another dead end street.

Cul-de-sacs for commercial or industrial developments shall be designed to allow for the turn of a full-sized tractor and trailer combination.

F. Street intersections shall comply with the following requirements:

1. All curbs or pavement outer edge at intersections shall be rounded by a minimum radius of:

Street Type Radius	
Collector and Commercial	40 Feet
Minor, Local Streets	25 Feet
Industrial Streets	50 Feet
Arterial	PennDOT Standards

Thirty- (30) foot radii shall be used where minor streets intersect collector and/or commercial streets. All intersections with arterial streets shall use PennDOT standards.

2. Where the grade of any street at the approach to an intersection exceeds four percent (4%), a leveling area shall be provided, if possible, with a transitional grade not to exceed three percent (3%) for a minimum distance of fifty (50) feet from the nearest right-of-way line of the intersection.
  3. Intersections of more than two (2) streets shall not be allowed.
  4. Right-angle intersections shall be used whenever possible. Minimum street intersection angles shall be seventy-five (75) degrees.
  5. Intersecting streets shall be separated by three hundred fifty (350) feet or more, measured between centerlines along the intersecting streets.
- G. Horizontal curves shall be laid on all deflecting angles along the center line of streets, and the degree of curvature shall be set to assure adequate sight distance as required by Section 405 R.
- H. Vertical curves shall be used in changes of grade exceeding one percent (1%), and shall be designed to assure adequate sight distance as required by Section 405 R.
- I. In general, minor and collector streets shall not join into the same side of arterial streets at intervals of less than eight hundred (800) feet.
- J. Half streets shall be prohibited. If circumstances render this impractical, adequate provisions for the concurrent dedication of the remaining half of the street must be furnished by the developer. Where a half street exists in an adjoining subdivision, the remaining half shall be provided in the proposed development. The use of reserve strips

is prohibited.

- K. The provisions for the extension and continuation of major streets into and from adjoining areas are required. Where a subdivision abuts or contains an existing or proposed collector street, the Township may require reverse frontage lots or such treatments as will provide protection for abutting properties, reduction in the number of intersections with the major traffic streets, and separation of local and through traffic.
- L. When the subdivision adjoins un-subdivided acreage, new streets or reserved right-of-ways shall be provided through to the boundary lines of the development.
- M. Where a subdivision borders on or contains a railroad right-of-way, an arterial highway right-of-way, or a stream, ravine, steep hill, or swamp, the Township may require a street approximately parallel to and on each side of such right-of-way or other obstruction at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations, and for non-residential uses of land, where permitted.
- N. If the lots in a development are large enough for re-subdivision, or if a portion of the tract is not subdivided, suitable access and street openings for such re-subdivision shall be provided. *Note: This will not apply if subject land is to be held as permanent dedicated open space.* Such access or openings shall not be less than fifty (50) feet in width.

Table 405.3  
Design Criteria for Streets<sup>1</sup>  
(Not to Include Intersections)

Item	Type of Street			
	Commercial/ Industrial	Local/Collector	Residential Minor	Cul-de-Sac <sup>2</sup>
Maximum Grade	6.0%	6.0%	10.0%	7.0%
Minimum Grade	0.5%	0.5%	0.5%	0.5%
Minimum Centerline Radius	500 Feet	500 Feet	250 Feet	250 Feet
Tangent Between Curves	150 Feet	150 Feet	100 Feet	100 Feet

<sup>1</sup>For arterial roads, PennDOT standards will apply.

<sup>2</sup>Please see cul-de-sac definition. A cul-de-sac is the entire street, not merely the vehicular turnaround.

- O. All required traffic control devices shall comply with, and be installed in accordance with, Commonwealth of Pennsylvania Department of Transportation, Title 67, Chapter 211, Publication 68. Additionally, it shall be the developer's responsibility to perform all required traffic and engineering studies in accordance with PennDOT, Title 67, Chapter 201 for all traffic control devices.
- P. Private driveways shall be permitted if they serve no more than two (2) lots and limits are in place to prevent further future subdivision. No private driveway will be permitted without a maintenance agreement clearly detailing which lots are responsible for snow removal and other maintenance costs.
- Q. Private roads shall be permitted if they are part of a non-residential land development, condominium development, or multiple-family dwellings, or the developer can

demonstrate there is no possible present or future public interest in such a road. All private roads shall meet public road design and construction criteria.

Construction and paving standards must be compliant with municipal specifications adopted by resolution and available from the Township.

- R. Adequate sight distances for alignment and intersections of proposed streets, and for driveway access points for land developments, shall be determined by standards of the Pennsylvania Department of Transportation.

#### **406 – Design Standards for Sidewalks and Curbs**

- A. Curbs: Generally, curbs are not encouraged for Township roads. When curbs are installed, the following criteria are to be followed:
1. Where sidewalks are installed, curbs shall be depressed at intersections to sufficient width to accommodate wheelchairs. Depression shall be in line with sidewalks. Note: Appropriate Federal Americans With Disabilities Act standards shall be used.
  2. All curbs and curb cuts shall be constructed in accordance with the PennDOT construction specifications.
- B. Sidewalks: The developer may cause to have sidewalks installed, but design, ownership and maintenance of such sidewalks shall remain the responsibility of individual homeowners or another instrument, such as a condominium association.
- C. Construction: Where installed, sidewalks shall have a minimum width of four (4) feet, meet requirements of the Americans With Disabilities Act, and be constructed in accordance with PennDOT construction specifications.

#### **407 – Utilities**

Gas, electric, telephone, and cable utilities shall be located in subdivisions in accordance with utility company practice and in accordance with agreements with, or as approved by the Township of Sadsbury. All buried utilities must be installed prior to the road subbase construction. All buried utilities located within the roadway must be backfilled with the same material and compaction requirements as specified for storm or sanitary sewer backfill within roadways.

#### **408 – Stormwater Management Facilities**

A Storm Water Management Plan meeting the requirements of the Pennsylvania Storm Water Management Act and the Township of Sadsbury Stormwater Management Ordinance or any Public and Private Improvements Code shall be submitted, approved by the Township engineer and implemented.

## **409 – Street Naming and Addressing**

Street names shall be proposed for each new street. Continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets. All street names are subject to the approval of the Township and the Crawford County Emergency Management Agency.

## **410 – Traffic Study**

- A. A traffic study provided and paid for by the developer shall be required for a subdivision or land development which:
  - 1. Creates fifty (50) or more new residential lots or residential dwelling units.
  - 2. Creates 20,000 square feet or more of gross floor area of new or expanded building space.
  - 3. Any land use that can be expected to generate 750 or more vehicle trips per day or 100 or more peak hour directional trips. Peak hours shall be determined consistent with the most current edition of *Trip Generation*, by the Institute of Transportation Engineers.
  - 4. The Planning Commission and Sadsbury Township reserve the right to require a traffic study in any other circumstances where they believe that a subdivision or land development will result in an increase of congestion along a key transportation corridor, or a significant decrease in level of service at any intersection.
- B. The need for a traffic study may be identified during preliminary plan approval, using standard references (PennDOT or Institute of Transportation Engineers), or the developer may choose to prepare the study prior to preliminary plan submission. Noncompliance with this section may be regarded by the Township as a basis to not approve a subdivision or land development plan. The Township Engineer or other designee of the Township shall approve the traffic study scope of work for completeness.
- C. Traffic Study Standards: A qualified Traffic Engineer shall conduct the study. The following represents a traffic study scope of services. The Township may waive some, or add to the requirements on a case-by-case basis:
  - 1. Description of the proposed project in terms of land use type and magnitude.
  - 2. An inventory of existing conditions in the site environs (¾- to 1-mile radius).
  - 3. Roadway network and traffic control.
  - 4. Existing traffic volumes in terms of peak hours and average daily traffic.
  - 5. Planned roadway improvements by others.
  - 6. Intersection levels of service.

7. Roadway levels of service (where appropriate).
8. Other measures of roadway adequacy (i.e., lane widths, traffic signal warrants, vehicle delay studies, etc.).
9. An analysis of existing traffic conditions, including:
  - a. Intersection levels of service;
  - b. Roadway levels of service (where appropriate); and
  - c. Other measures of roadway adequacy (i.e. lane widths, traffic signal warrants, vehicle delay studies, etc.).
10. Projected site - generated traffic volumes in terms of:
  - a. Peak hours and Average Daily Traffic;
  - b. Approach/departure distribution including method of determination;
  - c. Site traffic volumes on roadways; and
  - d. Comparison of existing zoning to proposed site generation.
11. An analysis of future traffic conditions including:
  - a. Future design year (development fully completed) combined volumes (site traffic plus future roadway traffic);
  - b. Intersection levels of service;
  - c. Roadway levels of service (where appropriate); and
  - d. Other measures of roadway adequacy (i.e., lane widths, traffic signals warrants, vehicle delay studies, etc.).
12. A description of the recommended access plan and necessary improvements, including:
  - a. Schematic plan of access and on-site circulation; and
  - b. General description of off-site improvements required.

## **Article 5 – Improvements Guarantees**

Applications for subdivisions or land developments including public improvements regulated by this Ordinance shall be governed by the provisions in this Article and in the PA Municipalities Planning Code for the installation of said improvements.

### **501 – Guarantee of Improvements Installation Required**

- A. Before approving any subdivision or land development plan for recording, the Board of Township Supervisors shall require that the Township be assured by means of a proper development agreement and performance guarantee that the improvements required by this Ordinance and the improvements appearing on the plan will be installed in strict accordance with the standards and specifications of this Ordinance, unless a developer chooses to install all required improvements prior to construction of any building in place of using performance guarantees, in which case, the Township shall, as deemed necessary, require the developer to have adequate insurance, hold harmless agreements, an escrow account to cover the costs of inspections and a professional estimate of the costs of the improvements (to be used to establish the amount of the inspections escrow).
- B. Purpose of Security: The security required by this Article shall stand as security for compliance with all Township ordinances, other laws, covenants, stipulations, conditions and rules applicable to the subdivision or land development for which it is filed.
- C. No construction of buildings or paving or sales of any individual lot or condominium unit within a subdivision or land development shall take place in any subdivision unless:
  - 1) there is on file, with the Township, current duly executed and approved security, or
  - 2) all rough site grading is complete and all required public improvements, utilities, streets, drainage facilities, sewers, and such optional but planned improvements as street lights have been completed and accepted by the Board of Supervisors.

### **502 – Improvements to be Provided by the Applicant**

- A. In all cases, the subdivider or land developer shall be responsible for the installation of all improvements required by this Ordinance.
- B. The Township Engineer or other designee shall make such inspections of the required improvements at such intervals as may be reasonably necessary to assure compliance with this Ordinance. The reasonable costs of such inspection shall be borne by the subdivider or land developer, making use of an escrow account.

### **503 – Development Agreement**

- A. Development Agreement Required
  - 1. All applicants proposing any subdivision or land development which provides for the installation of improvements required by this Ordinance or any improvements or amenities which appear on the final plan shall be required to enter into a legally binding development agreement with the Township prior to recording of the final plan, unless the applicant agrees to meet Section 501 A. concerning the

construction of all improvements prior to the construction of any buildings or the sale of any lots or home sites.

2. The development agreement shall guarantee the installation of said improvements in strict accordance with all Township requirements.
3. The final plan shall not be approved for recording prior to the execution of this agreement and the delivery of the performance guarantee.

B. Terms of Development Agreement: The development agreement shall be acceptable in legal form to the Township Solicitor and shall be acceptable in content to the Township. The Township may require that a development agreement include any of the following items, where applicable, and such additional items as are necessary to carry out this Ordinance:

1. The construction depicted on the approved plans, listed in itemized format, including all approved streets, drainage facilities, utility lines and other improvements.
2. A work schedule setting forth the beginning and ending dates of such work tied to the construction of the development and provisions to allow proper inspection by the Township Engineer.
3. The provision of a performance guarantee for completion of required improvements in compliance with Section 504, including a detailed breakdown of the estimated costs of the Improvements, including the total amount of the performance guarantee.
4. Provisions concerning the developer's responsibilities for damage to other property, including maintenance by the developer of public liability insurance for the duration of improvements construction, with a hold harmless clause to protect the Township from liability related to such work. A copy or other evidence of such liability coverage shall be provided to the Township prior to such work.
5. Provisions concerning measures to prevent erosion, sedimentation and water damage to the subject and adjacent properties.
6. Provisions for the dedication of streets, water and sewer lines and any other easements or improvements approved to be dedicated.
7. Provisions for the developer to reimburse the Township for all reasonable professional consultant fees directly related to the review, construction, and inspection of the proposed development and to the review and preparation of the development agreement.
8. Provisions concerning any violations of the development agreement.
9. Any other lawful terms which the Township may require to carry out the provisions of this Ordinance.

10. Signatures: The development agreement shall be signed by all responsible landowners and/or developers.

C. Ownership of Land and Guarantee

1. A certificate of ownership shall be executed in the exact name in which title is held. If the developer(s) of the subdivision is someone other than the landowner(s) of the subdivision, the developer shall also execute its affidavit, along with a security agreement.
2. Change in Ownership or Developer: Any conveyance of all or a substantial portion of the unimproved lots or public improvements or streets of any subdivision or change in developers, whether voluntary or by action of law or otherwise, shall require the prior approval of the Township. In giving or denying said approval, the Township shall require that such new landowner and/or developer fully assume all applicable responsibilities under the development agreement and post all the appropriate security agreements.

- D. Utility Agreements: If a development will connect into a public water or public sanitary sewage system, the applicable authority, agency or company may also require separate development agreements.

**504 – Performance Guarantee**

The performance guarantee for completion of required improvements shall meet the following requirements:

A. Security

1. The guarantee shall be secured by the credit of any of the following:
  - a. An irrevocable and unconditional letter of credit of a federal or state-chartered lending institution;
  - b. A restrictive or escrow account in a federal or state-chartered lending institution; or
  - c. Such other financial security approved by the Township (which approval shall not be unreasonably withheld), but not including a second or third mortgage on the unimproved lands.
2. Such approved security shall provide for, and secure to the public, the completion of any improvements which may be required within one (1) year of the date fixed in the Development Schedule (see Section 503.B.2) for the completion of such improvements.
3. Such financial security shall be posted with a federally insured or state-chartered lending institution chosen by the party posting the financial security, or such other approved entity, provided such institution or entity is authorized to conduct such business within the state.

- a. The Township may require that evidence be provided that such institution or entity has sufficiently adequate and secure assets to cover the security.
- b. The Township shall be the authorized signatory on any account in which the escrow funds are held.

**B. Amount**

1. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer in the official development schedule (see Section 503.B.2), and within the process for increases to cover inflation as permitted by the Pennsylvania Municipalities Planning Code.
2. The cost of the improvements shall be established by an estimate prepared by a Pennsylvania Registered Professional Engineer, which shall be reviewed by the Township Engineer. Any disagreements relative to estimated costs shall be governed by the resolution process set forth by the Pennsylvania Municipalities Planning Code.
3. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by a maximum of an additional ten percent (10%) or each one- (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one- (1) year period by using the above procedure.

- C. Multi-Year or Multi-Stage Development: In the case where development is projected over a period of years, the Township may authorize submission of final plans by phases/stage of development subject to such requirements or improvement guarantees concerning future improvements as it finds necessary for the proper functioning of each phase and for the eventual development as a whole.

**505 – Approval of Improvements**

- A. In General: As the work of installing the required improvements proceeds, the party posting the financial security may request the Township to release or authorize the release, from time to time, portions of the financial security necessary for payment to the contractors performing the work. Such request shall be in writing addressed to the Board of Supervisors.
- B. Notice by Developer of Work on Improvements: The developer or his/her representative should provide a minimum of three (3) days' notice to the Township Engineer prior to beginning each major facet of construction, in order to allow the scheduling of inspections.

C. Engineer's Report:

1. Within thirty (30) days of the receipt of such request, the Township Engineer shall submit a written report to the Board of Supervisors certifying which improvements have been completed in accordance with the approved plan, and mail a copy of such, by certified or registered mail, to the developer or his/her representative at his/her last known address.
2. This report shall be based on the inspections made according to the approved inspection schedule included in the development agreement and shall recommend approval or rejection of the improvements, either in whole or in part.
3. If the Township Engineer finds any or all of the improvements to be not as required, he/she shall include a statement of the reasons for recommending their rejection in the report.

D. Decision by the Township Board of Supervisors:

1. At its first regularly scheduled meeting after receiving the Engineer's report [but not later than forty-five (45) days of the receipt of the developer's request] the Board of Supervisors shall review the Engineer's report and shall authorize release of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed.
2. The Township shall be deemed to have approved the release of funds as requested if the Township fails to act within forty-five (45) days of receipt of the developer's request.
3. Until final release (completion of all improvements), the Township may require retention of a maximum of ten percent (10%) of the cost of each completed improvement.
4. The Township shall notify the developer in writing by certified or registered mail of its decision.

E. Completion of Unapproved Improvements: The developer shall proceed to complete any improvements not approved by the Township and, upon completion, request approval in conformance with the procedures specified in Section 505.

F. Final Release:

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall request final release in conformance with the procedures specified in Section 505. See time limitations and procedures in Section 510 of the Municipalities Planning Code.
2. Such final release shall include all monies retained under Section 505.D.3.

G. Appeal. Nothing herein, however, shall be construed to limit the developer's right to contest or question by legal proceedings or otherwise any determination of the Township or the Township Engineer.

## **506 – Remedies to Effect Completion of Improvements**

- A. Enforcement of Security: In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plan, or in the event of the bankruptcy of the owner or developer, the Township is hereby granted the power to elect to enforce any security posted under this Ordinance by appropriate legal and equitable remedies. This may include taking all actions necessary to obtain monies under said security, including but not limited to prosecution under this Ordinance.
- A. Completion by the Township: If the proceeds of such security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Township 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 monies necessary to complete the remainder of the improvements and all other related costs from such action.
- B. Proceeds for Installation of Improvements: The proceeds from use of the security and/or from any legal or equitable action brought against the developer shall be used solely for the installation of the improvements covered by such security.

## **507 – Maintenance Guarantee**

- A. Maintenance Guarantee Required: All applicants proposing any subdivision or land development which provides for the dedication of improvements required by this Ordinance shall be required to provide a legally binding maintenance guarantee to the Township prior to acceptance of dedication of the improvements by the Township. In most cases, this guarantee will be part of the security agreement.
- B. Terms of Maintenance Guarantee: The maintenance guarantee shall be acceptable in legal form to the Township Solicitor and in content to the Supervisors, and shall include all of the following:
  - 1. That the applicant make any repair or reconstruction of any improvement stipulated in the maintenance agreement which is specified by the Township if needed because of faulty construction, workmanship, or materials, prior to acceptance of such improvement by the Township;
  - 2. That the applicant maintain at his/her own cost all improvements stipulated in the maintenance agreement, up to a maximum period of eighteen (18) months from the date of completion, except for any special purpose escrow or maintenance agreements required by the Township;
  - 3. That the applicant post 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 maximum term of eighteen (18) months from the date of completion; and
  - 4. That the developer plow snow and maintain all streets until such time as the Township may accept such streets.

- C. Type of Security: The maintenance guarantee shall be secured by the same form of security as is permitted for the improvements guarantees.
- D. Terms: Such maintenance guarantee shall be in the form approved by the Township Solicitor and Supervisors, payable to the Township, to guarantee the maintenance and repair of the streets and other public improvements in the subdivision or, land development for eighteen (18) months from the date of completion. The applicant shall prove to the satisfaction of the Township that there will be an acceptable system for the long-term maintenance of any stormwater detention basins.
- E. Amount: The amount of the maintenance guarantee shall be determined by the applicant's engineer, conditioned upon acceptance by the Board of Supervisors, but shall not exceed fifteen percent (15%) of the actual cost of installation of such improvements.
- F. Release: After a maximum of eighteen (18) months from the date of completion of said improvements, the Township shall release the maintenance guarantee to the developer (or party that posted the guarantee) if all improvements are in satisfactory condition, as determined by the Township.

## **Article 6 – Administration, Amendment and Modifications**

### **600 – Amendments**

The Township may from time to time revise, modify and amend this Ordinance by appropriate action in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

### **601 – Filing Fees and Review**

The filing fee for subdivision plans shall be established by the Township. Such filing fees shall include those for land development and may be separate for various alternative forms of land development. Review fees shall include the review of subdivision plans, mobile homes park plans, land development site plans, and requests for modifications. Review fees may also include the field inspection of such plats, plans or site plans or their final inspection. The fees charged shall be in accordance with 503(1), 509, and 510 of the Pennsylvania Municipalities Planning Code.

### **602 – Records**

The Township shall maintain an accurate public record of all plans upon which it takes action and of its findings, decision and recommendations in relation thereto.

### **603 – Preventive Remedies**

- A. In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- B. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop or utilize 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 a permit or approval shall apply to any of the following applicants:
  - 1. The owner of record at the time of such violation.
  - 2. 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.
  - 3. 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.
  - 4. 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 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.

- C. The Township may also initiate and maintain civil action:
  - 1. To obtain a writ of injunction against the subdivider who attempts the improper sale, lease, or conveyance of land.
  - 2. To set aside and invalidate any conveyance of land made prior to recording of any subdivision or land development.

#### **604 – Enforcement Remedies**

- A. Any person, partnership or corporation who or which has violated the provisions of this Subdivision and Land Development Ordinance enacted under the Pennsylvania Municipalities Planning Code or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00) per violation, 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 was a good-faith basis for the person, partnership, or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- B. The Court of Commons Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

#### **605 – Modification of Regulations**

- A. The Township may grant a modification of the requirements of one (1) or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, or when an alternative standard can be demonstrated to provide equal or better results, provided that such modification will not be contrary to the public interest, and that the purpose and intent of this Ordinance is observed.

- B. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.
- C. Requests for modifications shall be reviewed by the Sadsbury Township Planning Commission prior to action by the Board of Supervisors.
- D. The Township shall keep a written record of all actions on all requests for modification.
- E. The Township may approve or deny the request for modification. If the Board of Supervisors approves the request for modification, it shall authorize the minimum modification from this Ordinance that will afford relief.
- F. All requests for a modification must be reviewed by the Township Engineer and approved by the Board of Supervisors. All fees associated with modifications shall be paid by the developer.

#### **606 – Recording of Modification**

In granting a modification, the Township shall record its actions and the grounds for granting the modification in its minutes. A statement showing the date that such modification was granted shall be affixed to the final plan.

#### **607 – Conflict**

Whenever there is a difference between the minimum standards or dimensions specified herein and those contained in other regulations, resolutions or ordinances of Sadsbury Township, the highest or most restrictive standards shall govern.

#### **608 – Appeals**

The decision of the Township with respect to the approval or disapproval of plans may be appealed pursuant to the provisions of the Pennsylvania Municipalities Planning Code.

#### **609 – Interpretation**

In the interpretation and the application of the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare.

## **Article 7 – Land Development Standards**

### **701 – Jurisdiction**

In defining the term “land development,” the Pennsylvania Municipalities Planning Code (MPC) recognizes both subdivisions and other forms of land development. This Article sets forth the standards for these other land developments. It shall be unlawful for an applicant to construct a land development as defined in the definitions section of this Ordinance without complying with standards set forth in this Article. Additional criteria for certain land developments are covered in subsequent sections in this Article.

### **702 – Provisions for Minor Land Development**

A land development that meets either of the following standards shall be classified as a minor land development. It will be regarded as approved and will not be required to submit additional applications to the Township of Sadsbury, and will not be required to record the land development, provided it has submitted a zoning permit application and complies with the Township of Sadsbury Zoning Ordinance and obtains all needed permits.

- A. It involves a building, building addition, or combination or group of buildings of less than five thousand (5,000) square feet gross floor area; and involves a non-agricultural earth disturbance of less than one (1) acre; and generates less than one hundred (100) peak-hour vehicle trips in one direction per the *Trip Generation Manual* (Institute of Transportation Engineers latest edition); OR
- B. It is a multi-family dwelling development involving fewer than five (5) dwelling units.

Consideration as a minor land development shall not include development of any lot, tract, parcel, site, or other division of land or portion thereof that had received previous approval as a land development within ten (10) years prior to the submission of the application, where the cumulative effect of combining said current and prior land developments would result in a land development not meeting the criteria of this section. If such prior approval has taken place, this and all previous applications combined shall be considered a single application for purposes of classification.

### **703 – Procedures for Major Land Development**

A land development not meeting the standards in Section 702 shall be classified as a major land development and follow the procedures established in this Ordinance for major subdivisions: pre-submission conference (optional, not mandatory), preliminary site plan, and final site plan.

Unless otherwise noted, the processing requirements, drawing size, certifications, acknowledgments, number of copies, etc. for submission of land development site plans shall be the same as for a subdivision, and the final site plan shall be recorded in the Crawford County Recorder's Office.

### **704 – Final Plan Review**

In addition to other final plan requirements for a major subdivision, the following items shall be included for final plan review for all land developments, as applicable:

- A. Site plans, as required in this Article, engineering plans detailing the construction of all required improvements, and other data information establishing compliance with the design standards of this Article.
- B. Proof of approvals by all appropriate public and governmental authorities or agencies where applicable including, but not limited to, permits for any planned road entrances onto existing roads or highways (PennDOT or municipal) and permits or approvals from the Department of Environmental Protection or other state agencies relating to sewage facilities, water obstructions, air quality, etc., as applicable.
- C. In case of multi-owner or multi-tenant developments, proof of the organization and means for management and maintenance of common open space, parking and other common utilities or improvements. Instruments demonstrating creation of an association or entity or other means of assuring continuing maintenance shall be required.

## **705 – Site Plan**

In lieu of a plot plan, the developer shall submit a site plan. Such plan shall be at a scale determined as follows:

- A. If the size of the proposed land development is five (5) acres or smaller, (including buildings, parking and nonagricultural earth disturbance areas) the site plan shall be drawn to a scale of one (1) inch equals fifty (50) feet (1" = 50').
- B. If the size of the proposed land development is between five (5) acres and ten (10) acres (including buildings, parking and nonagricultural earth disturbance areas) the site plan shall be drawn to a scale of one (1) inch equals one hundred (100) feet (1" = 100').
- C. If the size of the proposed land development is over ten (10) acres (including buildings, parking and nonagricultural earth disturbance areas) the site plan shall be drawn to a scale of one (1) inch equals two hundred (200) feet (1" = 200').

Where it is planned that building, parking lot, and earth disturbance of the land development will cover an area in excess of five (5) acres, topographic data at two- (2) foot contour intervals shall be included on the site plan.

In addition to the other requirements for preliminary and final subdivision and land development plans set forth, as applicable, each land development site plan shall, through one or more pages, show:

- A. Existing site conditions (topography, drainage, tree clusters, buildings, utilities, streets, and neighboring properties).
- B. Proposed developments, including building footprints (with frontal elevation), parking, vehicular and pedestrian access areas, storm drainage, landscaping, utility location and size.

## **706 – Design Standards for Major Land Developments**

Major land developments shall meet the following design requirements. It is recognized by the Township of Sadsbury that the design process should be somewhat flexible, pursuant to the

intent of Section 503(5) of the Pennsylvania Municipalities Planning Code.

Generally, the criteria and design for facilities for transportation and parking shall be based upon accepted professional publications and/or resources.

#### 706.1 General Design

- A. The developer shall make satisfactory provision for the improvements necessary to the proper functioning of the development, including but not limited to, street access signs, water supply facilities, sewage disposal facilities, and stormwater management.
- B. The development plan shall provide for adequate privacy, light, air and protection from noise through building design, street layout, screening, plantings and placement of buildings.
- C. All land developments required to submit plans for approval by the Pennsylvania Department of Labor and Industry shall show evidence of approval by that agency.
- D. Where applicable, proof of a Highway Occupancy Permit (PennDOT) or similar driveway/road access permit shall be required.

#### 706.2 Transportation

- A. Vehicular access connections to the surrounding existing street network shall be safe, shall have adequate sight distances, and shall have the capacity to handle the projected traffic.
- B. Streets may be planned for dedication to the public or may be planned as private streets to be maintained by the developer or other association or entity. Public streets shall comply to the standards set forth by Article 4 of this Ordinance.
- C. For multi-building major land developments, a complete interior pedestrian circulation plan shall be submitted by all developers indicating the safe and efficient movement of people within and through the site. All traffic, parking, and pedestrian plans shall be completed using such standard resource criteria as provided by the American Planning Association or the Institute for Transportation Engineers (ITE). Copies of any traffic studies required by the Pennsylvania Department of Transportation for road access or signalization will be provided to the Township. That study will be reviewed for completeness using the most current publications of the Institute of Transportation Engineers. If the study does not cover the recommended practices of the Institute of Transportation Engineers, supplemental data will be required.

706.3 Waste Storage and Disposal: Waste storage and disposal areas for the land development shall be planned and constructed in a way that they are shielded from the public right-of-way or neighboring properties.

#### 706.4 Parking

- A. A parking and access plan shall be submitted along with estimated traffic flows. The developer shall demonstrate that the proposed parking/access layout is adequate for the proposed development, based upon standard parking capacity measurements, including

number of spaces per anticipated development type.

- B. Number of Parking Spaces Required: The number of off-street parking spaces provided shall be based upon the Township zoning ordinance.
- C. Parking Space Size and Access: Shall be provided pursuant to standards within the Township zoning ordinance.
- D. Parking Lot Surfacing: Paving or other surfacing shall be completed per the standards of the Sadsbury Township Zoning Ordinance
- E. Drainage and Stormwater Control: All parking and loading areas and access drives shall have either:
  - 1. A mud- and dust-free surface, graded with positive drainage, and using pervious material to prevent the flow of surface water onto neighboring properties; or
  - 2. A paved surface, graded with positive drainage to prevent the flow of surface water onto neighboring properties. Paved off-street parking lots in excess of twenty thousand (20,000) square feet shall have minimum eight (8) foot planting strips between the parking lot and all lot lines to be planted with one (1) hardwood or coniferous tree per each twenty (20) parking spaces or combination thereof. Eight percent (8%) of the total interior space shall be devoted to interior planting strips to be maintained in trees, shrubbery, and/or annual plants designed in pervious dust- and mud-free material. Interior planting strips shall be at least eight (8) feet wide unless protected by a bumper block set back two (2) feet from the edge of the planter strip. Drainage plans shall take full advantage of pervious material areas. Plantings along access road(s) frontages shall be planted with low-growing shrubs [three (3) feet or under in height at maturity] or deciduous trees spaced in a manner as to allow clear vision between the parking areas and the access road(s).
- F. Location and Parking: Required parking spaces shall be located on the same lot with the principal use.
- G. Screening, Landscaping and Setbacks: Off-street parking areas for more than twenty-five (25) vehicles and off-street loading areas shall be effectively screened on any side that adjoins a dwelling, residential district, or platted residential lots.
- H. Parking areas in excess of twenty thousand (20,000) square feet shall maintain easements to connect to existing or potential future parking lots on the same or abutting parcels.
- 706.5 Stormwater Management: A Stormwater Management Plan meeting the requirements of the Sadsbury Township Stormwater Management Ordinance shall be provided.
- 706.6 Landscaping: For multi-building land developments over ten thousand (10,000) square feet in gross floor area, a complete landscaping plan shall be submitted that includes a complete interior landscape plan in addition to a landscaped transition to adjoining properties. Landscape treatment shall be provided to enhance architectural features, manage stormwater runoff or provide energy conservation through climate control.

- 706.7 Exterior Lighting: Exterior lighting, when used, shall be of a design and size compatible with adjacent areas and in accordance with the standards of the Illuminating Engineer Society. Specifically, lighting shall be designed to reduce glare and excessive illumination to surrounding properties while providing for public safety. Full cutoff fixtures, will be required.
- 706.8 Water and Sewer: Water and sanitary sewer service shall be provided in accordance with the standards and requirements of the providing agency.
- 706.9 Utilities: Gas, electric, telephone and cable utilities shall be located in land developments in accordance with utility company standards and requirements. All such utilities shall be underground.

## **707 – Assurance for Completion and Maintenance of Improvements**

Insofar as the land development involves the lease or rental of buildings and/or space on the site and site improvements (such as streets, parking areas and stormwater drainage devices), which are to be privately maintained or maintained by a private (non-public) organization or entity created by the developer, there may be no need for municipal acceptance of the site improvements. However, in these instances where public acceptance is requested, such streets and stormwater drainage shall be designed and built to the standards established in this Ordinance. Where the developer does not intend to maintain the improvement and where a homeowner's association or similar organization will not be organized for these responsibilities, the developer will submit a plan for maintenance of such facilities. This document will be legally enforceable, one clearly establishing maintenance responsibility. It must be approved by the municipality or any accepting authority.

Land Developments shall be subject to Improvement Guarantees requirements in Article Five of this ordinance.

## **708 – Additional Criteria for Multi-Family Dwellings**

- A. Consistency with Zoning: Multiple family dwellings may only be constructed as consistent with all applicable standards of the Sadsbury Township Zoning Ordinance, including the definition of "dwelling unit".
- B. Recreation Area: Multi-family dwellings shall reserve no less than ten percent (10%) of total lot area as passive or active recreation space for the benefit of residents. This land shall be suitable for the purpose for which it is proposed.

## **Article 8 – Mobile Home Parks**

### **801 – Applicability**

- A. Mobile home parks shall be permitted only where in conformity to the Sadsbury Township Zoning Ordinance.
- B. Where it is intended by the owner or developer to offer mobile home lots for sale, standards set forth under applicable design standards for a residential subdivision shall be applicable.
- C. After a final plan is approved and all improvements completed, each mobile home lot shall require a separate building permit bearing the lot number assigned to it on the approved site plan. Fees for these building permits shall conform to those established in the fee schedule established by the Township.
- D. Removal of Mobile Homes: No mobile home, whether installed on a single lot or in a mobile home park shall be removed from the municipality without first obtaining a permit from the official charged with the collection of municipal real estate taxes. Such a permit for removal will be issued upon payment of any applicable fee established by resolution and payment of all outstanding real estate taxes, personal taxes, and water, sewer, and utility bills owed by any having occupied the mobile home.

### **802 – Park Design Requirements**

- A. Minimum Park Area - A mobile home park shall have a gross area of at least five contiguous acres of land, unless each individual mobile home lot meets the lot size and yard criteria of the district for single family residential dwellings for the applicable zoning district.
- B. Individual Lots - The planning and location of individual lots shall be guided by the following requirements:
  - 1. Access - Each lot shall be directly accessible from an approved internal street without the necessity of crossing any other space.
  - 2. Size - Each mobile home lot shall have a minimum lot width of fifty (50) feet and a minimum of five thousand (5,000) square feet in area, unless the mobile home park is less than five acres, whereupon the alternative standards 802A shall apply as the minimum.
- C. Site Location - The location of all mobile home parks shall comply with the following minimum requirements:
  - 1. Free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects and rodents;
  - 2. Not subject to flooding or subsidence;
  - 3. Not subject to hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare; and

4. Parks shall be designed to serve the long-term placement of mobile homes

D. Foundations/Stand

1. Each mobile home lot shall be improved to provide an adequate foundation for the placement of the mobile home in a fixed position following installation guides for each unit as specified by the manufacturer and the Pennsylvania Uniform Construction Code.
2. The location of each mobile home stand shall be at such elevation, distance and angle in relation to the access street so that the removal of the mobile home is practical.
3. The size of each mobile home stand shall be suitable for the general market to be served by the individual park, be sufficient to fit the dimensions of mobile homes anticipated, and sufficient to handle any appurtenant structures and appendages, including prefabricated "Florida rooms," car ports and storage structures.
4. A one percent (1%) to five percent (5%) gradient longitudinal crown or cross gradient for surface drainage shall be provided.
5. Mobile home stands shall be either concrete pads or piers. The piers shall be set in accordance with the Pennsylvania Uniform Construction Code.
6. Each mobile home stand shall provide adequate tiedowns, which meet the requirements of the Pennsylvania Uniform Construction Code.

- E. Park Areas for Non-Residential Uses: No part of any park shall be used for non-residential purposes except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.

F. Yard Requirements

1. Mobile homes shall be placed so as to be separated from each other and from the adjoining pavement of a mobile home park street or common parking area by at least thirty (30) feet.
2. All structures in the mobile home park shall be set back at least fifty (50) feet from the mobile home park property line and any adjacent public road right of way.
3. Mobile homes shall be located a minimum of fifty (50) feet away from any common building or structure.

- G. Identification - Each lot shall have a number placed on the lot in the form of a sign or directly on the mobile home. It shall be arranged in such a way so that it is visible from the road on which the mobile home or lot is fronting.

- H. Skirting: The plans shall specify that skirting shall be provided on all mobile homes in conformity with all Pennsylvania Uniform Construction Code Requirements.

- I. Drainage: A stormwater management and drainage plan shall be submitted for the entire tract, meeting the requirements of applicable parts of this Ordinance and the Sadsbury Township Stormwater Management Ordinance and approved by the Township Engineer.
- J. A sedimentation and erosion control plan shall be developed for the site, conforming to PA Department of Environmental Protection standards.
- K. Internal Street System: The internal street system in privately owned mobile home parks shall be privately owned, constructed and maintained in accordance with the Section 405 of this ordinance, excepting street widths, which shall be governed by the following minimum requirements:
  - 1. Street cartway widths shall be adequate to accommodate anticipated traffic, and in any case, shall meet the following minimum requirements:
    - Cartway Width
    - One or two-way, with no parking 22 feet
    - One or two-way, with parking on one side 28 feet
    - One or two-way, with parking on both sides 34 feet
  - 2. Street Width at Access Points. At points where general traffic enters or leaves the park, streets shall be thirty-five (35) feet in width within twenty (20) feet of the existing public street to permit free movement from or to the stream of traffic on the public street, and no parking shall be permitted which in any way interferes with such free movement.
  - 3. Cul-De-Sac Streets are not permitted in a mobile home park.
- L. Parking Spaces. Off-street parking spaces, at minimum size of 10 x 18 feet, shall be provided in sufficient number to meet the needs of the occupants of the property and their guests, without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two (2) parking spaces for each mobile home lot, located in clearly-delineated adjacent parking bays on each mobile home lot. If no on-street parking is permitted, then an additional parking space for each four (4) lots shall be provided for guest parking and for delivery and service vehicles. Required car parking spaces shall be located for convenient access to mobile home stands. Parking of cars, recreational vehicles, travel trailers, boats and trailers or accessories shall only be permitted in mobile home lot parking bays or designated common parking areas in the mobile home park.
- M. Recreation. For each proposed park at least fifteen percent (15%) shall be reserved or dedicated for recreation purposes with appropriate location, dimensions and topographic characteristics, which lend themselves to recreational use.

### **803 – Utility and Fire Requirements**

- A. Water Supply - The developer must provide a safe and adequate water supply and distribution system serving all mobile homes and service buildings in the development, including sufficient water supply, mains, and hydrants for fire protection, by either of the following two alternatives:

1. Constructing a distribution system of water mains to connect with a public water supply system if one is within one thousand (1,000 feet) of the development and has capacity to allow additional tap-ins. The system shall meet design and construction requirements of the owner of the public water supply system to which the mobile home park system is connecting and community water system standards of the PA Department of Environmental Protection including the publication *Public Water Supply Manual - Part II, Community System Design Standards*.
2. Constructing and operating a community water system, meeting standards of and permitted by the PA Department of Environmental Protection including the publication *Public Water Supply Manual - Part II, Community System Design Standards*.

For either alternative, water mains shall be placed in the internal street system right-of-way where possible.

- B. Sanitary Sewers - The developer must provide an approved sanitary sewerage system serving all mobile homes and service buildings in the development and meeting the regulations and restrictions of the PA Department of Environmental Protection and Sadsbury Township in accord with its Act 537 Sewage Facilities Plan and any Township ordinance governing sanitary sewer facilities. Storm sewers and sanitary sewers must be separate.
  1. Sewage connection with a public sewage system shall be made if economically feasible and within one thousand (1,000) feet of the park.
  2. In no case shall any method of sewage disposal constitute a threat to public health. If an adequate method of sewage disposal is not found, development of the plan will not be permitted.
  3. Any sewage system must be designed to serve the maximum number of mobile home units feasible for the site as prescribed by the Pennsylvania Department of Environmental Protection.
- C. Utilities. All gas, electric, telephone, and cable utilities shall be installed and inspected according to the standards set forth in Section 407 of this ordinance, the Pennsylvania Uniform Construction Code, and the standards of the applicable utility company.
- D. Sidewalks. Sidewalks where provided, except for those solely for access to and use of individual mobile homes, shall meet the standards of Section 406 of this ordinance.
- E. Exterior Lighting: Adequate lights shall be provided to illuminate streets, driveways and walkways for the safe movement of vehicles and pedestrians at night. Lighting fixtures shall be not less than two-tenths (2/10) of a foot-candle power per pole, but generally consistent with standards developed by the Pennsylvania Chapter of the Society of Illuminating Engineers.

F. Solid Waste Disposal

1. The storage, collection and disposal of solid waste and refuse in the mobile home park shall be so conducted as to create no health hazards, no rodent harborage, insect breeding areas, accident or fire hazards, or air pollution and shall comply with the Pennsylvania Department of Environmental Protection regulations governing mobile home parks and the general community.
2. All refuse containing garbage shall be collected weekly. Where suitable collection service is not available from municipal or private agencies, the management shall provide this service. Mobile home parks without curbside collection shall provide solid waste collection containers within enclosures located convenient to mobile home lots and other areas of the mobile home park where solid waste is generated.

**804 – Responsibilities of the Management**

Responsibilities of the management of the mobile home park shall be as follows:

- A. The person to whom a permit for a mobile home park is issued shall operate the park in compliance with this ordinance and any mobile home park licensing ordinance, 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 give the health officer, fire inspector, building inspector, or any person designated by the Township, free access to all mobile home lots, service buildings and other community service facilities for the purpose of inspection.

## Article 9 – Definitions

### 901 – General Interpretations

Unless otherwise expressly stated, the following terms shall, for the purposes of this Ordinance, have the meaning indicated: words in the singular include the plural, and the words in the plural include the singular. The word “person” includes a corporation, unincorporated association and a partnership as well as an individual or any other legal entity. The words “shall” and “will” are mandatory; the word “may” is permissive. An “agency” shall be construed to include its successors or assigns. Definitions followed by the term “PaMPC” are taken from the Pa. Municipalities Planning Code (Act 247 of 1968, as amended) as in effect at the time of enactment of this Ordinance, and shall remain consistent with any amendments to such definitions in said act hereafter enacted. Words not defined in this Article or the Pennsylvania Municipalities Planning Code (PaMPC) shall have the common meaning given to them.

### 902 – Meaning of Words

Accessory Building: A subordinate building, incidental to, and located on the same lot as the principal building. Such buildings are utilized for purposes subordinate to and incidental to the principal building’s use.

Alley: A passage way open to public travel, which affords generally a secondary means of vehicular access to abutting lots and 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. (PaMPC)

Application for Development: Every application, whether preliminary, tentative or final, required to be filed and approved prior to the 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. (PaMPC)

Block: A parcel of land bounded by streets, railroad rights-of-way, waterways, parks, un-subdivided acreage, or a combination thereof.

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals or property.

Cartway: The improved surface of a street or alley designed for vehicular traffic. Does not include shoulders or surface outside the gutter line.

Condominium: A building, or group of buildings, in which dwelling units, offices or floor areas are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis or by a separate managing entity.

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

Developer: 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 a land development. (PaMPC)

Development: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, storm sewers, drains, improvements to water courses, sidewalks, street signs, crosswalks, shade trees, seeding, sodding, monuments or other property markers, water supply facilities, and sewage facilities; filling, grading, excavation, mining, dredging, or drilling operations, in the subdivision of land, when conducted within the context of subdivision or land development activities, as defined by the Pennsylvania Municipalities Planning Code.

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 this Ordinance, shall mean the written and graphic materials referred to in this definition. (PaMPC)

Drainage: The removal of surface water or groundwater from land by drains, grading or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

Drainage Facility: Any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting or controlling surface water or groundwater.

Driveway: A private vehicular passageway providing access between a street and a private parking area or private garage.

Dwelling Unit: Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

Easement: A right granted for limited use of private land for public and quasi-public purposes including such things as utilities and drainage. There shall be no structures on any easements granted to Sadsbury Township and to any officially created municipal authority.

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

Environmentally Sensitive Areas: Environmentally sensitive areas shall include areas with slopes of over fifteen percent (15%), floodway areas, unstable soils or geology, riparian buffers and wetland areas. This determination shall be made based on information available from submitted subdivision plans, topographic maps, soils reports, the Crawford County Comprehensive Plan, County Conservation District, United States Geologic Survey, the Pennsylvania Department of Environmental Protection or other sources.

Equivalent Dwelling Unit: That part of a multiple-family dwelling, commercial, institutional, or industrial establishment with sewage flows equal to three hundred fifty (350) gpd.

Erosion: The displacement of surface materials by the action of natural elements.

Erosion and Sediment Control Plan: A plan showing all present and proposed grades and facilities for storm water, drainage, erosion and sediment controls, and which is in accordance with this Ordinance, the Township Stormwater Management Ordinance, and regulations administered by the PA Department of Environmental Protection.

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.

Expanding Land Subdivision: A type of subdivision including any removal of a complete lot by erasing one or more lot lines, resulting in both fewer lots existing than prior to the subdivision and greater size for one or more individual lots. To qualify as an expanding land subdivision, all lots or parcels proposed must be owned by the same entity.

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

Flood:

- A. Flood Prone Area: A relatively flat or low land area adjoining a stream, river or watercourse, which is subject to partial or complete inundation or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.
- B. Floodway: The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.
- C. One Hundred (100) Year Flood: A flood having an average frequency of occurrence on the order of once in every one hundred (100) years, although the flood may occur in any year.
- D. Regulatory Flood Elevation: The one hundred (100) year elevation based upon the information contained in the Official Flood Insurance Study, as prepared by the Federal Emergency Management Agency.

Grading and Drainage Plan: A plan showing all existing ground features and proposed grading, including existing and proposed surface and subsurface drainage facilities, described by materials, grades, contours and topography.

Gross Leasable Area: The sum of the gross horizontal areas of a building or structure (excluding vehicular parking lots) from the exterior face of exterior walls or from the centerline of a wall separating two (2) buildings, but excluding any space where the floor to ceiling height is less than six (6) feet.

Half Street is a street of less than the total required width along one or more property lines of a subdivision.

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

Land Development: Any of the following activities:

- A. The improvements of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

1. A group of two (2) or more residential or non-residential 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
  2. 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. (PaMPC)
- B. For the purposes of this Ordinance, land development does not include development which involves the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building. However, farm buildings on developments which qualify as confined animal feeding operations as defined by the Sadsbury Township zoning ordinance are not accessory and are considered land developments.

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. (PaMPC)

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

Lot, Area of: The total horizontal ground area of a lot expressed in acres or square feet and computed exclusive of any portion of the right-of-way of any public or private thoroughfare, street, road, alley or easement of access of use; but including any easement for essential service.

Lot, Corner: A lot at the junction of and fronting on two or more intersecting street rights-of-way.

Lot Coverage: A measure of intensity of land use that represents the portion of a site that is impervious (i.e., does not absorb water). This portion includes, but is not limited to, all areas covered by buildings, parking areas, driveways, roads, sidewalks, and any area of concrete asphalt, or similar impervious material.

Lot, Double Frontage: A lot which abuts streets in both the front, rear and/or side yards.

Lot, Flag: A lot that has only a narrow portion of owned access connecting the buildable lot area to a road or street.

Lot, Non-Conforming: A lot where the area or dimension of which was lawful prior to the adoption or amendment of subdivision regulations, but which fails to conform to the requirements of the governing ordinance in which it is located by reasons of such adoption or amendment.

Lot, Reverse Frontage: A lot extending between and having frontage on an arterial street and a local access street, and with vehicular access solely from the latter.

Lot, Width of: A mean horizontal distance between the side lot lines measured at its widest and narrowest points.

Lot Line Revisions: Lot line revisions are a type of subdivision which involve the transfer of land between adjacent lots where no new building lot is created, including lot combinations that do not meet criteria to qualify as expanding land subdivisions. No lot line revision may create a lot in violation of this Ordinance or of any adopted zoning ordinance.

Maintenance Guarantee: Any financial security, acceptable under Article V of the Pennsylvania Municipalities Planning Code, which may be accepted by Sadsbury Township for the maintenance of any improvements required by this Ordinance.

Major Land Development: A land development that: A) involves a building, building addition, or combination or group of buildings of five thousand (5,000) or more square feet gross floor area; or involves a non-agricultural earth disturbance of one (1) acre or more; or generates one hundred (100) or more peak-hour vehicle trips in one direction per the *Trip Generation Manual* (Institute of Transportation Engineers latest edition); or B) is a multi-family dwelling development involving five (5) or more dwelling units.

Major Subdivision: A type of subdivision that involves creation of more than six (6) lots, or any subdivision including a new public street or public water or sewer facilities.

Marker Pin: A metal stake pin placed to designate the boundary and corners of lots in the subdivision of land for the purpose of reference in land and property survey and to facilitate the sale of lots.

Mineral Extraction: The excavation or extraction of any earth products of natural mineral deposit, except where such excavation is for purposes of grading a building lot or roadway or where materials are excavated from and used solely by the property owner.

Minor Land Development: A land development that: A) involves a building, building addition, or combination or group of buildings of less than five thousand (5,000) square feet gross floor area; and involves a non-agricultural earth disturbance of less than one (1) acre; and generates less than one hundred (100) peak-hour vehicle trips in one direction per the *Trip Generation Manual* (Institute of Transportation Engineers latest edition); or B) is a multi-family dwelling development involving fewer than five (5) dwelling units.

Minor Subdivision: A type of subdivision that involves creation of no more than six (6) lots including residual not including new public streets or public water or sewer facilities.

Mobile Home: A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) 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. (The term does not include recreational vehicles or travel trailers.) (PaMPC)

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home. (PaMPC)

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes. (PaMPC)

Modification: When a developer can show that a provision of this Ordinance would cause unnecessary hardship if strictly adhered to, and where because of topographic or other conditions peculiar to the site, in the opinion of the Planning Commission a departure may be made without destroying the intent of such provisions, the Planning Commission may recommend and the Board of Supervisors may authorize a modification. Any modification thus authorized and the reasoning on which departure was justified shall be entered on the minutes of the Supervisors. A modification applies only to the particular subdivision for which it is granted.

Municipal 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. (PaMPC)

Person: An individual, partnership, corporation, or other legally recognized entity.

Plan, Final: A complete and exact subdivision plan, mobile home park or site plan prepared for official recording as required by statute and this Ordinance.

Plan, Preliminary: The preliminary drawing indicating the proposed layout of the subdivision, mobile home park or site plan to be submitted to Sadsbury Township for consideration, as required by this Ordinance.

Plan, Soil Erosion and Sedimentation Control: A plan for controlling erosion and sediment during construction which shall provide all steps, including scheduling, to assure erosion and sediment control during all phases of construction, including final stabilization and surface treatment.

Planning Code: The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted by Act 170 of 1988 and further amended from time to time.

Planning Commission: The Planning Commission of Sadsbury Township.

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

Professional Consultants: Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners. (PaMPC).

Public Grounds: Includes:

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

Public Hearing: A formal meeting held pursuant to public notice by Sadsbury Township or the Sadsbury Township Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code. (PaMPC, as amended for local usage.)

Public Meeting: A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

Public Notice: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing. (PaMPC)

Recreational Vehicle: A vehicle primarily designed as temporary living quarters for recreation, camping or travel, whether self-powered or towed. Examples of recreational vehicles include travel trailer, camping trailer, truck camper and motor home.

Reserve Strip: A narrow parcel of ground having inadequate area for building purposes separating a street or a proposed street from other adjacent properties.

Reverse Frontage Lot: A lot extending between and having frontage on an arterial street and a minor street, and with vehicular access solely from the latter.

Right-of-Way: Land dedicated for use as a public street, alley or crosswalk, which may also be used by sewer, water, storm sewer, electric, gas, telephone and cable system(s).

Riparian Buffer: A vegetated strip of land bordering a stream, which provides filtration of soil, sediments and other pollutants.

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

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

Sewage System, Public: A System for the collection, treatment, and/or disposal of sewage or industrial wastes of a liquid nature from two or more lots or three or more dwelling units, and which is owned by the Township of Sadsbury, another municipality, the County of Crawford, or a public authority.

Sight Distance: The distance within which the operator of a vehicle has a clear, unobstructed view of surface pavement ahead or of an object standing on it.

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 differences in feet per one hundred (100) feet of horizontal distance.

Street: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. (PaMPC)

Street Centerline: An imaginary line which passes through the middle of the right-of-way and the cartway simultaneously, or which is in the center of the right-of-way in cases where the cartway is not centered in the right-of-way.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. (PaMPC)

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 ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. (PaMPC)

Subdivision Clerk: The individual appointed or designated by the Sadsbury Township Board of Supervisors to provide completeness reviews of applications and serving as a single point of contact between the developer and the Township.

Substantially Completed: Where, in the judgment of the Township Engineer, at least ninety percent (90%), based on the cost of the required improvements for which financial security was posted, 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. (PaMPC)

Surveyor: A professional surveyor, licensed as such in the Commonwealth of Pennsylvania.

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

Temporary Turnaround: A temporary circular turnaround at the end of a road, which terminates at or near the subdivision boundary bordering undeveloped land.

Topsoil: Surface soils and subsurface soils, which normally are fertile soils and soil material, ordinarily rich in organic matter of humus debris. Topsoil is usually found in the uppermost soil layer called the A Horizon.

Township Authority: A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945." (PaMPC)

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 or other improvement.

Utility Plan: A plan to show all existing and proposed fire hydrants, water and sewer lines, storm sewer lines, gas and electric lines, cable television facilities, and street lighting.

Water Facility: Any water works, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

Water Survey: An inventory of the source, quantity, yield and use of groundwater and surface-water resources within Sadsbury Township. (PaMPC)

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