

the Board of Supervisors may officially act without having received and considered the report.

- C. Public hearing. If the Board of Supervisors desires, it may hold a public hearing on the final major subdivision plan after the appropriate public notice.
- D. Approval of a final major subdivision plan. When by a motion, duly carried, the Board of Supervisors approves a final major subdivision plan, the Township Secretary shall endorse a completed plan action report and distribute the report as follows:
  - (1) Township. One copy of the endorsed plan action report shall be retained for Township records.
  - (2) Applicant. One copy of the endorsed plan action report shall be presented to the applicant.
- E. Distribution of the endorsed plan. When the Township determines that the Plan is ready for signatures after all requirements have been met, the Board of Supervisors shall endorse the three paper prints and three Mylar or equivalent prints of the final major subdivision plan, enter the date of its endorsement and emboss the endorsed prints with the Township seal and distribute as follows:
  - (1) Township. One paper print and one Mylar print of the endorsed and sealed final major subdivision plan shall be retained for Township records.
  - (2) Zoning Officer. One paper print of the endorsed and sealed final major subdivision plan shall be forwarded to the Zoning Officer.
  - (3) Applicant. One paper print and two Mylar prints of the endorsed and sealed final major subdivision plan shall be returned to the applicant.
- F. Approval of a final major subdivision plan subject to specified conditions. When the Board of Supervisors finds the final major subdivision plan needs only minor corrections or modifications that will not materially affect the plan and a motion, duly carried, is to approve the plan subject to specified conditions, the following shall apply:
  - (1) Applicant's acceptance of the specified conditions.
    - (a) The applicant may accept the Supervisor's specified conditions in writing by signing a completed plan action report within 15 calendar days of the date of the action granting approval subject to the specified conditions.
    - (b) When the applicant does not accept the specified conditions within the above time limit, the plan approval shall be automatically rescinded and the final major subdivision plan rejected with no further action by the Township, and a new plan submission as set forth in § 170-18 shall be required.
  - (2) Time limitations for addressing the specified conditions.
    - (a) A time limit for addressing the specified conditions may be set by the Board of Supervisors, not to exceed one year, and when no time limit is specified the corrected plan addressing the specified conditions must be submitted so action may be taken within six months from the date of the action. (This time limitation shall be considered a mandatory condition of approval of the plan.) A written time extension may be approved by motion of the Board of Supervisors where good cause is shown.
    - (b) When the specified conditions are not addressed and/or a corrected plan has not been submitted so action may be taken within the applicable time limitations, the subject plan shall be automatically rejected with no further action required by Middle Smithfield Township.

(3) Specified conditions accepted. When the applicant accepts the Board of Supervisor's specified conditions and signifies by signing a completed plan action report, the following procedures shall apply:

(a) The Township Secretary shall endorse the signed plan action report attesting to the action of the Board of Supervisors and present or mail a copy to the applicant.

(4) Corrected plan presented. The applicant may correct the final major subdivision plan to comply with the specified conditions and present a corrected copy to both the Township Engineer and the Township Staff.

(a) The Township Engineer and/or Township Staff shall check the plan and verify that the specified conditions have indeed been complied with, and when he/they determine that the final major subdivision plan has been corrected and complies with all of the specified conditions, he/they shall so note in writing to the applicant, endorse one copy of the plan as corrected and forward the copy to the Board of Supervisors. If the Township Engineer and/or the Township Staff and the applicant cannot agree that the corrections do indeed comply with the intent of the Board of Supervisors, the applicant may resubmit the final major subdivision plan to the Board for its reconsideration.

(b) When proof of compliance with the Board of Supervisor's specified conditions has been obtained from the Township Engineer, the applicant shall present the proof of compliance along with three paper prints and three Mylar prints of the corrected final major subdivision plan along with a completed improvements agreement and performance guaranty or a certificate of satisfactory completion from the Township Engineer for all required improvements to the Board of Supervisors for approval.

(c) See Section 170-26.E.

G. Rejection of a final major subdivision plan. When the Board of Supervisors finds the final major subdivision plan needs major corrections or modifications or needs additional data and/or information submitted that could materially affect the plan and a motion, duly carried, is to reject the plan, the Township Secretary shall endorse a completed plan action report attesting to the action of the Board of Supervisors as rejecting the subject major subdivision plan.

(1) List of defects. When the action is to reject the final major subdivision plan, a list of the defects found in the plan describing the requirements which have not been met and a citation for each requirement to the provision of the statute or ordinance relied upon shall be attached to the plan action report.

(2) Plan action report distribution. The endorsed plan action report and list of the defects found shall be distributed as follows:

(a) Township. One copy of the endorsed plan action report shall be retained for Township records.

(b) Applicant. A rejection shall be communicated to the applicant with the list of defects as provided in subsection "H." below.

(3) Final major subdivision plan resubmission. Any resubmission of the rejected plan must be considered a new submittal and shall be submitted in accordance with § 170-18 (official submission of a preliminary subdivision plan) or Section 170-122 if the preliminary plan approval is still valid.

H. Notice of Decision. The decision of the Board of Supervisors on the Final Plan shall be in writing and shall be communicated to the applicant personally or mailed to him/her at the applicant's last known address not later than 15 days following the decision.

§ 170-27. Time limits for action by Board of Supervisors.

The Board of Supervisors shall render its decision on a major subdivision plan and communicate it to the applicant within the time limits established in the MPC, unless a written time extension is granted by the applicant.

A. Deemed action on the final major subdivision plan.

(1) Any of the actions described in § 170-26 shall be deemed as action by the Township and shall constitute conformance with the time limitations listed above and also relative to the review and action period as set forth in the MPC, as amended.<sup>[1]</sup>  
<sup>[1]</sup> Editor's Note: See 53 P.S. § 10101 et seq.

(2) Deemed Approval. See the provisions of the MPC.

B. Deemed approved final major subdivision plan distribution.

(1) When the plan is deemed approved under the MPC, the Board of Supervisors shall, when the applicant submits the final major subdivision plan, endorse and seal a completed plan action report and, upon receipt of a certificate of completion of all required improvements from the Township Engineer or an executed improvements agreement and adequate approved guaranties for the required improvements, endorse and seal three paper prints and three Mylar prints of the final major subdivision plan and distribute as follows:

(a) Township. Two paper prints and one Mylar print of the endorsed and sealed final major subdivision plan shall be retained for Township records.

(b) Applicant. One paper print and two Mylar prints of the endorsed and sealed final major subdivision plan shall be ready for pickup by the applicant within 15 days of receipt of the certificate of completion or improvements agreement and adequate approved guaranties.

(2) If the deemed approved plan is not endorsed within 15 days, the certificate contained in Appendix D-13<sup>[2]</sup> shall be applied to all applicable copies of the major subdivision plan by the Township Secretary and distributed as set forth above.  
<sup>[2]</sup> Editor's Note: Appendix D-13 is included at the end of this chapter.

C. Improvements Agreement. A completed and signed improvements agreement (see § 170-90) and a performance guaranty (see § 170-81A) or a statement of satisfactory installation (see § 170-83) from the Township Engineer shall be presented to and approved by the Board of Supervisors prior to the final major subdivision plan being recorded.

§ 170-28. Recording of a final subdivision plan.

The applicant shall record the final subdivision plan in the office of the County Recorder of Deeds within 90 days of the date of endorsement by the Board of Supervisors, unless the Board of Supervisors provides a written time extension for good cause. The applicant shall mail or submit written evidence of the recording to the Township Staff within one business day after the date of the recording.

- A. Failure to record the final subdivision plan. If the applicant fails to record the final subdivision plan in the Recorder's office within the required time period, the action by the Township shall become nullified and be voided and a resubmission of the plan must be made to the Board of Supervisors.
  - (1) Resubmitted plan changes.
    - (a) Plan changes shall be considered as follows:
      - [1] Combining of adjacent lots shall not be deemed a change.
      - [2] Realignment of streets, changes in the number of lots or lot sizes (either increasing or decreasing except as noted in previous subsection) shall be deemed a change.
      - [3] All other changes shall be determined on a case-by-case basis by the Board of Supervisors.
    - (b) If the plan has been changed in a manner inconsistent with the Final Plan approval, then a new submission to the Township shall be required in compliance with § 170-18 (official submission of a preliminary subdivision plan) or § 170-29, as applicable.
  - B. Unrecordable final subdivision plans. The following plans shall not be recorded:
    - (1) No subdivision plan may be legally recorded unless it bears original signatures of the Board of Supervisors approving the plan and an embossed Township seal.
    - (2) No major subdivision plan may be legally recorded unless it has been submitted to the County Planning Commission and bears a completed and signed affidavit of plan submission as contained in Appendix D-5.[1]
      - [1] Editor's Note: Appendix D-5 is included at the end of this chapter in Attachment 3.
  - C. Final subdivision plans recorded for utility or any other purposes. Any subdivision plan recorded for utility or any other purposes or for any purpose other than as required by this chapter shall not be deemed to be an approved subdivision, and no lots, tracts or parcels of land can be legally conveyed or leased by or from any such plan.

#### § 170-29. Submission of minor subdivision plan.

Submission of a plan for all minor subdivisions is required by this chapter, and submittal shall be as follows:

- A. Plan to be filed with the Township. Copies of the plan and all required supporting data and information shall be submitted to the Township Secretary. The minor subdivision plan and supporting data shall be submitted to the Township Secretary at least 10 business days prior to the meeting at which the subject plan is to be presented to the Planning Commission.
- B. Minor subdivision plan review fee. The Township Staff shall collect a minor subdivision plan review fee as established by resolution of the Board of Supervisors for review of all minor subdivision plans.
  - (1) Review fees. Fees shall be charged in order to cover the costs of reviewing plans and reporting thereon and other expenses incidental to the approval, approval subject to specified conditions or rejection of minor subdivision plans.
  - (2) The subdivider shall pay the appropriate fee at the time of submission of the application for review of the minor subdivision plan to the Township Secretary.

C. Number of copies to be submitted.

- (1) The official submission of the minor subdivision plan shall be comprised of the following:
  - (a) Plan review application: 14 copies of a completed and signed plan review application (15 copies are required if the subdivision abuts an adjoining municipality).
  - (b) Subdivision plan: 14 legible paper prints of the subject minor subdivision plan which shall fully comply with the requirements of § 170-94 (15 prints are required if the subdivision abuts an adjoining municipality).
  - (c) Modification requests: 14 copies of each request for a modification of regulations (using the form in Appendix D-8 in Attachment 3).  
[1] Editor's Note: Appendix D-8 is included at the end of this chapter.
  - (d) Center-line profiles: eight copies of a center-line profile of all private access streets setting forth both existing and possible grades.
  - (e) DEP land planning module: seven copies of the appropriate DEP land planning module found adequate and signed by the Township Sewage Enforcement Officer (when applicable).
  - (f) Sewage disposal certificate: seven copies of a sewage disposal certificate completed as required (when applicable) (using the form in Appendix D-15).  
[2] Editor's Note: Appendix D-15 is included at the end of this chapter.
  - (g) Water supply certificate: seven copies of a water supply certificate completed as required (when applicable) (using the form in Appendix D-15).  
[3] Editor's Note: Appendix D-15 is included at the end of this chapter.
  - (h) Deed(s) of record: seven copies of the latest deed(s) of record.
- (2) If the applicant presents proof at the time of submission to the Township Secretary that the plan was accepted for review by the County Planning Commission, five copies each of items in Subsection C(1)(a), (b), (c) (d) may be deleted; however, if the plan was not submitted, the applicant shall include the appropriate County Planning Commission plan review fee, made payable to the County of Monroe.
- (3) The applicant shall separate the foregoing submission into packets by as set forth in Subsection E and label each packet for distribution.

D. Official date of the minor subdivision plan submission. The official date of the minor subdivision plan submission shall be determined as follows:

- (1) Plan submission date. At the first regularly scheduled meeting of the Planning Commission at which a quorum is present following the submission of all required completed plans and documents to the Township Secretary, the Commission shall accept the plan submittal if it is complete.
- (2) If during the review process, it is determined that the submittal is not complete, the submittal date shall be automatically rescinded and a resubmission date shall reflect the date when the missing or incomplete plan or documents are submitted to the Township Staff.

E. Distribution of the minor subdivision plan.

- (1) The Township Secretary shall, after the official date of submission, refer the submitted items to the following:

- (a) Planning Commission Chairperson: one copy of each of the items listed in Subsection C(1)(a) through (h).
- (b) Planning Commission members: one copy of each of the items listed in Subsection C(1)(a), (b) and (c) to each member.
- (c) Township Staff person Responsible to Administer this Ordinance: one copy of each of the items listed in Subsection C(1)(a) through (h), which shall be retained in the Planning Commission's records.
- (d) Township Engineer: one copy of each of the items listed in Subsection C(1)(a) through (h).
- (e) Planning Commission Solicitor: one copy of each of the items listed in Subsection C(1)(a), (b) and (c).
- (f) County Planning Commission: one copy of each of the items listed in Subsection C(1)(a), (b), (c) and (d) (include County plan review fee).
- (g) Adjoining municipality: one copy of each of the items listed in Subsection C(1)(a) and (b) (for information purposes only and only when the subdivision abuts the municipality).

(2) If the applicant has presented proof that the plan was accepted for review by the County Planning Commission, the transmittal listed in Subsection E(1)(f) may be deleted.

§ 170-30. Review of minor subdivision plan.

A properly submitted minor subdivision plan shall be processed in the following manner:

- A. Review by the Township Staff and/or the Township Engineer. The Township Staff and/or the Township Engineer shall review the minor subdivision to determine its accuracy, completeness and compliance with these regulations and all other applicable ordinances and plans.
  - (1) Township Staff and/or Township Engineer recommendations. The Township Staff and/or the Township Engineer may recommend changes or modifications to the submittal.
  - (2) Township Staff and/or Township Engineer Report. The report of the Township Staff and/or the Township Engineer shall be in writing and shall be submitted to the Planning Commission at or prior to the meeting at which the minor subdivision plan is to be considered by the Commission.
- B. Comments from interested persons or parties. If any interested persons or parties desire to submit written comments on the preliminary plan, they shall submit their comments to the Planning Commission at or prior to the meeting at which the minor subdivision plan is to be considered by the Commission.
- C. Review by the Planning Commission. The Planning Commission shall review the minor subdivision plan and take action as follows:
  - (1) Review meeting. When the minor subdivision plan has been properly submitted, such plan shall be reviewed by the Planning Commission.
  - (2) Consideration of reports and comments.
    - (a) During the review of the minor subdivision plan, the Planning Commission shall consider the written report of the Township Staff and/or the Township Engineer, the report of the County Planning Commission, if received, and

- any relevant comments that have been submitted by any and all other interested persons or parties.
- (b) Verbal comments may be given at the review meeting; however, irreverent, immaterial or unduly repetitious testimony or comment may be excluded.

**§ 170-31. Recommendation by Planning Commission on a minor subdivision plan.**

The Planning Commission shall review a properly submitted minor subdivision plan in conformance with the following procedures:

- A. Recommendation for approval of a minor subdivision plan.**
  - (1) When the Planning Commission finds a minor subdivision plan to be complete and in accordance with the requirements of all applicable Township ordinances, and a motion duly carried is made to recommend approval of the minor subdivision plan as submitted and/or corrected or modified, the Chairperson and the Secretary of the Planning Commission shall forward a written recommendation to the effect.
    - (a) Planning Commission. One paper print of the recommendation shall be retained for Planning Commission records.
    - (b) Board of Supervisors. Three paper prints of the recommendation shall be forwarded to the Board of Supervisors.
    - (c) Applicant. One paper copy of the recommendation shall be communicated to the applicant or his/her representative.
- B. The Planning Commission may recommend that the plan be approved subject to written conditions.**
- C. Recommendation for rejection of a minor subdivision plan.** When the Planning Commission finds the minor subdivision plan needs major corrections or modifications or needs additional data and/or information submitted that could materially affect the plan and a motion, duly carried, is to recommend rejection of the plan, the Chairperson shall complete and endorse the plan review report recommending rejection of the subject plan.
  - (1) List of defects. When the action is to recommend rejection of the minor subdivision plan, a list of the defects found in the plan describing the requirements which have not been met and a citation for each requirement to the provision of the statute or ordinance relied upon shall be contained in the plan review report.
  - (2) Plan review report distribution. The endorsed plan review report containing a list of the defects found shall be distributed as follows:
    - (a) Planning Commission records. One copy of the endorsed plan review report shall be retained for Planning Commission records.
    - (b) Board of Supervisors. One copy of the endorsed plan review report shall be forwarded directly to the Board of Supervisors along with a list of the defects found.
    - (c) Applicant. One copy of the endorsed plan review report shall be presented or communicated to the applicant or the applicant(s)' representative.

**§ 170-32. Consideration of a minor subdivision plan by Board of Supervisors.**

Consideration by the Board of Supervisors of all minor subdivision plans after action by the Planning Commission is required by this chapter. A report from the Planning Commission shall be

presented to the Board of Supervisors by the Township Staff at a meeting for its consideration and action.

§ 170-33. Action by Board of Supervisors on minor subdivision plan.

When a minor subdivision plan has been submitted to the Board of Supervisors after recommendations by the Planning Commission have been received, the Supervisors shall review the plan and take action as follows:

- A. Review of a minor subdivision plan. The Board of Supervisors shall review the minor subdivision plan and consider the recommendations of the Planning Commission and other relevant comments and reviews presented to it prior to taking action on the minor subdivision plan. Verbal comments may be given at the review meeting. However, irreverent, immaterial or unduly repetitious testimony and comment may be excluded.
- B. County Planning Commission review. No official action shall be taken by the Board of Supervisors until the Board has received and considered the report of the County Planning Commission except that if the report is not received by the Board within 30 days from the date of receipt for review by the County Planning Commission of the final minor subdivision plan, the Board of Supervisors may officially act without having received and considered the report.
- C. Public hearing. If the Board of Supervisors desires, it may hold a public hearing on the minor subdivision plan after the appropriate public notice.
- D. Approval of a minor subdivision plan. When by a motion, duly carried, the Board of Supervisors approves a minor subdivision plan, it shall endorse three paper prints and two or three, if applicable, Mylar prints of the minor subdivision plan that are provided by the applicant, and enter the date of its endorsement, emboss the endorsed prints with the Township seal and distribute as follows:
  - (1) Township. One paper print and one Mylar print of the endorsed and sealed minor subdivision plan shall be retained for Township records.
  - (2) Applicant. One paper print and one or two, if applicable, Mylar prints of the endorsed and sealed minor subdivision plan shall be presented to the applicant.
- E. Approval of a minor subdivision plan subject to specified conditions. When the Board of Supervisors finds the minor subdivision plan needs only minor corrections or modifications or additional data or information needs to be submitted that will not materially affect the plan and a motion, duly carried, is to grant approval of the plan subject to specified conditions, the following shall apply:
  - (1) Applicant's acceptance of the specified conditions.
    - (a) The applicant may accept the Supervisor's specified conditions in writing by signing a completed plan action report within 15 calendar days after the date of the motion to grant conditional approval.
    - (b) When the applicant does not accept the specified conditions within the 15 calendar days after approval of the minor subdivision plan, the approval shall be automatically rescinded and the plan rejected with no further action by the Township.
  - (2) Time limitations for addressing the specified conditions.

- (a) A time limit for addressing the specified conditions may be set by the Supervisors, and when no time limit is set, the specified conditions must be addressed and the plan resubmitted so action may be taken within 6 months from the date of the conditional approval. (This time limitation shall be considered a mandatory condition of approval of the plan.) This time limit may be extended in writing by the Board of Supervisors if the applicant shows good cause.
- (b) When all of the specified conditions are not addressed and a corrected plan submitted to the Board so action may be taken within the applicable time limitations, the subject plan shall be automatically rejected with no further action by Middle Smithfield Township.
- (3) Specified conditions accepted. When the applicant accepts the Board of Supervisor's specified conditions and signifies by signing a completed plan action report, the following procedures shall apply:
  - (a) The Chairperson of the Board of Supervisors shall endorse and seal the signed plan action report and present or mail a copy to the applicant.
- (4) Corrected minor subdivision plan presented. The applicant may correct the minor subdivision plan to comply with the specified conditions and present a corrected copy to both the Township Engineer and/or the Township Staff.
  - (a) The Township Engineer and/or Township Staff shall check the plan and verify that the specified conditions have indeed been addressed, and when he/they determine that the plan has been corrected and complies with all of the conditions, he/they shall so note in writing to the applicant, endorse one copy of the plan as corrected and forward the plan to the Board of Supervisors.
  - (b) If the Township Engineer and the applicant cannot agree that the resubmitted plan does indeed comply with the intent of the Board of Supervisor's specified conditions, the applicant may submit the minor subdivision plan to the Board at its next regularly scheduled meeting for consideration and action.
- (5) Proof of compliance. When proof of compliance with the Board of Supervisor's specified conditions has been obtained from the Township Engineer, the applicant shall present three paper prints and two or three, if applicable, Mylar prints of the corrected minor subdivision plan along with proof of compliance to the Township Secretary for proper endorsements and application of the Township seal.
- (6) Endorsed minor subdivision plan distribution. After being endorsed and sealed, the minor subdivision plan shall be distributed as follows:
  - (a) Township. Two paper prints and one Mylar print of the endorsed and sealed minor subdivision plan shall be retained for Township records.
  - (b) Applicant. One paper print and one or (if applicable) two Mylar prints of the endorsed and sealed minor subdivision plan shall be presented to the applicant.

F. Rejection of a minor subdivision plan. When the Board of Supervisors finds the minor subdivision plan needs major corrections or modifications or needs additional data and/or information submitted that could materially affect the plan and a motion, duly carried, is to reject the plan, the Township Secretary shall endorse a plan action report attesting to the rejection of the subject plan by the Board of Supervisors.

- (1) List of defects. When the action is to reject the minor subdivision plan, a list of the defects found in the plan describing the requirements which have not been met and a citation for each requirement to the provision of the statute or ordinance relied upon shall be contained in the plan action report.
- (2) Plan action report distribution. Copies of the plan action report containing a list of the defects found shall be distributed as follows:
  - (a) Township. One copy of the endorsed plan action report shall be retained for the Township records.
  - (b) Applicant. See "G." below, which shall be accompanied by the list of defects and citations.
- (3) Resubmission of a minor subdivision plan. When the minor subdivision plan has been rejected, a new plan submission in accordance with § 170-29 (official submission of a minor subdivision plan) shall be required.

G. Notice of Decision. The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him/her at the applicant's last known address not later than 15 days following the decision.

§ 170-34. Time limits for action on a minor subdivision by the Board of Supervisors.

Section 170-27 shall apply, except the words "minor subdivision" shall be substituted for "major subdivision."

§ 170-35. Recording of minor subdivision plan.

Section 170-28 shall also apply for a minor subdivision.

## ARTICLE IV. General Requirements Applicable to All Types of Subdivisions and Land Developments

### §170-36 Intent.

The standards, regulations and requirements contained in this article are intended as a minimum for the preservation of the environment and promotion of the public health, safety and general welfare and shall be applied as such by the Planning Commission and the Board of Supervisors in reviewing and evaluating plans for all proposed subdivisions/land developments.

### § 170-37. Modifications. See Section 170-182.

### § 170-38. Constrained and hazardous land.

Land subject to flooding and land deemed to be uninhabitable for reasons other than flooding shall not be plotted for residential occupancy or commercial/industrial use, nor for such other uses as may increase danger to health, life or property or aggravate the flood or other deemed hazard.

- A. Flood hazard areas. Land within a subdivision/land development subject to flooding shall be plotted as follows:
  - (1) Possible uses: set aside for such uses as will not be endangered by periodic or occasional inundation or will not produce unsatisfactory living conditions.
  - (2) Floodplain regulations: See the Flood Hazard Regulations in the Zoning Ordinance and the latest official Federal Floodplain Maps.
  - (3) Additional lot area: may be incorporated as additional areas in plotted lots.
- B. Hazardous areas.
  - (1) Land subject to hazardous conditions such as open quarries, existing or prior waste disposal landfill areas, unconsolidated fill, floods, excessive erosion, precipices and water supply which does not meet the adequacy requirements of DEP and other environmental standards shall not be subdivided or developed until the hazards have been eliminated or overcome by the subdivision/land development design and proposed construction.
  - (2) The Board of Supervisors shall have the authority to require that an applicant adequately investigate suspected hazards on the site and provide evidence that the hazards will be sufficiently remediated for its intended use and in a manner that minimizes hazards to adjacent properties, prior to receipt of final approval under this Ordinance. The Supervisors may deny an application to develop a hazardous area if the applicant has not provided sufficient evidence that a hazard will be properly mitigated.

### § 170-39. Zoning Compliance.

A proposed subdivision or land development shall conform to the Zoning Ordinance.

### § 170-40. Land suitability and steep slopes.

Land to be subdivided or developed shall be suited to the type of subdivision/land development which is proposed.

- A. Residential subdivisions and land developments. All land proposed for residential subdivisions and land developments shall be subject to at least the following requirements:
  - (1) Residential areas. Each lot or area plotted for residential use shall provide, inside the required set-back yards, an area containing not less than 2,000 square feet for each dwelling unit, except a smaller area may be allowed for townhouses.
    - (a) Such areas shall have slopes less than 25% or shall be proven capable of being graded to the slope, with a width of not less than 40 feet and a configuration suitable for a residential dwelling.
    - (b) At least one such area shall be accessible from the existing or proposed street by means of an individual driveway or a private access street conforming to § 170-65 having a maximum grade of 25%, unless the required suitable parking (2 spaces, 9 feet by 18 feet each) is available and accessible within the lot lines or in a common parking area within 300 feet of the lot. The Planning Commission may require that a driveway plan and profile be submitted to prove the required accessibility.
    - (c) When the dwelling area is not accessible via an existing natural maximum grade of 25%, the required parking or a driveway with a maximum grade of 25% to the building area shall be installed by the subdivider/developer.
    - (d) When parking is proposed outside the lot area, the spaces shall be noted on the plan and shall be constructed by the subdivider/developer.
  - (2) Subsurface central sewage disposal areas. See Section 170-42.C.
- B. Industrial and/or commercial subdivisions and land developments. All such applications shall be subject to the following requirements:
  - (1) Industrial/commercial sites. Each lot or area plotted for industrial and/or commercial use shall provide sufficient space for the proposed buildings, access roads, parking areas, loading areas and any other proposed or required facilities plus the required setback yards in accordance with the Zoning Ordinance.
    - (a) Such areas shall be accessible via an existing natural grade from the existing or proposed street by means of adequate service drives having a maximum grade of 15%.
    - (b) The Township Staff or Township Engineer may require that a plan and profile of each service drive be submitted to prove suitable accessibility when the natural grade exceeds 15% or where there is a question about compliance with Township requirements.
  - (2) Subsurface central sewage disposal areas. See Section 170-42.C.

§ 170-41. Natural and historical feature preservation.

- A. The Board of Supervisors shall require the design and development of all subdivisions and land developments to preserve, insofar as possible, all natural, scenic and historic features, which will add attractiveness by providing parks and/or adequate open space for recreation, thereby creating conditions favorable to the health, safety and general welfare of the citizens and for the harmonious development of the Township.
- B. Natural and historical features. Some of these features are natural terrain and natural drainage, large trees or groves, watercourses and falls, historic areas and structures, scenic views and landmarks and other environmental assets.

C. Maximum disturbance of sloped areas.

- (1) Within a subdivision or land development, the percentage of all land areas with slopes of greater than 15% and up to 25% that are allowed to be disturbed is a maximum of 35%. This maximum percentage shall be increased to 70% for a lot approved for a nonresidential principal use.
- (2) Within a subdivision or land development, the percentage of all land areas with slopes of greater than 25% that are allowed to be disturbed is a maximum of 10%. This maximum percentage shall be increased to 50% for a lot approved for a nonresidential principal use.
  - (a) The applicant shall provide evidence on subdivision and land development plans that the disturbance limitations will be met. This may include stating the maximum amount of disturbance to be allowed on each lot, in order to show that the disturbance limit will be met for the entire subdivision or land development upon completion.
- (3) For the purposes of this § 170-41, "disturbance" refers to any development activity, including construction of buildings/streets/driveways, regrading, cutting of multiple healthy trees with a trunk diameter over 6 inches measured 3.5 feet above the grade level and related stripping of substantial vegetation. To minimize disturbance and preserve mature trees, the use of retaining walls or the construction of a floor of a building into the slope (such as a walkout basement) for grade changes is encouraged.
- (4) This § 170-41C shall only apply to a new lot that is submitted for preliminary plan approval or joint preliminary/final plan approval after the effective date of this section. This § 170-41C shall not apply to the merger of lots that existed prior to the effective date of this section, provided the lots were part of the same subdivision plan. This § 170-41C shall be based upon slopes that existed as of the effective date of this section, before any grading occurs.
- (5) If contiguous slopes greater than 25% make up less than 10 feet of total rise in elevation (five two-foot contour intervals) then the requirements of this § 170-41C shall not apply. This exemption shall be based upon the contour intervals within the entire subdivision or land development, not each proposed lot.
- (6) See also the provisions of the Zoning Ordinance regarding slopes over 15%.
- (7) Within areas of proposed disturbance, the percentage of slope shall be determined using two-foot contours.
- (8) See also provisions of the Zoning Ordinance that modify the density of a development based upon the natural features of a tract.

D. Compliance with minimum lot area and maximum density based upon environmental features. The provisions of the Zoning Ordinance, as amended shall apply.

E. Wetland setback. No buildings, vehicle parking, driveways or business outdoor storage shall be located within 50 feet from the edge of a wetland. This setback shall only be required from a wetland that covers a contiguous land area of over two acres.

- (1) Applicants are encouraged, but not required, to provide a vegetated buffer of 100 feet around wetlands. On wetlands of two acres or less, applicants are encouraged to provide a vegetated buffer of at least 20 feet, with temporary fencing or tape to avoid intrusions by construction equipment.

§ 170-42. Water supply and sewage disposal requirements.

All proposed subdivisions/land developments shall be served by an adequate water supply and sewage disposal system, either public or private central or on-lot systems acceptable to DEP, and shall be subject to at least the following requirements:

- A. Central water supply systems. All central water supply and distribution systems shall be designed and developed in accordance with Appendix A.[1]  
[1] Editor's Note: Appendix A is included at the end of this chapter.
- B. Central sewage disposal systems. All central sewage collection and disposal systems shall be designed and developed in accordance with Appendix B.[2]  
[2] Editor's Note: Appendix B is included at the end of this chapter.
- C. On-lot sewage disposal systems.
  - (1) All on-lot sewage disposal systems shall be designed and constructed in complete accordance with standards set forth by DEP.
  - (2) DEP land planning modules. Appropriate DEP land planning modules with soil investigative reports shall be submitted. The land planning module must be found adequate and be endorsed by the Sewage Enforcement Officer.
  - (3) Replacement on-lot sewage disposal systems. The location of soil probe tests and proof of satisfactory soils testing, in accordance with Pennsylvania regulations, shall be set forth for each lot on the plot plan, including an area for a replacement absorption area on each lot. The developer shall set forth metes-and-bounds descriptions for all primary and replacement absorption areas on each lot, and deed covenants restricting the said primary and replacement areas for such uses shall be required. Such replacement area shall be kept open, unpaved and uncompacted.
- D. On-lot well location. The developer shall designate an area for the location of a well on each lot, including setting forth a metes-and-bounds description for the proposed well location area, and a deed covenant restricting the location of the said well area for such use shall be required.

#### § 170-43. Stormwater management systems.

All proposed subdivisions/land developments shall comply with the Township Stormwater Management Ordinance and the following:

- A. Plan approval. The proposed stormwater management system must be approved by the Township Engineer prior to the unconditional approval of a preliminary subdivision plan.
- B. Additional requirements. Additional and specific stormwater management requirements are as follows:
  - (1) Natural drainage. Natural drainage courses shall be maintained wherever possible.
  - (2) Drainage easements.
    - (a) Drainage easements as required may be incorporated into lots or established separately and shown on the subdivision/land development plan.
    - (b) When easements are not incorporated into lots but are established separately, future ownership and maintenance responsibility shall be stated on the plan.

(3) Existing drainage facilities. No stormwater or natural drainage shall be so diverted or increased as to overload existing drainage systems or to create flooding or the need for additional drainage structures on other private properties or public lands, without complete approval by all affected parties of the provisions proposed by the subdivider/developer for handling such conditions.

§ 170-44. Easements.

Easements shall be provided as follows:

- A. Slope easements. Slope easements shall be provided adjacent to street right-of-way lines and shall have a minimum width of 20 feet or additional width as may be required. (Said easements shall be noted in the restrictive covenants and shown on the plan with the appropriate dimensions.)
- B. Drainage easements. Drainage easements a minimum of 20 feet in width or of a width as required by the stormwater management plan design shall be established and shown on the subdivision/land development plans.
- C. Required easements. Where a subdivision/land development is transversed by a stream or contains wetlands, lakes or ponds, there shall be provided a drainage easement conforming substantially with the normal water or boundary line or banks of such stream, wetland, lake or pond and of such width as will preserve the unimpeded flow of natural drainage of such stream and help ensure protection of such wetlands, ponds and lakes, but in no case shall the easement be less than 25 feet each side of the normal water or boundary line of such stream, wetland, lake or pond or center line of a small stream (less than 10 feet wide for a minimum width of 50 feet). (Said easements shall be clearly shown on the subdivision/land development plan.) Such easements shall be construed at all times to include the adjacent stream, wetland, lake or pond.
- D. Access easements. All access easements shall be clearly shown on the subdivision/land development plan indicating the purpose of the easement.
- E. Utility easements. Utility easements a minimum of 10 feet in width shall be provided along all street right-of-way lines and shall be noted in the restrictive covenants.

§ 170-45. Street Classifications. [1]

The location and width of all streets shall conform to the Township's Official Plan or to such parts thereof as may have been or will be adopted by the Township, with classification as follows:

- A. Arterial street.
  - (1) Arterial streets collect traffic from collector, minor and local access streets and also provide direct connections through the Township.
  - (2) Access to arterial streets owned and maintained by PennDOT shall be governed and permitted by the rules and regulations of PennDOT.
  - (3) Arterial streets serve an unlimited number of residential lots and/or dwelling units and/or uses.

- B. Collector street.
  - (1) Collector streets gather traffic from minor and local access streets and feed this traffic to arterial streets.
  - (2) Adjacent access. Collector streets carry heavier traffic volumes than minor streets although they may also provide direct access to lands and individual uses located along them.
  - (3) Collector streets serve an unlimited number of residential lots and/or dwelling units and/or uses.
- C. Minor street.
  - (1) Minor streets provide direct access to lands and individual uses located along them and gather traffic from local access streets and feed this traffic to collector streets.
  - (2) Minor streets serve up to an ultimate 250 residential lots and/or dwelling units and/or uses.
- D. Local access street.
  - (1) Local access streets primarily provide access to lands and individual uses located along them and serve to provide the connecting link between the beginning or the end point of a trip and the higher categories of streets.
  - (2) Local access streets serve up to an ultimate 125 residential lots and/or dwelling units and/or uses and are further classified as follows:
    - (a) Cul-de-sac street.
      - [1] A cul-de-sac street is permanently terminated at one end by a vehicular turnaround and intersects another street at the other end.
      - [2] Cul-de-sac streets shall not furnish access to more than 25 residential lots and/or dwelling units and/or uses.
- E. Private access street.
  - (1) A private access street provides access from a residential lot to an approved or public street where the lot does not have frontage on such approved or public street.
  - (2) Private access streets may serve a maximum of two residential lots and/or dwelling units.
    - [1] Editor's Note: See also Ch. 162, Street Specifications.

#### § 170-46. Access to subdivision and land developments.

All proposed subdivisions and land developments shall have adequate access to the public highway system.

- A. Access via private streets. Existing private streets providing access from a public street to proposed subdivisions/land developments shall have adequate right-of-way widths and be designed and constructed to provide safe and convenient access to the subdivision/land development.
  - (1) Access classification. Classification of the access street shall be according to § 170-45.
  - (2) Access adequacy. Adequate right-of-way widths and safe and convenient design and construction requirements shall be construed as those set forth in Table 3-1 and Table 3-2 of this chapter[1] unless otherwise specified by the Board of Supervisors.
    - [1] Editor's Note: Said tables are included at the end of this chapter.

- B. Access improvements.
  - (1) The Board of Supervisors shall, after reviewing the report by the Township Engineer and/or the Township Staff and recommendations of the Planning Commission, determine the adequacy of such private streets and may require such improvements as it deems necessary or advisable to provide safe and convenient access to the proposed subdivision/land development prior to final plan approval.
  - (2) Lot area enlargement. When a subdivision increases the size of an existing lot or tract of land by an inseparable attachment of additional area from adjacent lands, the requirement of adequate access shall not apply.
- C. If the Board of Supervisors determines that a private street will not provide adequate vehicle and emergency access to a proposed subdivision or land development, after considering any improvements proposed by the applicant, that finding shall be sufficient reason for a denial of the application. See also Section 170-53.

§ 170-47. Streets and topography.

Proposed street grades shall be adjusted to the existing contours of the subdivision or land development so as to produce usable lots and streets.

§ 170-48. Street continuations.

- A. Where, in the opinion of the Board of Supervisors, it is desirable and appropriate to provide for street access to adjoining properties, street stubs shall be extended to the boundary of such properties as a minor street.
- B. Middle Smithfield Township shall not be required to accept street stubs as public roads unless both the subdivider/developer and the Township so desire and then only if the stubs include proper drainage. The Board of Supervisors shall have the authority to determine whether the roadway base and macadam pavement need to be constructed for a stub street prior to the Township accepting dedication of the right-of-way.

§ 170-49. Existing recorded private streets.

Where a subdivision/land development contains or abuts an existing recorded private street, the following shall apply:

- A. Additional width. Whenever there exists a recorded private street of inadequate width within or adjacent to the tract being subdivided or developed, the remainder of the street shall be plotted to the prescribed width from center line within the proposed subdivision/land development.

§ 170-50. Additional building setbacks for existing Township and State roads.

- A. Where a subdivision/land development abuts or contains an existing Township or state road, additional required building setback distances along the road shall be provided to allow future widening to make the road conform to Table 3-1[1] without encroaching into standard building setback requirements of the Zoning Ordinance.

[1] Editor's Note: Said table is included at the end of this chapter.

B. If the subdivider/developer desires and the Township agrees, the additional width along a Township road may be dedicated to Middle Smithfield Township for public use, via a certificate of dedication on the plan, completed and signed by the property owner(s) and deeded, via a deed of dedication, directly to Middle Smithfield Township. As an alternative, such right-of-way may be reserved for future dedication on a future date after a written directive from PennDOT or the Board of Supervisors.

§ 170-51. Cul-de-sac streets.

Cul-de-sac streets [§ 170-45D(2)(a)] shall be designed as follows:

A. Dead-end streets. Dead-end streets are prohibited unless designed as cul-de-sac streets or to provide future access to adjoining properties.

B. Temporary turnarounds.

- (1) Any temporarily dead-ended streets shall be provided with a paved turnaround (standard, offset, T or Y type) within the subdivision, and the use of said turnaround shall be guaranteed to the public until such time as the street is extended via a recorded plan and the extension is constructed and approved by the Township.
- (2) Temporary turnaround covenant. When a temporary turnaround is involved, the following covenant shall be on the plan: "All lots containing a temporary turnaround shall be subject to the right of the public to use the turnaround until such time as the subject street is extended and approved by Middle Smithfield Township."

C. Maximum length.

- (1) Cul-de-sac streets, permanently or temporarily designed as such, shall not exceed 1,600 feet from the right-of-way line of the intersected street to the center or offset angle of the proposed cul-de-sac.
- (2) Length modification.
  - (a) The Township may consider a request for modification of this requirement as it deems the lay of the land or topography dictates. (Use modification form in Appendix D-8.)(1)  
[1] Editor's Note: Appendix D-8 is included in Attachment 3.
  - (b) Approval of the modification must be obtained from the Board of Supervisors prior to approval of a preliminary subdivision plan.

D. Placement. Unless future extensions are clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to the tract boundary line with sufficient additional width provided along the boundary line to permit possible extension of the street at full width.

E. Design.

- (1) All cul-de-sac streets, whether permanently or temporarily designed as such, shall terminate in a circular turnaround with a minimum right-of-way diameter of 100 feet. (See Figures 3-13, 3-14, 3-15 and 3-16.)(2)  
[2] Editor's Note: Said figures are included in Attachment 6.
- (2) Alternate turnarounds.

- (a) Alternate turnaround designs shall be used only after approval by the Board of Supervisors, of a modification requested by the applicant (use modification form in Appendix D-8.).[3]
  - [3] Editor's Note: Appendix D-8 is included in Attachment 3.
- (b) Alternate designs are T, Y or offset type turnarounds. (See Figures 3-17, 3-18, 3-19 and 3-20.).[4]
  - [4] Editor's Note: Said figures are included in Attachment 6.
- (c) The Board of Supervisors may allow or require the placement of a landscaped island in the middle of a cul-de-sac turnaround. In such case, the subdivider shall establish a legally binding mechanism to ensure proper maintenance of the landscaped area. In such case, the Township may require that any curbing be a mountable design to allow emergency vehicles to pass.

§ 170-52. Alleys.

- A. Alleys shall not be provided in residential subdivisions unless specifically approved by the Board of Supervisors, based upon a favorable recommendation by the Planning Commission and with the alley being maintained by a homeowner association. Alleys may be included in commercial or industrial subdivisions/land developments where necessary for loading, unloading or access purposes.
- B. Width. Alleys shall be minimum of 30 feet in right-of-way width and 20 feet in cartway width for two-way traffic and 12 feet for one-way traffic, and shall not be offered for public dedication. See also Table 3-1.

§ 170-53. Private access streets.

Private access streets (as described in § 170-45E) may be utilized to provide access to residential lots as follows:

- A. Minor subdivisions: in minor subdivisions for lots which do not abut or have frontage on a public or approved private road.
- B. Major subdivision/land developments: in major subdivisions/land developments to gain access to lots and reduce the amount of required standard streets.
- C. Width. Private access streets shall have a minimum right-of-way width of 20 feet.
  - (1) Additional design requirements. A private access street which serves as an access to a parcel which could be further subdivided into more than two lots shall have a 50 feet wide easement or right-of-way and shall be proved capable of being feasibly designed to conform to the requirements of a minor or local access street (profiles, horizontal layout, etc.).
  - (2) A restrictive covenant prohibiting further subdivision without prior Township approval and then only if the dwelling density is not increased may be provided in lieu of the larger road design.
- D. Length.

- (1) Private access streets shall not exceed 2,000 feet in length in minor subdivisions and 500 feet in major subdivisions as measured from the right-of-way line of the accessed street to the lot line abutting the furthermost end of the street.
- (2) The Board of Supervisors may consider a request for a modification of this length requirement. (Use modification form in Appendix D-8.)(1)
  - [1] Editor's Note: Appendix D-8 is included at the end of this chapter.

E. Grades. The maximum grade of a private access street shall be 15%.

F. Alignment. The minimum center-line radii shall be 50 feet.

G. Construction and maintenance responsibility. Construction and maintenance of private access streets shall be the responsibility of the property owners benefiting by the use thereof. For any new private access street, a binding agreement for maintenance shall be established and found acceptable to the Township. For any subdivision or land development along an existing private access street, the Township may require the applicant and his/her successors to commit to their fair share of maintenance costs.

§ 170-54. Intersections.

All intersections of streets shall be designed in accordance with the following:

- A. Center-line intersections. The center lines of any two streets shall intersect as nearly at right angles as possible.
  - (1) Intersection modification. The Board of Supervisors may consider a modification request for a center-line intersection of 75° to 60° (use modification form in Appendix D-8.)(1)
    - [1] Editor's Note: Appendix D-8 is included at the end of this chapter in Attachment 3.
    - (2) Intersection not allowed. Center-line angles of less than 60° shall not be allowed under any conditions.
    - (3) Multiple street intersection. The Board of Supervisors may consider a modification request for an intersection of more than two streets at one point. (Use modification form in Appendix D-8.)(2)
      - [2] Editor's Note: Appendix D-8 is included at the end of this chapter, within Attachment 3.
  - (4) Offset intersection. Where streets intersect other streets, offsets shall not be created except as follows:
    - (a) The minimum offset or distance between center lines of parallel or approximately parallel streets intersecting a cross street shall be as follows:
      - [1] One hundred fifty feet for minor or local access streets.
      - [2] Three hundred feet for all arterial or collector streets.
    - (b) The street of the highest classification involved, either cross street or parallel street, shall determine the intersection offset.
    - (c) For typical intersection designs, see Figures 3-11 and 3-12.(3)
      - [3] Editor's Note: Said figures are included at the end of this chapter.

B. Right-of-way arcs. All intersections shall have the right-of-way lines rounded by arcs with radii as follows:

- (1) Arterial and collector streets. At intersections involving arterial or collector streets, the right-of-way lines shall be rounded by arcs with a radii of at least 50 feet; however, the Planning Commission may require a larger radii.
- (2) Minor and local access streets. At intersections involving minor or local access streets, the right-of-way lines shall be rounded by arcs with a radii of not less than 40 feet.
- (3) Private access streets and alleys. At intersections involving private access streets and alleys, the right-of-way or property lines shall be rounded by arcs with a radii of not less than 25 feet.

§ 170-55. Arterial street frontage.

Where a subdivision/land development abuts or contains an existing arterial street, the Board of Supervisors may require marginal access streets, rear service streets, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in number of intersections with the major street and separation of local and through traffic. (See Figures 3-7 and 3-8.)(1)

[1] Editor's Note: Said figures are included at the end of this chapter.

§ 170-56. Street right-of-way widths.

Minimum street right-of-way widths measured from lot lines shall be as set forth in Table 3-1.[1]

[1] Editor's Note: Said table is included at the end of this chapter within Attachment 4.

§ 170-57. Street travelway widths.

Minimum street travelway (pavement) widths shall be as set forth in Table 3-1.[1]

[1] Editor's Note: Said table is included at the end of this chapter within Attachment 4.

§ 170-58. Street shoulder widths.

Minimum street shoulder widths shall be as set forth in Table 3-1.[1]

[1] Editor's Note: Said table is included at the end of this chapter within Attachment 4.

§ 170-59. Street alignment.

Street alignment shall be designed as follow:

- A. Horizontal curves. Whenever street center lines are deflected in excess of 5° within 100 feet, connection shall be by horizontal curves.
- B. Sight distances. Streets shall be so designed that there will be unobstructed sight distances along the center lines thereof as set forth in Table 3-1,[1] both horizontal and vertical.
  - (1) Sight distance requirements. Sight distances shall be measured along the center line of the street from a point 3.75 feet above the pavement surface to a point 0.5 feet above said surface.
  - (2) Stop street sight distances. Vertical sight distances shall not pertain to stop street intersections; however, grade differences of over 10% shall require a vertical curve of at least 30 feet.

[1] Editor's Note: Said table is included at the end of this chapter.

- C. Reverse curve tangents. Between reversed curves the following minimum tangents shall be provided:
  - (1) One hundred feet on arterial and/or collector streets.
  - (2) Fifty feet on minor and/or local access streets.

#### § 170-60. Street grades.

Street gradients shall be designed as follows:

- A. Center-line grades. Center-line grades shall not exceed the gradients set forth in Table 3-1.[1]
  - [1] Editor's Note: Said table is included at the end of this chapter.
- B. Minimum grades. The minimum center-line grades shall not be less than 0.5%.
- C. Maximum grades at turnarounds. The maximum grades across turnarounds at the end of cul-de-sac streets shall not exceed 12%.
- D. Leveling areas.
  - (1) A leveling area for all street intersections shall be provided as follows:
    - (a) Connecting street grades. The tangent grade of the connecting street shall be a minus 2% (1/4 inch per foot) within the right-of-way of the accessed street.
    - (b) Vertical curves.
      - [1] Grade differences of over 10% within 50 feet of the right-of-way line of the accessed street shall require a vertical curve of at least 30 feet.
      - [2] The point of vertical curvature (PVC) of the required vertical curve shall be at the right-of-way line of the accessed street.
  - (2) Vertical curve requirements as set forth in § 170-61 shall not pertain to streets subject to stop intersections when the algebraic difference in grades within 50 feet of the street right-of-way line is 10% or less.

#### § 170-61. Vertical curves.

Vertical curves shall be used at changes in grade exceeding 1% percent within 100 feet.

- A. Crest vertical curves. Crest vertical curves shall be designed to provide vertical sight distances consistent with the horizontal sight distances as set forth in Table 3-1.[1]
  - [1] Editor's Note: Said table is included at the end of this chapter in Attachment 4.
- B. Sag vertical curves. Sag vertical curves shall be designed as follows:
  - (1) Arterial and collector street sag vertical curve design. On arterial and collector streets, sag vertical curves shall have a minimum length of 25 feet for each 1% or portion thereof difference in tangent grade with an absolute minimum length of 100 feet. (Example: 1% to 4% equals 100 feet vertical curve, 4.1% to 5% equals 125 feet vertical curve, etc.)
  - (2) Minor and local access street sag vertical curve design. On minor and local access streets, sag vertical curves shall have a minimum length of 15 feet for each 1% or

portion thereof difference in tangent grade with an absolute minimum length of 75 feet. (Example: 1% to 5% equals 75 feet vertical curve, 5.1% to 6% equals 90 feet vertical curve, etc.)

§ 170-62. Intersection sight distances (clear sight triangles).

Intersection sight distances (clear sight triangles) shall be designed as follows:

A. Intersection sight distances.

- (1) At intersections of all streets, obstructions of any type, including vegetation and earth, shall be removed and a plan restrictive covenant established to maintain any and all improvements placed so that clear and unobstructed sight is provided from a point on the center line of the intersecting street 10 feet from the nearest edge of the travelway pavement of the through street and 3 1/2 feet above the proposed surface at that point to a point 4 1/4 feet above the center of the approaching lane of the through street at a distance, as measured along the center of the approaching lane, of:
  - (a) 400 feet to the left and 300 feet to the right if the through road is an arterial street.
  - (b) 300 feet to the left and 250 feet to the right if the through road is a collector street.
  - (c) 250 feet to the left and 200 feet to the right if the through road is a minor or local access street.
- (2) The required line of sight shall have a minimum of six inches clearance above the ground or pavement at any point along the sight line.

B. Intersection sight distances on state roads.

- (1) Intersection sight distances involving state roads shall comply with all regulations and requirements of PennDOT.
- (2) Submission of an approved PennDOT occupancy permit for the subject intersection will preclude any and all requirements of Subsection A above.

§ 170-63. Requests for modifications of street requirements.

A. The Township recognizes that the preceding §§ 170-55 through 170-62 are not applicable to all circumstances because of unusual topography or parcel layout and may consider modifications of or deviations therefrom on an individual case by case basis. Modification requests shall be submitted in compliance with Section 170-182 using the form in Appendix D-8.[1]

[1] Editor's Note: Appendix D-8 is included at the end of this chapter in Attachment 3.

§ 170-64. Street names.

- A. Street name continuation. Proposed streets which are obviously in alignment with other streets, existing or proposed, shall continue the name of the existing or proposed street.
- B. Street names shall not duplicate or be closely similar to the name of a different street in the Township, the same zip code or the same fire or ambulance company service area.

§ 170-65. Required driveways and private access streets.

Driveways and private access streets required by these regulations and possible areas for future driveways adjacent to a street intersection shall be indicated on the preliminary and final plans and the required driveways and private access streets shall be designed as follows:

A. Isolation distance. The minimum distance between the center line of a driveway/private access street and the nearest intersecting street center line on the same side of the street shall be in conformance with the following table.

**Driveway and Private Access Street  
Isolation Distance Table**

Distance between the center line of the driveway/private access street and the nearest intersecting street center line by the type of street accessed:

Type of Driveway	Arterial	Collector	Minor	Local Access
Single / two-family residential driveways	95 feet	95 feet	85 feet	75 feet
Multi-dwelling / apartment residential driveways	145 feet	145 feet	110 feet	100 feet
Commercial / industrial driveways	200 feet	200 feet	100 feet	100 feet
Private access streets	110 feet	110 feet	100 feet	90 feet

B. Driveway grades.

- (1) The tangent grade of the driveway/private access street shall be a minimum of minus 6% (3/4 inch per foot) for a minimum of four feet from the edge of the travelway pavement or the shoulder line or gutter line of the accessed street, whichever is greater.
- (2) The maximum grade of any driveway/private access street is 15%.

C. Leveling areas.

- (1) Grade differences over 14% within 25 feet of the right-of-way line shall require a vertical curve of at least 30 feet.
- (2) The point of vertical curvature (PVC) of the required vertical curve shall be at least four feet from the edge of the travelway pavement or at the shoulder or gutter line of the accessed street, whichever is greater.

**§ 170-66. Off-street parking.**

- A. See the parking requirements of the Zoning Ordinance. (As of 2017, such provisions were in Division 050.)
- B. When the only proposed building site as required in § 170-40A(1) is not accessible from the existing or proposed street by means of an individual driveway or private access street having a grade of 25% or less, the required off-street parking spaces shall be constructed and installed by the subdivider/developer.

**§ 170-67. Partial and half streets.**

- A. New half or partial streets shall be prohibited except where essential to reasonable subdivision/development of a tract in conformance with the other requirements and standards of these regulations and where, in addition, assurance in writing for dedication of the remaining part of the street can be obtained.
- B. Required width. Unless such assurance can be obtained, the subdivider shall provide the entire required right-of-way width within his property.

§ 170-68. Residential subdivision/land development design standards.

- A. All residential subdivisions/land developments proposed shall conform with the provisions of this section.
- B. Blocks. All block designs shall consider the following:
  - (1) Traffic circulation. In design of blocks, special consideration shall be given to requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with arterial and collector streets.
  - (2) Cross walks.
    - (a) Cross walks may be required where deemed by the Township necessary to facilitate pedestrian circulation and to give access to community or public facilities in blocks of over 1,000 feet in length.
    - (b) Such crosswalks shall have a right-of-way width of not less than 10 feet and an all-weather walkway of not less than six feet in width.
  - (3) Block width. Blocks shall be of sufficient width to permit two tiers of lots except where access is limited by virtue of an adjoining connector street or by virtue of topographic limitations.

§ 170-69. Lots and parcels.

The minimum lot sizes, lot widths and yard requirements shall be as set forth in the Zoning Ordinance and shall further conform with the following:

- A. Lot frontage. All lots shall front on a public street or an adequate and recorded private street except:
  - (1) As provided for private access streets for minor subdivisions. (see § 170-54A).
  - (2) As provided for private access streets in a major subdivision. (see § 170-54B).
- B. Double frontage lots. Double frontage lots shall conform to the following:
  - (1) No-access strips. A no-access strip 20 feet in width shall be set forth along the rear of the lots. (See Figures 3-7 and 3-8.)[1]
    - [1] Editor's Note: Said figures are included at the end of this chapter.
  - (2) Increased rear yard building setback. All double frontage lots shall have the rear yard building setback distance increased by 20 feet.
  - (3) Lot access. Access to a double frontage lot shall be from the street of lesser classification when practical.
- C. Lot side lines.

- (1) Side lines of lots shall be at right angles to tangent street right-of-way lines and radial to curved street right-of-way lines. (See Figures 3-3, 3-4, 3-5 and 3-6.)[2]  
 [2] Editor's Note: Said figures are included at the end of this chapter.
- (2) Lot side line modifications. At the discretion of the Planning Commission, some modification of these requirements may be permitted upon submission of sufficient reasons therefor by the subdivider. (Use modification form in Appendix D-8.)[3]  
 [3] Editor's Note: Appendix D-8 is included at the end of this chapter.

D. Lot depths.

- (1) The depth of residential lots shall be not less than one nor more than three times their width.
- (2) Irregularly shaped lots. In the case of irregularly shaped lots, the minimum lot width specified in the district shall be measured at the minimum front yard setback line, provided that in no case shall the lot frontage measured at the street right-of-way line be less than 70% of the minimum lot width except in the following situations: on cul-de-sacs or courts or street center-line curves with a radius of less than 300 feet, the lot frontage measured at the street right-of-way line shall not be less than 40% of the minimum lot width.

E. Land remnants.

- (1) If small, less than the required lot size, remnants of land, other than rights-of-way, easements, recreation areas, open space or buffer strips, exist after subdividing, they shall be incorporated into existing or proposed lots.
- (2) When a parcel of land is subdivided into two lots and the remaining lands are not of a size or configuration that could be further subdivided, the remaining lands must be considered a lot and must be submitted for approval.

F. Municipal boundaries. Where feasible, lot lines shall follow municipal boundaries.

§ 170-70. Open space and recreation areas; fees.

- A. Purposes: to provide adequate open spaces, recreational lands and recreational facilities to serve new residents of new developments, for both active and passive recreation; to recognize and work to carry out the Eastern Monroe Recreation and Open Space Plan, or its successor plan.
- B. Applicability. This section shall apply to any subdivision or land development for which a preliminary or final plan is submitted after the effective date of this amendment.
  - (1) However, this section shall not apply to a final plan if the final plan is consistent with a valid complete approved preliminary plan that was officially accepted by the Township for review before the effective date of this section.
  - (2) This section shall not apply to plans that the Board of Supervisors determines only involve clearly minor adjustments or corrections to an approved preliminary plan or clearly minor adjustments or corrections to a preliminary plan that was before the Township for consideration at the date of the adoption of this amendment.
  - (3) Exemption. This § 170-70 shall not apply when a lot is subdivided and one lot is kept by the current owner and the other lot is transferred to the child, step-child, grandchild or step-grand-child of the then-current owner. This exemption shall only be allowed once per person to whom the lot is being transferred. The person to whom

the lot is being transferred shall have an intent to continue to own the lot for at least one year.

C. Limitations on use of fees.

- (1) Any fees collected under this section shall be placed in an interest-bearing account and shall be accounted for separately from other Township funds. See Subsection A(4) below concerning locations.
- (2) To ensure that the lands and facilities are accessible to the residents of the developments that paid fees towards their cost, such fees shall only be used within a four-mile radius of the boundaries of the subdivision or land development that paid the fees, unless the Board of Supervisors determines that a proposed improvement would clearly serve the entire population of the Township.
- (3) Such fees shall only be used for the following: acquisition of public open space, development of public recreational facilities, landscaping of public open space and closely related engineering and design work.
- (4) The Township should designate the recreation facilities/area where the fees will be used at the time of a subdivision or land development approval. If the Township does not designate the recreation facilities/area where the fees will be used, then the fees shall automatically be set aside for the further development of the Township Park at Echo Lake, as a generally centrally located recreation area providing programs and facilities for the entire Township.

D. Land dedication. The applicant for any subdivision or land development regulated under this § 170-70 shall be required to dedicate the specified amount of publicly-owned common open space, unless the Board of Supervisors and the applicant mutually agree to the payment of recreation fees-in-lieu of land, the construction of recreational facilities, the reservation of common open space through an allowed alternative ownership method, or a combination thereof. The common open space is being required to provide park and recreational areas accessible to the residents of the subdivision or land development.

- (1) Generally, it is the intent of this section that developments of, at a minimum, five or fewer dwelling units that do not include land that is adjacent to existing publicly-owned land should be required to pay a recreation and open space fee in lieu of dedicating land. However, if the applicant does not agree to pay such fees, then land shall be required to be dedicated.
- (2) The land and fee requirements of this section shall be based upon the number of new dwelling units that would be permitted on the lots of a subdivision or land development after approval.
- (3) Prime open space. For the purposes of this section, the term "prime open space" shall mean land proposed to be dedicated as common open space that would meet all of the following standards:
  - (a) Less than 6% slope;
  - (b) Not a wetland under federal and/or state regulations;
  - (c) Be part of a contiguous tract of at least two acres (which may include existing adjacent common open space); and
  - (d) Not be within the one-hundred-year floodway, as defined by official floodplain maps of the Township, as prepared by the Federal Emergency Management Agency.

(4) Amount of common open space. If a subdivision or land development is required to dedicate common open space, the following amounts for each permitted new dwelling unit shall apply:

Percentage of the Total Required Common Open Space that Would Meet the Definition of Prime Open Space	Minimum Required Common Open Space Per Permitted Dwelling Unit (square feet)
0% to 25.0%	5,200
25.1% to 75.0%	2,600
75.1% to 100%	1,300

E. Fees for residential development. If the Board of Supervisors and the applicant agree that a proposed subdivision or land development will pay fees-in-lieu of dedicating open space, this fee shall be as established by the Township Fee Schedule, which may be updated by resolution of the Board of Supervisors. Until such time as a different fee is established, this fee shall be \$600 per dwelling unit.

F. Decision on land vs. fees. The Board of Supervisors shall determine whether a land dedication would be in the public interest or, rather instead, whether the payment of fees would be preferable. This determination should, but is not required to, be made at the time of sketch plan review. The Township should, at a minimum, consider the following in this decision:

- (1) Whether the land in that location would serve a valid public purpose.
- (2) Whether there is potential to make a desirable addition to an existing public or school district recreation area.
- (3) Whether the proposed land would meet the objectives and requirements of this section and any relevant policies of the Township Comprehensive Plan and the Eastern Monroe Open Space and Recreation Plan.
- (4) Whether the area surrounding the proposed development has sufficient existing recreation and open space land, and whether it is possible for pedestrians and bicyclists to reach those lands.
- (5) Any recommendations that may be received from the Planning Commission, the Township Engineer, the local school board or school district staff, any Environmental Advisory Committee, and any Township Parks and Recreation Commission.

G. Common open space to be preserved.

- (1) Suitability. Land required to be dedicated shall be suitable for its intended purpose, in the determination of the Board of Supervisors. The applicant shall state what improvements, if any, he/she intends to make to the land to make it suitable for its intended purpose, such as grading, landscaping, or development of trails. Such land shall be free of construction debris at the time of transfer or dedication.
- (2) Ownership. Required common open space shall be offered for dedication to the Township, unless the Board of Supervisors agrees to accept a transfer to any of the following: the School District, the County, the PA Bureau of State Parks, the PA Game Commission, a similar agency, a homeowners' association, or an environmental organization acceptable to the Board of Supervisors. The Board of

Supervisors is under no obligation to accept an offer of dedication to the Township, but shall have authority to ensure that an appropriate long-term method will be in place to own and maintain common open space. In the case of a rental development, the Township may permit the common open space to be retained by the owner of the adjacent residential buildings.

- (a) If required common open space is to be owned by a homeowners' association, the developer shall be required to establish such association in a form that requires all property owners within the development to annually contribute to the maintenance of the common open space. The applicant shall prove full compliance with the Pennsylvania Uniform Planned Communities Act, as applicable.
- (b) Any homeowners' association agreements regarding required common open space shall be subject to acceptance by the Board of Supervisors, based upon review by the Township Solicitor. An acceptable process shall be established for the timing of the transfer of the lands and maintenance responsibilities to the homeowners' association. Each dwelling or lot owner shall be required to regularly fund maintenance of the common open space. If this requirement is not met, the agreement shall specify that the Township may have the work accomplished and may place municipal liens on properties to recover the maintenance and legal costs.

(3) Restrictions/easements. Any required common open space shall include Township-approved deed restrictions and/or conservation easements to permanently prevent the open space from being further subdivided or developed for buildings, except approved buildings for noncommercial recreation or to support maintenance of the land. The Board of Supervisors shall be provided with authority to enforce any deed restriction or conservation easement pertaining to preservation of the common open space. In addition, other parties may be given separate overlapping authority to enforce the deed restriction or conservation easement.

(4) Priority shall be given to dedication of land that would be suitable for additions to existing public schools and public parks; or would preserve woods, steep slopes or other important natural features or land along a creek or river; or that would be suitable for centralized active recreation.

(5) Land that is not suitable for active or passive recreation shall not be permitted to meet the requirements of this section, including areas within a stormwater detention basin that are not suitable for recreation. Portions intended for active recreation shall be well-drained, of less than 6% average slope and not require filling in of a wetland for use.

(6) Access and contiguity. Common open space within a subdivision or land development shall be contiguous, except as may be specifically exempted by the Board of Supervisors, and shall have adequate access for maintenance and by pedestrians.

(7) Other ordinances. Any required land dedication under this section shall be in addition to any land dedication or improvement requirements of any other Township ordinance.

(8) Residual lands. If only a portion of a larger tract of land is currently proposed to be subdivided, or the applicant owns one or more adjacent tracts that are not currently proposed to be subdivided, the applicant shall provide a sketch of a possible future land dedication on these adjacent lands in case they would be developed in the future.

(9) Coordination with future adjacent dedication. The Board of Supervisors may require that a required land dedication within a property currently being subdivided be placed along an edge of the property so that it may, in the future, be combined with an open space dedication on the edge of an adjoining property when that adjoining property is subdivided or developed. The intent is to coordinate currently proposed common open space with future development, over the long-term.

H. Combination of land and fees. Upon mutual agreement of the Board of Supervisors and the applicant, the Township may accept a combination of common open space and fees-in-lieu of land to meet the requirements of this section for a residential subdivision or land development. This combination shall be based upon the common open space requirement applying for a certain number of dwelling units and the fee-in-lieu of land requirement applying for the remaining number of dwelling units. See also Subsection J below.

I. Timing of fees. One-half of the fees required by this section for all of the dwelling units shall be paid prior to the recording of the final plan, and the other half of the fee per dwelling unit shall be paid prior to issuance of the occupancy permit, except as follows:

- (1) If the required fee would be greater than \$2,000, and the applicant and the Township mutually agree to provisions in a binding development agreement to require the payment of all applicable recreation fees prior to the issuance of any building permits within each clearly defined phase of the development, then such fees are not required to be paid prior to recording of the final plan but may instead be paid within the requirements of that development agreement.
- (2) If the applicant agrees to pay such fees in installments, then all such fees shall not be considered to be "paid" for the purposes of any applicable time limitations for utilization under the Municipalities Planning Code until all such fees are paid in full, including all installments and phases.

J. Facilities in place of land or fees. If there is mutual agreement by the Board of Supervisors and the applicant, the requirements of this section may be met by the applicant constructing permanent noncommercial recreation facilities within the proposed subdivision or land development or on a public recreation area. The applicant shall show that the proposed recreation facilities would reduce the future burden upon the Township in providing for recreation facilities. The facilities do not necessarily need to be open to the public if they are not constructed on publicly owned land. However, the facilities shall, at a minimum, be open to residents of the subdivision or land development.

K. Required minimum standards for "common open space."

Common open space is a parcel or parcels of land within a tract which meets all of the following standards:

- (1) Is designed, intended and suitable for active or passive recreation by residents of a development or the general public;
- (2) Is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned;
- (3) Will be deeded to the Township and/or preserved by a deed restriction or conservation easement to permanently prevent uses of land other than common open space and noncommercial recreation, and

(4) Does not use any of the following areas to meet minimum common open space requirements:

- (a) Street rights-of-way;
- (b) Vehicle streets or driveways providing access to lots that are not common open space;
- (c) Land beneath building(s) or land within 25 feet of a building (other than an accessory maintenance building or swimming pool, and other than agricultural buildings and a farmstead which are permitted within land approved by a Township for agricultural preservation);
- (d) Off-street parking (other than that clearly intended to serve noncommercial recreation);
- (e) Area(s) needed to meet a requirement for an individual lot that is not common open space;
- (f) For land intended to be open to the public, that does not have provisions for entry with a twenty-foot minimum width by pedestrians from a street open to the public or from an adjacent common open space area that has access to such a street;
- (g) Land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of the Board of Supervisors would be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions, or will be a scenic retention pond;
- (h) Portions of land that have a width of less than 50 feet;
- (i) Areas within rights-of-way or easements of high-voltage electric overhead power transmission lines; and
- (j) Areas occupied by wastewater treatment facilities, except for a septic system that only serves a restroom building or a similar common open space use.

§ 170-70.1. Conservation open space.

The provisions of this section shall apply to required conservation open space within a conservation development. (Note: A separate set of provisions in § 170-70 applies to common open space that is required in certain other developments.)

A. Ownership.

(1) Open space ownership. The method(s) to be used to own, preserve and maintain any conservation open space shall be approved in advance by the Board of Supervisors. The Township shall only approve a conservation development if the applicant proves there will be an acceptable method to ensure permanent ownership, preservation and maintenance of the conservation open space.

(a) The method of ownership and use of any required conservation open space shall be determined prior to final subdivision or land development approval. Required conservation open space shall be owned by one or a combination of the following methods:

- [1] Dedication to the Township as public open space, if the Board of Supervisors agree in writing to such dedication.
- [2] Dedication to the county as public open space, if the County Commissioners agree in writing to such dedication.

- [3] Dedication to the school district if such Board of Education agrees in writing to accept such dedication and to use and maintain the land for public school recreation and/or related open space.
- [4] Dedication to a property owners' association (which term shall also include a condominium owners' association) as conservation open space, with all property owners legally bound to pay fees on a regular basis for the maintenance and other expenses of owning such land, and with such property owners' association being incorporated with covenants and bylaws providing for the filing of assessments. After providing notice to affected owners and allowing a period to correct deficiencies, the Township shall have the authority to establish municipal liens upon all properties in the conservation development to fund maintenance of the land and Township legal costs if the property owners' association does not fulfill its responsibilities.
  - [a] Such responsibilities shall be specified as part of each deed prior to sale of each lot or dwelling unit. An orderly process shall be established for the transfer of the land to the association. The Township may delay a dedication of maintenance responsibilities by a developer to a property owners' association until such association is incorporated and able to maintain such land.
  - [b] The property owners' association shall be established in full compliance with applicable state law, including the State Uniform Planned Community Act and Uniform Condominium Act.<sup>[1]</sup>

[1] Editor's Note: See 68 Pa. C.S.A. § 5101 et seq. and 68 Pa. C.S.A. § 3101 et seq., respectively.

- [5] Dedication of the land as a nature preserve to a bona fide established conservation organization or outdoor nonprofit youth recreation organization that is acceptable to the Board of Supervisors and provided such organization is intended to exist indefinitely. See Subsection A(1)(c) below.
- [6] Dedication of a permanent agricultural preservation easement to the County Agricultural Land Preservation Board, if such Board agrees to accept such easement, with the land utilized for allowed agricultural or equestrian uses, such as a wholesale plant nursery or horse farm.
- [7] Dedication to the State Game Commission, State Forest Bureau, State Fish and Boat Commission or similar public agency, if such agency agrees in writing in advance to accept the dedication and to maintain the land for public recreation.
- [8] Operation as a bona fide golf course, with a minimum lot area of 50 acres. Areas including buildings or vehicle parking shall not count towards the conservation open space requirement.
- [9] Retention as part of one or more private lots, with an appropriate conservation easement, if the applicant proves to the satisfaction of the Board of Supervisors that none of the above alternative methods of ownership are feasible. This option shall only be available if each lot that would retain conservation open space would have a minimum lot area of two acres or 1/3 of the total tract size of the development, whichever is less, and the total tract size is less than 10 acres. See

Subsection A(4) below which requires some of the conservation open space to be available to residents, such as trail easements.

- (b) Applicants are requested to first offer ownership of any proposed conservation open space to the Township, particularly if the conservation open space could be adjacent to existing publicly owned recreation or open space land. The Board of Supervisors shall have the authority to not accept ownership of conservation open space by the Township.
- (c) If the approved plan states that ownership of the conservation open space is limited to a particular entity (such as a conservation organization), then any transfer of ownership to another entity shall require preapproval by the Board of Supervisors. The Board of Supervisors shall determine whether the new entity would have the long-term ability to fulfill the responsibilities under the approved plan. Where land is to be owned by a conservation organization, a process should be established for the land to transfer to a different organization if the first organization is not able to fulfill its obligations.

(2) Legal documents providing for ownership, perpetual preservation and maintenance of required conservation open space shall be submitted in draft form by the applicant, be reviewed by the Township Solicitor and be approved by the Board of Supervisors prior to recording of the final plan. See also Subsection C below regarding conservation easements. If conservation open space is owned by a property owners' association, such association shall be bound by applicable state laws and the following additional regulations:

- (a) The applicant shall submit a description of the organization of the association, including bylaws and documents governing ownership, maintenance and use restrictions for the conservation open space.
- (b) The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidies by the owner or applicant, if necessary) before the sale of any lots or dwelling units in the subdivision or land development. The documents shall establish the timing of the transfer of the conservation open space to the property owners' association.
- (c) Membership in the association shall be mandatory for all owners of dwelling units in the development and their successors in title.
- (d) The association shall be responsible for maintenance and insurance of the conservation open space.
- (e) The documents shall confer legal authority upon the association to place a lien with the accruing of interest on each owner of a lot or dwelling unit if such owner is delinquent in paying required fees or dues.
- (f) If the association proposes to transfer any of its responsibilities to own or properly maintain facilities to another entity, it shall provide written notice to all members of the association and the Township at least 30 days prior to such event. This requirement shall not apply to contracting of maintenance.
- (g) The association shall have adequate staff to administer, maintain and operate land and facilities owned by the association.

(3) All conservation open space shall be permanently restricted from further subdivision and development. The recorded plan shall include proper notations consistent with the approved method of owning, maintaining and preserving the conservation open space. For example, if the conservation open space is intended to be owned by a homeowner association as recreation land, a statement should be included that the designated open space "shall not be further subdivided and shall not be used for the

construction of any buildings and shall not be used to calculate density for any other development." Note: Subsection C(1) below addresses types of buildings that may be approved within the conservation open space.

- (a) The recorded plan shall list the uses that are allowed or not allowed on the conservation open space, which shall conform with Township ordinances.
- (4) Use by residents. A minimum of 20% of the minimum required conservation open space shall be available for recreation by residents of the conservation development. This requirement may be met by trail easements across privately owned land. [This provision is not intended, by itself, to prevent a development being approved with recreation open to the public, depending upon decisions under Subsection A(1) above.]
- (5) See Subsection C below concerning protection and maintenance of conservation open space.

B. Conservation open space priorities and standards.

- (1) Suitability. Conservation open space shall be suitable for its intended purpose, in the determination of the Board of Supervisors. The applicant shall state in writing what improvements, if any, he/she will commit to make to the land to make it suitable for its intended purpose, such as grading, landscaping or development of trails. Such land shall be free of construction debris at the time it is dedicated as conservation open space.
- (2) Priorities for conservation open space.
  - (a) The locations of the conservation open space shall consider any resources identified in any map of potential conservation lands that was prepared by the Township and be prepared consistent with the site design process provided in § 170-70B. To the fullest extent feasible, the conservation open space shall incorporate the following resources (if they are located on the tract):
    - [1] Stream channels, floodplains, wet soils, natural drainage swales, springs and adjacent buffer areas to insure their protection.
    - [2] Areas of slopes over 25%, followed by areas of slopes of 15% to 25%, with an emphasis on sloped areas adjacent to streams and ponds where disturbance could be detrimental to water quality.
    - [3] Concentrations of mature woodlands, particularly those woodlands that protect streams, wetlands and wildlife corridors and trees of unusually large size.
    - [4] Areas where precipitation is most likely to recharge groundwater supplies, considering rates of infiltration.
    - [5] Visually prominent ridgelines.
    - [6] Concentrations of land that would be suitable for a productive agricultural use.
    - [7] Historic buildings and their immediate surroundings.
    - [8] Trail connections needed to connect existing trails with neighborhoods, schools, parks and pedestrian destinations.
  - (b) Priority shall be given to provision of conservation open space that would be suitable for:
    - [1] Additions to existing public school outdoor recreation areas, public parks and other public recreation lands;
    - [2] Preservation of interconnected greenways of mature woods, steep slopes, creek valleys or other important natural features;

- [3] Active and passive recreation, such as but not limited to a site that the Board of Supervisors deems suitable for public recreation land;
- [4] Providing direct pedestrian access from the maximum number of lots; and
- [5] The conservation of scenic views and elements of the Township's rural character, in a manner that minimizes perceived density by minimizing views of new development from existing streets/roads.

(c) Guidelines. The following guidelines should be followed in the design and location of conservation open space:

- [1] Buildings and paving should not be placed in areas where there is the greatest permeability, to encourage groundwater recharge.
- [2] The disturbance of areas with a seasonally high water table should be minimized.
- [3] The location of the conservation open space should be based upon an evaluation of all of the woodlands on the site to determine which areas are most worthy of preservation, considering age, species, condition and the potential to maintain continuous wooded areas for habitat purposes.
- [4] Conservation open space should be placed in locations that will minimize the visual obtrusiveness of development as viewed from public streets.
- [5] Grading and earthmoving on over 15% slopes shall be minimized.

(3) Contiguity. A minimum of 50% of the required conservation open space within a subdivision or land development shall be contiguous, without being separated by other uses, except as may be specifically exempted by the Board of Supervisors. Lands used to meet this minimum fifty-percent requirement may be separated by streets or creeks.

- (a) To the maximum extent feasible, conservation open space throughout a development shall be interconnected. The number of streets separating areas of conservation open space shall be held to a minimum.
- (b) To the maximum extent feasible considering the open space priorities for the tract, at least 50% of the dwelling units should be adjacent to or directly across a street from conservation open space or have a direct trail connection to the conservation open space.

(4) Access and trails. Conservation open space shall have adequate access for maintenance and by pedestrians. Lots and conservation open spaces shall be located to promote pedestrian and visual access to conservation open spaces whenever possible. Unless specifically approved otherwise, conservation open space shall include a trail open to residents of the development or the general public. This trail shall be constructed by the developer prior to the sale of any adjacent homes.

(5) Other ordinances. A conservation development shall not be required to provide Common Open Space or pay fees in lieu of common open space.

(6) Residual lands. If only a portion of a larger tract of land is currently proposed to be subdivided, or the applicant owns one or more adjacent tracts that are not currently proposed to be subdivided, the applicant shall provide a sketch of a possible future conservation open space on these adjacent lands. The intent is to coordinate current plans with any future development, even in the long term.

(7) Coordination with future adjacent open space. The Board of Supervisors may require that required conservation open space within a property currently being subdivided

be placed along an edge of the property so that it may, in the future, be combined with open space on the edge of an adjoining property when that adjoining property is subdivided or developed.

(8) Prohibitions. The following land areas shall not be used to meet the minimum conservation open space requirements:

- (a) Existing street rights-of-way;
- (b) Vehicle streets or driveways providing access to other lots;
- (c) Land beneath building(s) or land within 20 feet of a building [other than buildings allowed under Subsection C(1) below];
- (d) Off-street parking (other than that clearly intended to serve noncommercial recreation);
- (e) Area(s) needed to meet a requirement for an individual lot;
- (f) Land that does not have at least a twenty-foot-wide access area to connect to a street open to the public or to connect with an adjacent conservation open space area that has access to such a street;
- (g) Land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of the Board of Supervisors would:
  - [1] Be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions; or
  - [2] Serve as a scenic asset to the community, such as a retention pond with a natural appearance;
- (h) Portions of land that have a width of less than 50 feet, except that the Board of Supervisors may allow areas with a minimum width of 20 feet to count if they are part of a useful trail system;
- (i) Areas that were preserved by a conservation or agricultural preservation easement prior to the submittal of the conservation development;
- (j) Areas used for a principal nonresidential use, other than uses specifically approved by the Board of Supervisors to be located within the conservation open space; and
- (k) Areas within 50 feet on each side of the center line of overhead electric transmission lines intended to have a capacity of 35 kilovolts or greater.

(9) Conservation open space shall also be located and designed to meet the purposes listed for a conservation development in § 200-38 of the Zoning Chapter.

(10) Improvements to and maintenance of conservation open spaces.

- (a) The application shall include a detailed and legally binding (if approved) description of what improvements the applicant will make to any land to make it suitable for its intended purpose.
  - [1] Examples of such improvements for areas intended for passive recreation include preservation and planting of trees, development of nature, bicycle or jogging trails, the stabilization of creek banks and the removal of undesirable vegetation.
  - [2] Examples of such improvements for areas intended for active recreation include rough grading of land to create land suitable for free-play fields for youth.
- (b) Type of maintenance. Where the conservation open space would not be dedicated to a government entity, the subdivision plan shall state the intended type of maintenance of the conservation open space. The following classes of

use and maintenance may be used, or other classes that are clearly described within and approved as part of the plan submittal:

- [1] Natural area: an area of attractive desirable natural vegetation that is primarily intended for passive recreation, with minimal maintenance. The Board of Supervisors may require the planting of additional trees to eventually reforest natural areas.
- [2] Recreation area: an area designated for a specific recreation use, including but not limited to court games, swimming, playfields and/or children's play equipment. Such areas shall be maintained so as to be safe and appropriate for the intended use.
- [3] Lawn: a grass area with trees which may be used by the residents for a variety of purposes and which is intended to be mowed regularly.

(c) Maintenance plan. A maintenance plan shall be submitted for all required conservation open space that will not be dedicated to the Township. This plan shall estimate maintenance services, estimated maintenance costs and recommended frequency of maintenance. The developer shall properly maintain the conservation open space until the same is transferred to another entity approved by the Township pursuant to § 170-71.1A.

(d) All required conservation open space shall be covered by a system that ensures perpetual maintenance, which may include, but is not limited to, a binding property owners' association or public ownership.

(e) Tree protection during construction: see § 170-79.

(11) All proposed conservation open spaces shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping improvements.

(12) Landscaping plan for conservation open space. An application for a conservation development involving over 30 acres shall include a landscape planting and preservation plan for the conservation open space. Such plan shall be prepared by a registered landscape architect.

- (a) Such plan shall show the locations, general species and initial sizes of landscaping to be planted within the conservation open space and throughout the tract.
- (b) Such plan shall also show that existing substantial healthy trees will be preserved to the maximum extent reasonable. The methods to ensure preservation during construction shall be described.
- (c) Landscaping shall also be used as appropriate to filter views of denser housing from any adjacent housing that is less dense.
- (d) Tree preservation easements should be used to protect significant trees, tree lines and perimeter buffer areas.

(13) No healthy trees shall be removed within 50 feet from the edge of a perennial waterway, except as is approved by the Township for necessary street, driveway and utility crossings.

C. Protection of conservation open space.

(1) Easements/deed restrictions. Any required conservation open space shall be permanently protected with a conservation easement or other restrictive covenant acceptable to the Township Solicitor. These restrictions or easements shall permanently prohibit further subdivision and development for buildings, except buildings for noncommercial recreation, an accessory building that is necessary to

support maintenance of the land or a farmstead on land that is approved for agricultural preservation.

- (a) Such restrictions or easements shall also prevent the use of the land for any use that was not approved by the Board of Supervisors, unless a revision to the approved plan is approved by the Board of Supervisors.
- (b) Such deed restrictions or conservation easements shall, at a minimum, be enforceable by the Board of Supervisors. The Supervisors may require that the restrictions or easements also authorize their enforcement by a suitable third party.
- (c) The Board of Supervisors may require that the conservation easement include provisions to limit any forestry to selective and environmentally sensitive methods.

(2) The Township may require the use of conservation easements within a conservation development to limit the disturbance of natural slopes over 15%, wetlands, mature forests, creek valleys and other important natural features.

D. Phasing. A conservation development shall include a phasing system that shall be approved by the Board of Supervisors that shows that the conservation open space requirement would be met after the completion of any one phase, and that the development could properly function without the construction of additional phases.

#### § 170-71. Community assets.

Conservation considerations shall be shown for all natural features such as large trees, boulder areas, historical sites and structures and similar community assets which will add attractiveness and value to the remainder of the subdivision or land development.

#### § 170-72. Commercial and industrial subdivision or land development standards.

All commercial and industrial subdivision/land developments shall be subject to the following additional standards:

A. Lot and parcel size. Approval of lots and parcel size will be determined by the following factors:

- (1) Requirements of the Zoning Ordinance.
- (2) The total area shall be sufficient to provide adequate space for off-street parking and loading, landscaping and other facilities.
- (3) Whenever possible, commercial parcels shall include enough land to provide for a group of commercial and/or industrial establishments to be planned, developed and operated as a coordinated unit.
- (4) Applicants should consider alternatives to traditional "strip mall" designs, such as placing the majority of the parking to the side or rear of a commercial building.

B. Street system. All commercial and industrial subdivisions shall consider the following when designing street systems:

- (1) External traffic design. Traffic movement in and out of commercial and industrial areas should not interfere with external traffic, nor should it create hazards for adjacent residential areas.

- (2) Internal traffic design. The design of streets, service drives and pedestrianways should provide for safe and hazard-free internal circulation.
- (3) Access driveway design. Ingress and egress via access driveways to commercial and/or industrial lots shall be as follows:
  - (a) Center line of all access driveways shall be a minimum of 35 feet from the property line; 75 feet is required if the adjoining property is zoned residential.
- (4) Traffic barriers. Traffic barriers shall be installed along the remainder of the road frontage to restrict ingress and egress to the approved access point or points.
- (5) Driveway grades. In order to provide safe and convenient means of access, grades on driveways shall not exceed 15%.

§ 170-73. Environmental protection requirements.

- A. The natural environment of Middle Smithfield Township shall be protected and preserved at all times.
- B. Encroachment permits.
  - (1) If the Township deems it likely that the environment of the Township (wetlands, streams, etc.) may be endangered by a subdivision/land development, it may require the subdivider/developer to furnish copies of any wetlands encroachment permit, stream encroachment permit or any other permits affecting the area from the proper agencies or proof that permits are not required prior to recording of the final subdivision plan or the land development plan.
  - (2) Environment protection.
    - (a) When actual permits are not required for environmental protection assurances, the Township may require steps be taken by the subdivider/developer to furnish such protection as the Board of Supervisors may deem necessary.
    - (b) The subdivider/developer shall submit plans and documents as to how this protection will be implemented and adequate assurances, including bonding, if the Township deems the same necessary or advisable that the protection steps will be taken.

§ 170-73.1. Traffic impact study.

- A. Purpose. Whenever a transportation impact study is required, it is anticipated that the study will enable Middle Smithfield Township to assess the impact of a proposed development on the local transportation system. Its purpose is to ensure that proposed developments do not adversely affect the transportation network and to identify any traffic problems associated with access from the site to the existing transportation network. The study's purpose is also to delineate solutions to potential problems and to present improvements to be incorporated into the proposed development.
- B. Applicability.
  - (1) A transportation impact study shall be required for all subdivisions and land developments that at build-out are projected to generate 50 or more peak direction trip ends in the development's peak hour, or 800 average daily two-way trip ends. These projected trip ends shall be based on the latest edition of the publication titled

Trip Generation, published by the Institute of Transportation Engineers, or upon traffic studies conducted within the last five years at comparable developments.

- (2) The Board of Supervisors, at its discretion, may require the preparation of a transportation impact study for any other subdivision or land development or other change of use of property.
- (3) The boundaries of the study area to be analyzed shall include those existing and proposed streets and intersections which may be affected by the proposed subdivision or land development. If there is any dispute as to whether existing and proposed streets and intersections may be affected or not, the final discretion shall rest with the Township Engineer or designated traffic engineer. The study area for projects on state roads shall be determined after coordination with PennDOT.

C. Traffic impact study contents.

- (1) General site description. The site description shall include the location, proposed land uses, acreage, construction staging and completion date of the proposed land development. Types of dwelling units shall be included for residential developments, and gross and usable floor area for nonresidential developments. A brief description of surrounding land uses and other proposed land developments within the study area shall be provided. A study area map should also be included.
- (2) Transportation facilities description.
  - (a) The study shall describe the proposed internal system, including vehicular, bicycle, pedestrian and other intermodal circulation, all internal roadway widths and rights-of-way, parking conditions, traffic channelizations and any traffic controls within the site.
  - (b) The study shall describe location and design of proposed access, including sight distance limitations and distance from adjacent driveways and intersections.
  - (c) The report shall describe the external roadway system within the study area. Major intersections in the study area shall be identified and mapped. All existing and proposed public transportation services and facilities within a one-mile radius of the site shall be documented. Pedestrian and bicycle facilities on abutting properties shall also be documented. All proposed or approved roadway improvements within the study area shall be noted.
- (3) Existing traffic conditions. Existing traffic conditions shall be documented for all streets and intersections in the study area. Traffic volumes shall be recorded for existing average daily traffic, existing peak-hour traffic and for traffic during the development's peak hour. Complete traffic counts at all intersections in the study area shall be conducted, encompassing the peak hours of the development and roadway. A volume/capacity analysis using the procedures of the current Highway Capacity Manual and based upon existing volumes shall be performed during the peak hour(s) of the development and for all roadways and major intersections in the study area. Levels of service shall be determined for each location.
- (4) Transportation impact of the development. Estimation of vehicular trips to result from the proposal shall be completed for the peak hour(s) of both the street system and the development. A qualified traffic engineer's analysis and methodology shall be followed. These generated volumes shall be distributed to the study area and assigned to the existing streets and intersections throughout the study area. Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to all access points. Pedestrian

volumes shall also be calculated, if applicable. If school crossings are to be used, pedestrian volumes shall be assigned to each crossing. Any characteristics of the site that will cause unusual trip generation rates and/or traffic flows shall be noted.

(5) Analysis of transportation impact. The total future traffic demand based on full occupancy of the proposed subdivision or land development shall be calculated for the existing and proposed streets and intersections. This demand shall consist of the combination of the existing traffic expanded to the completion year through the use of an accepted background growth rate, the development-generated traffic, and the traffic generated by other proposed developments in the study area. A volume/capacity analysis shall also be conducted using the total future demand and the future roadway capacity. If staging of the proposed development is anticipated, calculations for each stage of completion shall be made. For projects on state roads, a volume/capacity analysis should also be conducted for 10 years following completion, if requested by PENNDOT or the Township. The future demand analysis shall be performed using the peak hour(s) for all streets and major intersections in the study area. The Township Engineer or designated traffic engineer may also require this analysis to be conducted for the peak hour(s) of the development. Volume/capacity calculations shall be completed for all movements at major intersections. Levels of service for all streets and intersections shall be listed.

(6) Conclusions and recommended improvements.

- (a) For existing intersections in the study area, the study shall determine specific improvements which would provide a level of service and delay no worse than conditions without the subject development in the completion year.
- (b) For new intersections that are established to serve as access to the proposed development, any through movements on Route 209 showing a Level of Service C or better shall be considered acceptable. All other movements at intersections on Route 209, or other streets and intersections within the study area showing a Level of Service D or better, shall be considered acceptable. Specific recommendations for improving unacceptable intersections and movements shall be listed.
- (c) Improvements listed may include street and intersection design and improvements, traffic signal installation and operation, traffic signal timing, and other improvements.
- (d) For unsignalized intersections where the traffic impact of the development causes the side street approach to degrade to a Level of Service F, the intersection should be evaluated for a signal warrant.
- (e) Actions to facilitate use of public transportation and improve service shall be included, if applicable.
- (f) The listing of recommended improvements for both streets and transit shall include, for each improvement, the party responsible for the improvement, a preliminary cost estimate and funding of the improvement, and the phase of development during which the improvement must be completed. Any roadway improvement which requires increased right-of-way shall be identified.
- (g) The Board of Supervisors shall review the transportation impact study or have its own consulting traffic engineer review the impact study at the applicant's expense, to analyze its adequacy in solving any traffic problems that will occur due to the land development or subdivision.

- (h) The Board of Supervisors may decide that certain on-site improvements contained in the study are required for preliminary plan approval and may attach those conditions to the plan approval.
- (i) For projects on state roads, upon the submission of preliminary access plans or highway occupancy permit plans to PennDOT, the applicant should submit a copy of such plans, along with attached subdivision or land development plans, to the Township. Approval of a site access plan by PennDOT does not guarantee approval by Middle Smithfield Township.
- (7) Transportation management plan. For developments with venues for cultural, entertainment, sports or other events at which attendance is regularly projected to exceed 4,000 persons where there will be direct access to Route 209, or exceed 2,000 persons where there will not be direct access to Route 209, a transportation management plan shall be prepared. This plan shall be in addition to all other requirements of a traffic impact study under this section. The plan shall describe the peak days and times of events, the anticipated market area from which attendees will be drawn, and the traffic generated on interstate and major state roadways serving the region. The plan shall describe all facilities and coordination which will be used to accommodate the traffic generated by these events. This should include, but not be limited to, use of satellite parking facilities, shuttles, coordination with public transportation agencies or private transportation companies, traffic control facilities and traffic control personnel, anticipated coordination with emergency services and law enforcement, and signage or message boards on the local roadway system and on interstate and major state roadways within and entering the Pocono region. The accommodation of employee transportation and parking shall also be described.

D. Preparation and review. The preparer of the traffic impact study shall be a professional engineer. The developer shall reimburse the Township for reasonable fees and expenses incurred by the Township Engineer and designated Township traffic engineer for the review of the developer's transportation impact study and plans.