

MIDDLESEX TOWNSHIP
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
ORDINANCE NO. 8 - 90

DECEMBER 1990

Prepared For:

Middlesex Township
Cumberland County, Pennsylvania

By:

Buchart-Horn, Inc.
Consulting Engineers and Planners
55 South Richland Avenue
P. O. Box M-55
York, PA 17405

TABLE OF CONTENTS

	<u>PAGE</u>
ARTICLE I AUTHORITY, PURPOSE, TITLE AND JURISDICTION	
Section 101 Short Title	1
Section 102 Purpose	1
Section 103 Authority	2
Section 104 Application of Regulations	2
Section 105 Interpretation	2
Section 106 Effective Date	2
Section 107 Zoning Applicability	3
Section 108 Repealer	3
 ARTICLE II DEFINITION OF TERMS	
Section 201 Rules of Interpretation	4
Section 202 Terms Defined	4
 ARTICLE III GENERAL PROCEDURES AND PROCESSING REQUIREMENTS	
Section 301 Prior to Submission	21
Section 302 Preparation of Plans	21
Section 303 Submittal of Plans	21
Section 304 Approval of Plans	22
Section 305 Minor Subdivision or Land Development Plans	26
Section 306 Additions to Existing Lots	27
Section 307 State Highway Access	27
Section 308 Fees	28
Section 309 Disputes over Fees	28
Section 310 Mediation Option	29
 ARTICLE IV OPTIONAL SKETCH PLAN SUBMISSION	
Section 401 Sketch Plan (Option to Developer)	30
Section 402 Required Information	30
 ARTICLE V PRELIMINARY PLAN SUBMISSION	
Section 501 Plan Requirements	32
Section 502 Supporting Documentation	34
Section 503 Review Procedure	35
 ARTICLE VI FINAL PLAN SUBMISSION	
Section 601 Final Plan	37
Section 602 Supporting Documentation	38
Section 603 Review Procedure	39

TABLE OF CONTENTS (CONTINUED)

	<u>PAGE</u>
ARTICLE VII DESIGN AND CONSTRUCTION STANDARDS	
Section 701 Application	41
Section 702 General Standards	41
Section 703 Streets	42
Section 704 Blocks and Lots	48
Section 705 Recreation Areas and Fees	50
Section 706 Monuments and Markers	51
Section 707 Parking Areas	52
Section 708 Driveways	53
Section 709 Sidewalks	58
Section 710 Curbing	58
Section 711 Street Lights and Illumination	59
Section 712 Sewers and Water	59
Section 713 Stormwater Drainage	62
Section 714 Utility Line Installation	62
Section 715 Utility Easements	62
Section 716 Signs, Storage Areas and Structure Orientation	63
Section 717 Traffic Impact Studies	63.
Section 718 Environmental Impact Assessment Report	67
ARTICLE VIII MOBILEHOME PARK REGULATIONS	
Section 801 General	75
Section 802 Zoning Compliance	75
Section 803 Design Standards and Required Improvements	75
ARTICLE IX FLOOD PLAIN AREA REGULATIONS	
Section 901 Purpose	77
Section 902 Abrogation and Greater Restrictions	77
Section 903 Design Standards and Improvements in Designated Flood Plain Areas	77
Section 904 Application Procedures and Requirements	79
Section 905 Disclaimer of Municipal Liability	81
ARTICLE X STORM WATER MANAGEMENT PLAN AND DESIGN CRITERIA	
Section 1001 Scope	82
Section 1002 Content	82
Section 1003 Design Standards	83
Section 1004 Erosion and Sedimentation	87
Section 1005 Ownership and Maintenance Program	87
Section 1006 Storm Water Management Construction Standards	88

TABLE OF CONTENTS (CONTINUED)

	<u>PAGE</u>
ARTICLE XI GRADING REQUIREMENTS	
Section 1101 Grading	89
Section 1102 Excavation and Fills	90
Section 1103 Grading Plans	90
ARTICLE XII LANDSCAPING REQUIREMENTS	
Section 1201 Purpose	91
Section 1202 Scope	91
Section 1203 Landscape Requirements	92
Section 1204 Recommended Plant Materials	97
ARTICLE XIII IMPROVEMENT AND CONSTRUCTION ASSURANCES	
Section 1301 Completion of Improvements or Guarantee Thereof Prerequisite to Final Plan Approval	99
Section 1302 Inspection During Construction	102
Section 1303 As-Built Plan	103
Section 1304 Release from Improvement Bond	104
Section 1305 Remedies to Effect Completion of Improvements	105
Section 1306 Fees for Inspection of Improvements	105
Section 1307 Disputes over Fees	105
ARTICLE XIV MODIFICATION OF REQUIREMENTS	
Section 1401 Special Conditions	107
Section 1402 Applications for Modification	107
Section 1403 Modification Action by the Board of Township Supervisors	107
ARTICLE XV ENFORCEMENT, PENALTIES, SEVERABILITY, AMENDMENTS AND ENACTMENT	
Section 1501 Administration and Enforcement	108
Section 1502 Amendments	109
Section 1503 Publication, Advertisement and Availability of Ordinance	110
Section 1504 Penalties	111
Section 1505 Mediation Option	112
Section 1506 Severability	113
Section 1507 Enactment	113

TOWNSHIP OF MIDDLESEX
CUMBERLAND COUNTY, PENNSYLVANIA
ORDINANCE NO. 8 OF 1990

AN ORDINANCE, AMENDING THE MIDDLESEX TOWNSHIP SUBDIVISION CONTROL ORDINANCE ORIGINALLY ENACTED ON MARCH 6, 1968, REGULATING THE SUBDIVISION AND DEVELOPMENT OF LAND INCLUDING MOBILEHOME PARKS WITHIN THE TOWNSHIP OF MIDDLESEX, CUMBERLAND COUNTY, PENNSYLVANIA; PROVIDING FOR THE PREPARATION OF PRELIMINARY AND FINAL PLANS FOR SUCH PURPOSE; REQUIRING CERTAIN IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER AND DEVELOPER; REGULATING SALES OF LOTS, ERECTION OF BUILDINGS, LAYING OUT, CONSTRUCTION, OPENING AND DEDICATION OF STREETS, SEWERS, OTHER FACILITIES, AND PUBLIC IMPROVEMENTS IN CONNECTION WITH SUBDIVISIONS AND LAND DEVELOPMENTS; AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Supervisors of this Township that The Middlesex Township Subdivision Control Ordinance originally enacted on March 6, 1968, as amended, is further amended by adding and supplementing thereto the following revised Ordinance, all pursuant to the Pennsylvania Municipalities Planning Code of 1968, as amended, (Act 247 of 1968, P.L. 805, as amended by Act 170 of 1988):

ARTICLE I
AUTHORITY, PURPOSE, TITLE AND JURISDICTION

Section 101. Short Title

These regulations shall be known and may be cited as "The Middlesex Township Subdivision and Land Development Ordinance".

Section 102. Purpose

This Ordinance has been adopted by the Middlesex Township Board of Supervisors to protect the health, safety and general welfare of the residents of the Township; to provide for the harmonious development of the Township by insuring equitable handling of all subdivisions and land development plans by providing uniform standards and procedures; to provide for the general welfare by providing and protecting cultural facilities; by guiding the development and growth of structures, types and locations of streets, open spaces and public grounds, recreation, proper traffic flows, light and air, and the proper distribution of population to insure conditions favorable to the health, safety, morals, and general welfare of the residents of the Township.

Section 103. Authority

The Planning Commission is hereby designated by the Board of Township Supervisors as the agency which shall review and make recommendations on all Preliminary and Final Plans as required herein. The Board of Township Supervisors shall have authority to act on all Preliminary and Final Plans as required herein for the Township of Middlesex.

Section 104. Application of Regulations

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

Section 105. Interpretation

In interpreting and applying the provisions of This Ordinance, they shall be held to be minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare. Where provisions of a statute, other ordinance, resolution, or regulation imposes greater restrictions than This Ordinance, the provisions of such statute, resolution, ordinance, or regulation shall be controlling.

Section 106. Effective Date

This Ordinance shall become effective in accordance with applicable law and may be amended from time to time in accordance with procedure established by law.

Section 107. Zoning Applicability

Nothing contained in This Ordinance shall relieve the owner or developer from complying with the applicable provisions of the Middlesex Township Zoning Ordinance. It is the express intent of the Board of Township Supervisors that the Middlesex Township Subdivision and Land Development Ordinance and Zoning Ordinance be reinforceable and together foster the stated planning goals and objectives of the Township.

Section 108. Repealer

Any resolution, ordinance, or part of any ordinance or resolution inconsistent herewith, and any amendment thereof, are hereby expressly repealed.

ARTICLE II - DEFINITION OF TERMS

Section 201. Rules of Interpretation.

For the purpose of this Ordinance, the terms and words listed in this Section shall have the meaning herein defined. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary and shall be interpreted so as to give this Ordinance its most reasonable application.

For the purpose of this Ordinance, the following rules of interpretation shall apply:

- a. Words in the present tense include the future tense.
- b. Words in the singular include the plural and words in the plural include the singular.
- c. The words "used" and "occupied" shall be construed to include the words "or intended, arranged or designed to be used or to be occupied, or offered for occupancy".
- d. The term "such as" shall be considered as introducing a typical or illustrative designation of items, and shall not be interpreted as constituting a complete list.
- e. The words "person" and "owner" shall be deemed to include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual.
- f. The words "building" and "structure" shall be construed as if followed by the phrase "or part thereof".
- g. The word "lot" includes the words "plot" and "parcel".
- h. The word "watercourse" includes channel, creek, ditch, dry run, spring, stream and river.
- i. The word "erect" shall mean to build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any structure or building and shall also include the painting of exterior wall signs.

Section 202. Terms Defined.

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

Accelerated Erosion: The removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur because of the natural processes alone.

Agricultural Operations: The management and use of farming resources for the production of crops and livestock.

Alley (or service drive): A minor right-of-way, publicly or privately owned, primarily for service access to the back or side of properties and not intended for general traffic circulation.

Applicant: A Landowner or Developer, as hereinafter defined, who has filed an application for subdivision or land development, including his heirs, personal representatives, successors and assigns.

Application for Development: Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including, but not limited to, an application for a building permit, for the approval of a subdivision, plat or plan or for the approval of a land development plan.

Appointing Authority: The Board of Township Supervisors

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

Berm: That portion of a street lying on either side of the cartway where the soil is stabilized as a protection for the edge of pavement or other road surfacing; or a mound of earth which serves purposes such as directing the flow of surface water runoff, preventing soil erosion or supporting plant materials to aid in screening.

Block: An area bounded by streets.

Board of Supervisors: The Board of Township Supervisors of the Township of Middlesex.

Buffer Strip: A strip of land at least ten (10) feet in width, in addition to the minimum setback distance, free of any principal or accessory building or required improvement other than screening.

Building: Any structure, either temporary or permanent, having walls and a roof or other covering, and designed or used for the shelter or enclosure of any person, animal, or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes stated above.

Building Setback Line (setback): The line within a property defining the required minimum distance between any structure and any adjacent street rights-of-way, and the lines defining side and rear yards, where required.

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

Cartway or Roadway: That portion of a street or alley which is improved or intended for vehicular use, excluding the shoulders.

Centralized Sewage System: A public or private utility system designed to collect, centrally treat, and dispose of sewage from customers in compliance with Pennsylvania Department of Environmental Resources regulations or regulations of the Township, whichever may be more stringent.

Centralized Water System: A public or private utility system designed to transmit potable water from a common source to customers in compliance with Pennsylvania Department of Environmental Resources regulations or regulations of the Township, whichever may be more stringent.

Certification: A signed statement appended to a plan or other document whereby the signer represents that to the best of their knowledge and belief said plan or document is true and correct and that the Township may rely upon the accuracy thereof.

Cistern: An underground reservoir or tank for storing rainwater.

Clear Sight Triangle: An area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the street center lines.

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

Comprehensive Plan: The Comprehensive Plan adopted by the Board of Township Supervisors pursuant to Article III of the Pennsylvania Municipalities Planning Code which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the Township, and includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof.

Conditional Use: A use permitted in a particular zoning district pursuant to conditions of the Middlesex Township Zoning Ordinance.

County: The County of Cumberland, Commonwealth of Pennsylvania.

County Planning Commission: The Cumberland County Planning Commission and its professional staff.

Cross-Walk: A right-of-way, publicly or privately owned, intended to furnish access for pedestrians.

Cul-de-sac: A street with access closed at one end and with a vehicular turn-around at the closed end.

Culvert: A pipe, conduit or similar structure including appurtenant works which carries surface water.

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

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

Design Storm: The magnitude of precipitation from a storm event measured in probability of occurrence (e.g., 50-year storm) and duration (e.g., 24-hour), and used in computing storm water management control systems.

Detention Basin: A reservoir, formed from soil or other material, designed to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate into a watercourse or stormwater drainage system. This basin is designed to drain completely after a storm event.

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

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations and the subdivision of land.

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

Drainage: The flow of water or liquid waste and the methods of directing such flow.

Drainage Facility: Any ditch, gutter, culvert, storm sewer, or other structure designed, intended, or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas, or any part of any subdivision or contiguous land areas.

Driveway: A private drive providing access between a public or private street or access drive and a permitted use or structure.

Drywell: A covered pit with open jointed lining through which water from roofs, basement floors or areaways may seep or leach into the surrounding soil.

Dwelling: Any building or structure designed for living quarters for one or more families or housekeeping units, including mobile homes which are supported by a permanent foundation, but not including tents, cabins, travel trailers, boarding homes, rooming houses, convalescent homes, motels, hotels or other accommodations used for transient occupancy.

Dwelling Unit: A structure or entirely self-contained portion thereof designed to be occupied for living quarters as a single housekeeping unit, including any domestic servants employed on the premises and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other "dwelling unit". A travel trailer, a boarding or rooming house, convalescent home, fraternity or sorority house, hotel, inn, lodging, nursing, or other similar home, or other similar structure shall not be deemed to constitute a dwelling unit.

Earth Disturbance: An activity including but not limited to construction, mining, farming and timber harvesting which alters, disturbs, or exposes the existing land surface.

Easement: The authorization by a property owner or authorized agency of a right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose; and within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

Energy Dissipater: A device used to slow the velocity of storm water, particularly at points of concentrated discharge such as pipe outlets.

Engineer, Professional: A person duly licensed as a professional engineer by the State of Pennsylvania.

Engineer, Township: The Township Engineer or any consultant designated by the Board of Township Supervisors to review a subdivision plan and perform the duties of engineer on behalf of the Township.

Engineering Specifications: The Engineering Specifications of this Township regulating the installation of any required improvement or for any facility installed by any other, subject to public use.

Erosion: The natural process by which the surface of the land is worn away by water, wind or chemical actions.

Erosion and Sediment Pollution Control Plan: A plan which is designed to minimize accelerated erosion and prevent sediment pollution to the waters of the Commonwealth.

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

Fill:

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

Flood, Flooded, or Flooding: A temporary inundation by water of normally dry land areas.

Flood Fringe: That portion of the flood plain outside the floodway.

Flood of Record: The flood which has reached the highest flood elevation above mean sea level at a particular location.

Floodplain: A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation in a 100 year flood.

Flood-Prone Area: see "Floodplain."

Floodproof, Floodproofed, Floodproofing: any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water or sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude without increasing the water surface elevation of that flood more than one (1) foot at any point.

Freeboard: The difference between the design flow elevation in the emergency spillway and the top of the settled embankment.

Frontage: The minimum distance between side property lines measured at the street right-of-way.

Future Right-of-Way: (1) Right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads. (2) A right-of-way established to provide future access to or through undeveloped land.

Governing Body: The Board of Township Supervisors of Middlesex Township, Cumberland County, Pennsylvania.

Grassed Waterway: A natural or man-made drainageway of parabolic, trapezoidal or v-shaped cross-section shaped to required dimensions and vegetated for safe disposal of runoff. (Also known as a "swale").

Groundwater Recharge: Replenishment of existing natural underground water supplies.

Guarantee, Completion: The financial security that may be accepted by the Township as a guarantee that improvements required as part of an application for subdivision and/or land development are completed to the satisfaction of the Township. Such financial security shall include, but is not limited to, performance bonds, Federal or Commonwealth chartered lending institution irrevocable letters of credit, and restrictive or escrow accounts in such lending institutions.

Guarantee, Maintenance: The financial security that may be accepted by the Township as a guarantee that improvements required as part of an application for subdivision and/or land development will be in first class condition, state of repair and working order for a specific period of time. Such financial security shall be similar to that accepted for a completion guarantee.

Holding Pond: A retention or detention basin.

Homeowners Association: An incorporated non-profit organization operating under recorded land agreements through which (a) each lot and/or home owner in a cluster development or other described land area is automatically a member, (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property.

Impervious Area: Any portion of a lot covered by material impenetrable by precipitation, including buildings, structures, parking lots, parking areas and paved areas. For the purposes of this definition, all portions of parking lots and parking areas

shall be considered as impervious area regardless of the degree of precipitation penetrability.

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

Impervious Surface: A surface which prevents the percolation of water into the ground.

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

Incidental Storm Water Management Plan: A SWMP prepared in conjunction with a subdivision or land development application, provided that the SWMP does not require the exercise of independent engineering judgment and the nature, topography and characteristics of the proposed development are such that the preparation of said plan by a Professional Land Surveyor will not create a risk to persons or property.

Infiltration Structures: A structure designed to direct runoff into the ground (e.g., drywell, french drains, seepage pits, seepage trenches).

Land Development: Any of the following activities:

- a. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- b. A subdivision of land.

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

- (1) the conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
- (2) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
- (3) the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subclause, an amusement park is defined as a tract or area used principally as the location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

For the purposes of stormwater management planning, the definition of "land development" shall also include any subdivision or new construction or expansion of any residential, commercial, industrial, accessory or other improvement that creates an area of impervious material on the parcel of twenty thousand (20,000) square feet or more. The 20,000 square foot requirement applies on individual large projects, projects which exceed a cumulative total of 20,000 square feet after the effective date of this Ordinance, and any projects occurring after the 20,000 square foot level has been reached, either initially or cumulatively.

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

Lot: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit, and having frontage on a dedicated street or road.

Corner lot: A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 135 degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.

Interior lot: Any lot other than a corner lot.

Through lot: A lot extending between and having frontage on two streets.

Mediation: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

Middlesex Township Municipal Authority: A municipal body incorporated under the provisions of the Municipal Authorities Act of 1945 by the General Assembly of the Commonwealth of Pennsylvania.

Mobilehome: A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. For flood plain management purposes the term "mobile home" includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Mobilehome Lot: A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome.

Mobilehome Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes.

Mobilehome Stand: That part of an individual lot which has been reserved for the placement of the mobilehome, appurtenant structures or additions.

Mobilehome Subdivision: An area designed exclusively for mobile homes and mobile dwelling units where lots are not rented, but sold.

Municipal Authority Engineer: The Municipal Authority Engineer or any registered Professional Engineer designated by the Middlesex Township Municipal Authority to perform the duties of Engineer on behalf of the Municipal Authority.

Municipality: The Township of Middlesex, Cumberland County, Pennsylvania.

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, or other matter in, along, across, or projecting into any channel, watercourse, or floodplain, which may impede, retard, or

change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to cause damage to life or property.

Official Map: A map adopted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Planning Code.

On-Site Storm Water Management: The control of runoff to allow water falling on a given site to be absorbed or retained on site to the extent that after development the peak rate of discharge leaving the site is not significantly different than if the site had remained undeveloped.

100-Year Flood: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. a flood that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).

100-Year Flood Elevation: The water surface elevations of the 100-Year Flood.

Open Space: That portion of land open to the sky and usually reserved in a natural state or for agricultural or outdoor recreational use.

PaDER: The Department of Environmental Resources of the Commonwealth of Pennsylvania.

Peak Discharge: The maximum rate of flow of water at a given point and time resulting from a specified storm event.

PennDOT: The Department of Transportation of the Commonwealth of Pennsylvania.

Percolation Test: A procedure to determine the absorption rate of the soil in an area proposed as the installation site for an on-lot wastewater disposal system. Such a test will be carried out according to the requirements of PaDER.

Plan: The map or plan of a subdivision or land development, whether preliminary, tentative or final.

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

Planning Code: The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, Act 247, as amended by Act 170 of 1988.

Planning Commission: Middlesex Township Planning Commission.

Planting, Screen: A planting strip five (5) feet in width having an initial height of not less than four (4) feet which shall provide a continuous visual buffer. (See also "Visual Screen".)

Planting Strip: A strip of land lying between the curb line, or edge of cartway, and the sidewalk or walkway; and any area requiring a screen planting as specified in this Ordinance, the Zoning Ordinance or any other Township ordinances, codes, regulations, plans and maps.

Plat: See "Plan".

Public Grounds: includes the following:

- a. parks, playgrounds, trails, paths and other recreational areas and other public areas;
- b. sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- c. publicly owned or operated scenic and historic sites.

Public Hearing: A formal meeting held pursuant to public notice by the Board of Township Supervisors, Zoning Hearing Board or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

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

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

Regulatory Flood Elevation: The 100-year flood elevation plus a freeboard safety factor of one and one-half (1.5) feet.

Renewable Energy Source: Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

Reserve Strip: A narrow parcel of ground separating a street from other adjacent properties.

Retention Basin: A reservoir, formed from soil or other material, containing a permanent pool of water and designed to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate.

Right-of-way: The total width of any land reserved or dedicated as a street, road, or other public or semi-public purposes.

Right-of-Way, Street: The total dedicated width of a public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

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

Runoff Characteristics: The surface components on any water shed which either individually or in any combination thereof, directly affect the rate, amount and direction of storm water runoff. These may include, but are not limited to: vegetation, soils, slopes and any type of manmade landscape alterations.

Screening: The use of plant materials, fencing, walls and/or earthen berms, or combinations thereof, to aid in the concealment of such features as parking areas and vehicles, and to provide for privacy between two (2) or more different land uses or activities; a visual and/or sound buffer or other barrier.

Sediment: Soils or other surficial materials transported by surface water as a product of erosion.

Sediment Basin: A barrier, dam, detention or retention basin designed to retain sediment.

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

Seepage Pit/Seepage Trench: An area of excavated earth filled with loose stone or similar material and into which surface water is directed for infiltration into the ground.

Semi-Pervious Surface: A surface such as stone, rock, concrete or other materials which permits some vertical transmission of water.

Septic Tank: A watertight tank in which raw sewage is broken down into solid, liquid, and gaseous phases to facilitate further treatment and final disposal.

Sewage Disposal System, On-Lot: Any septic system or structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.

Sight Distance: The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

Passing Sight Distance: A line of unobstructed vision from the height of a driver's eye three and one-half (3.5) feet above the surface of a roadway to see an object on the roadway at a height of three and one-half (3.5) feet high.

Stopping Sight Distance: A line of unobstructed vision from the height of a driver's eye three and one-half (3.5) feet above the surface of a roadway to see an object on the roadway at a height of one-half (0.5) feet high.

Sketch Plan: A plan submitted at the option of the Applicant, usually a freehand drawing of an idea for a proposed subdivision and land development; which may show the layout of streets, lots, and other pertinent features. It is advisable that it be drawn on a general topographic or tax assessment map.

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

Soil Percolation Test: A field test conducted to determine the absorption capacity of soil to be a specified depth in a given location for the purpose of determining suitability of soil for on-site sewage disposal.

Stabilization: The proper placing, grading and/or covering of soil, rock or earth to ensure their resistance to erosion, sliding, or other movement.

Storage Structure: A retention or detention structure.

Storm Water: Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

Storm Water Management: The control of runoff on a given site.

Storm Water Management Facilities: Those controls and measures (e.g., storm sewers, berms, terraces, bridges, dams, basins, infiltration systems, swales, watercourses and floodplains) used to effect a storm water management program.

Storm Water Management Plan: A plan for controlling surface water runoff so that it will preclude erosion or flooding and/or the adverse effects of impervious areas on surface water runoff as

required by This and other Township ordinances, codes, regulations, plans and maps.

Street: Any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, or any other way used or intended for use by vehicular traffic or pedestrians, whether public or private. The word "street" includes the entire right-of-way and is not limited to the cartway area.

Street Line or Street Right-of-way Line: The dividing line between a lot and a street.

Street, Public: A strip of land, including the entire right-of-way, intended to be dedicated for use as a means of vehicular and pedestrian circulation by the public at large.

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

Subdivider: See Applicant and Developer.

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

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

Surface Drainage Plan: A plan showing all present and proposed grades and facilities for storm water drainage.

Surveyor: Professional land surveyor registered by the Commonwealth of Pennsylvania.

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

This Ordinance: The Middlesex Township Subdivision and Land Development Ordinance, and any supplements or amendments.

Tile Disposal Field: A system of open jointed or perforated pipes laid in the upper strata of the soil for absorption.

Time of Concentration: The interval of time required for water from the most remote portion of the drainage area to reach the point in question.

Topographic Map: A map showing the elevations of the ground by contours or elevations.

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

Township: The Township of Middlesex, Cumberland County, Pennsylvania, its Board of Township Supervisors, its agents or authorized representatives.

Transferable Development Rights: The attaching of development rights to specified lands which are desired by the municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands within the municipality where more intensive development is deemed by the municipality to be appropriate.

Undeveloped Land: Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building or for any other use.

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

Usable Open Space: The unenclosed portion of the ground of a lot which is not devoted to driveways or parking spaces, which is free of structures of any kind, of which not more than 25% is roofed for shelter purposes only, and which is available and accessible to all occupants of the building or buildings on the said lot for purposes of active or passive outdoor recreation.

Visual Screen: A well-maintained hedge, landscaped berm, or other vegetative materials which upon planting or installation is both of a minimum height of four feet (4'0") and of sufficient density to conceal from the view of adjacent properties the structures and uses on the premise where the screening is located. Up to thirty percent (30%) of the screening may be accomplished by using a fence or wall.

Watercourse: Any channel of conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

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

Watershed: The entire region or area drained by a river, creek, stream or other body of water whether natural or artificial.

Water Supply System, On-Lot: A system for supplying and distributing potable water to a single dwelling or other building from a source located on the same lot.

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

Water Survey: An inventory of the source, quantity, yield and use of groundwater and surface-water resources within a municipality.

Wetland: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

Zoning District: A portion of the Township or adjacent municipality(s) within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance (or the adjacent municipality's Zoning Ordinance).

Zoning Hearing Board: The Zoning Hearing Board of and for Middlesex Township.

Zoning Map: The Zoning Map of Middlesex Township adopted under the Middlesex Township Zoning Ordinance, together with all amendments thereto subsequently adopted.

Zoning Officer: The zoning administrative officer or his authorized representative, including zoning inspector(s), duly appointed by the Township Board of Supervisors.

Zoning Ordinance: The officially adopted Middlesex Township Zoning Ordinance with any and all amendments thereto.

Zoning Permit: A written statement issued by the zoning officer, authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provision.

ARTICLE III

GENERAL PROCEDURES AND PROCESSING REQUIREMENTS

Section 301. Prior to Submission

Copies of This Ordinance shall be available on request for the use of any person who desires information concerning subdivision standards and procedures in effect within the Township. Any prospective subdivider may meet with the Township Planning Commission to discuss and review tentative plans and/or the provisions of This Ordinance.

No plans except sketch plans will be considered by the Planning Commission unless the applicant submits said plans, along with an Application for Subdivision and Land Development, all required supporting documentation and the required fees to the Township Secretary not less than ten (10) working days prior to a regularly scheduled meeting of the Planning Commission. No application shall be deemed filed unless all requirements have been met and all fees therefor paid in full. Incomplete submissions shall not be distributed for review.

Section 302. Preparation of Plans

All plans are to be prepared in accordance with the specifications set forth by the "Professional Engineers Registration Law" (P.L. 913, No.367). All plans shall bear a certification as defined by Article II of This Ordinance.

Section 303. Submittal of Plans

The subdivider or land developer shall submit an Application for Subdivision and Land Development and copies of proposed Preliminary Plan to the Township Secretary. If the subdivider or land developer makes substantial revisions in his plans after they have been approved in preliminary form, such revised plans shall be treated as Preliminary Plans when resubmitted.

The Township Secretary shall receive all fees on behalf of the Township and County.

The Township Secretary shall maintain a permanent log which shall indicate the following:

- a. The title of the Plan.
- b. The name of the owner or developer of the Plan.
- c. The name of the surveyor or engineer preparing the Plan.

- d. The name, address, telephone number and relationship to the owner or developer of the Plan of the person filing the Plan.
- e. The date, time and place of the filing.

The Township Secretary shall distribute the required number of copies to the agencies concerned as provided in Article V.

Upon approval of the Preliminary Plan, the subdivider shall submit a Final Plan to the Township Secretary and the Township Secretary shall distribute the required number of copies to the Township agencies concerned as provided in Article VI.

Mobilehome park plans shall be reviewed in the same manner as subdivision and land development plans.

A copy of the Application for Subdivision and Land Development shall be forwarded by the Township Secretary to the County Planning Commission for review and report together with the County's established fee, which fee shall be paid by the applicant.

Section 304. Approval of Plans

- a. No Plan will be considered by the Board of Township Supervisors for approval or disapproval unless all of the following have been filed with the Township Secretary not less than seven (7) calendar days before any official meeting to be held to consider approval or disapproval of the Plan:
 - (1) Township Planning Commission report;
 - (2) County Planning Commission report; and
 - (3) Township Engineer's report.
- b. After receipt of the Township Planning Commission's recommendations, the Board of Township Supervisors shall:
 - (1) Evaluate the applicant's submission and presentation, the report of the Township Planning Commission and review comments of the County Planning Commission and Township Engineer and/or Planning Consultant.
 - (2) Determine whether the Plan meets the objectives and requirements of This Ordinance and other ordinances of the Township.
 - (3) Either approve, conditionally approve, or disapprove the Plan.

- c. The Board of Township Supervisors shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Board or Planning Commission (whichever first reviews the application) next following the date the application was filed. Provided, that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application was filed.
- (1) The decision of the Board shall be in writing and shall be communicated to the Applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.
 - (2) When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the ordinance relied upon.
 - (3) Failure of the Board of Township Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
 - (4) The Board of Township Supervisors shall not approve any Plan until the County Planning Commission report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County.
- d. In the event that the Board of Township Supervisors shall approve a plan subject to conditions, the applicant shall indicate, in writing, his acceptance or rejection of any conditions which may be imposed. Approval of the plan shall be automatically rescinded upon the applicant's failure to accept or reject such conditions within thirty (30) days of the date of the Board's written communication of its decision.
- e. Effects of Changes in the Ordinance
- (1) From the time an application for approval of a plan, whether preliminary or final, is duly filed as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a

decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

- (2) When an application for approval of a plan, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.
- (3) Where final approval is preceded by preliminary approval, the aforesaid five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
- (4) Where the landowner has substantially completed the required improvements as depicted upon the Final Plan within the aforesaid five-year limit, or any extension thereof as may be granted by the Board of Township Supervisors no change of municipal ordinance or plan enacted subsequent to the date of filing of the Preliminary Plan shall modify or revoke any aspect of the approved Final Plan pertaining to zoning classification or density, lot, building, street or utility location.
- (5) In the case of a Preliminary Plan calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the Preliminary Plan delineating all proposed phases as well as deadlines within which applications for Final Plan approval of each phase are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the Preliminary Plan approval, until Final Plan approval of the final phase has been granted and any modification in the aforesaid schedule shall be subject to approval of the Board of Township Supervisors in its discretion.

(6) Each phase in any residential subdivision or land development, except for the last phase shall contain a minimum of twenty-five percent of the total number of dwelling units as depicted on the Preliminary Plan, unless a lesser percentage is approved by the Board of Township Supervisors in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the Preliminary Plan approval, including compliance with landowner's aforesaid schedule of submission of Final Plans for the various phases, then the aforesaid protections afforded by substantially completing the improvements depicted upon the Final Plan within five (5) years shall apply and for any phases or phases, beyond the initial phase, in which the required improvements have not been substantially completed within said five-year period the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of Final Plan approval for each phase.

(7) Failure of landowner to adhere to the aforesaid schedule of submission of Final Plans for the various phases shall subject any such phase to any and all changes in zoning, subdivision and other governing ordinance enacted by the Township subsequent to the date of the initial Preliminary Plan Submission.

f. Before acting on an application, the Board of Township Supervisors may hold a public hearing thereon after public notice.

g. Expiration of Preliminary Plan Approval

Preliminary Plan approval shall expire upon the expiration of five (5) years after being granted.

h. Effect of Preliminary Plan Approval.

Approval of the Preliminary Plan constitutes approval of the proposed subdivision or land development in respect to general design, the approximate dimensions and other planned features. Preliminary Plan approval binds the applicant to the general scheme of the Plan as approved and permits the applicant to begin preparation of the Final Plan. Preliminary Plan approval does not authorize the recording, sale or transfer of lots.

i. Recording Plans and Deeds

(1) Upon the approval of a final plan, the applicant shall, within ninety (90) days of such approval, record such plan in the Office of Recorder of Deeds of Cumberland County. The Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Board of Township Supervisors and review by the Cumberland County Planning Commission.

The applicant shall bear any costs required to provide the Recorder of Deeds with a recordable plan in the required 18" x 24" format.

- (2) Within ten (10) days after recording, the applicant shall furnish the Board of Township Supervisors a Recorder's Certificate upon a copy of the Plan certifying that said Plan is properly recorded.
- (3) Streets, public grounds, easements and other public improvements may be offered for dedication to the Township by formal notation on the Final Plan, or the applicant shall note that any such improvements have not been offered for dedication to the Township.
- (4) Streets and public grounds shown on a recorded Final Plan shall be deemed private until accepted by ordinance or resolution.
- (5) The recording of the plan shall not constitute grounds for tax assessment increases until such time as lots are sold or improvements are installed on the land included with the subject plan.

j. Effect of Plan Approval on Official Map

After a plan has been approved and recorded as provided in this article, all streets and public grounds on such plan shall be, and become a part of the Official Map of the Township (if and when adopted) without public hearing.

Section 305. Minor Subdivision or Land Development Plans

Any subdivision or land development which contains no more than five (5) lots or prospective occupants, may be reviewed and acted upon as a Final Plan without the necessity of a prior Preliminary Plan approval. Such determination shall be made by the Board of Township Supervisors after receipt of a written request for waiver of the requirement for a Preliminary Plan and upon recommendation of the Township Planning Commission based upon the following considerations:

- a. The proposed subdivision or land development does not involve site and related improvements to the extent that a detailed review by the Township necessitates initial processing as a Preliminary Plan.
- b. The proposed subdivision or land development complies with the applicable provisions of This Ordinance.
- c. After one (1) minor subdivision has taken place within any given tract, the applicant shall be required to submit a

complete Preliminary Plan for the entire tract on the next subsequent application, unless the size, frequency and interrelationship of the prior subdivision clearly does not warrant such as determined by the Board of Township Supervisors.

Section 306. Additions to Existing Lots

A parcel of land may be added to an existing recorded lot for the sole purpose of increasing the lot size provided that:

- a. The parcel to be added must be contiguous to the existing lot and must maintain or improve the overall straightness of lot lines.
- b. The Plan prepared for the addition of such parcel shall follow the procedures outlined in This Ordinance except that a Preliminary Plan need not be filed.

Section 307. State Highway Access

No plan which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation (PennDOT) shall be finally approved unless the plan contains a notice that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L.1242, No. 428), known as the "State Highway Law," before driveway access to a State highway is permitted. The Department shall, within sixty (60) days of the date of receipt of an application for a highway occupancy permit:

- a. approve the permit, which shall be valid thereafter unless, prior to commencement of construction thereunder, the geographic, physical or other conditions under which the permit is approved change, requiring modification or denial of the permit, in which event the Department shall give notice thereof in accordance with regulations;
- b. deny the permit;
- c. return the application for additional information or correction to conform with Department regulations; or
- d. determine that no permit is required in which case the Department shall notify the Township and the applicant in writing.

If the Department shall fail to take any action within the sixty (60) day period, the permit will be deemed to be issued.

The Plan shall be marked to indicate that access to the State highway shall be only as authorized by a highway occupancy permit.

Neither the Department nor any municipality to which permit-issuing authority has been delegated under the "State Highway Law" shall be liable in damages for any injury to persons or property arising out of the issuance or denial of a driveway permit, or for failure to regulate any driveway. Furthermore, the Township shall not be held liable for damages to persons or property arising out of the issuance or denial of a driveway permit by the Department.

Section 308. Fees

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

Section 309. Disputes over Fees

In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten (10) days of the billing date, pay the undisputed amount and notify the Township of such fees that are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.

In the event that the Township and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution as set forth below:

- a. If within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review such expenses and make a determination as to the amount thereof which is reasonable and necessary.
- b. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall

be required to pay the entire amount determined in the decision immediately.

- c. In the event that the Township and the applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of Cumberland County (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.
- d. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay one-half of the fee of the appointed professional engineer.

Section 310. Mediation Option

The Township may offer a mediation option as an aid in completing proceedings required by this Section. In exercising such an option, the Township and mediating parties shall meet the stipulations and follow the procedures set forth in Article XV of this Ordinance.

ARTICLE IV

OPTIONAL SKETCH PLAN SUBMISSION

Section 401. Sketch Plan (Option to Developer)

Prior to the submission of a Preliminary Plan, the developer may submit a Sketch Plan directly to the Planning Commission for advice on the requirements necessary to achieve conformity to the standards of these regulations as well as to alert the developer to factors which must be considered in the design of the subdivision or land development such as pertinent elements of any county or municipal land use, thoroughfare and community facilities. This will enable the Planning Commission to review the proposal and to make any suggestions or discuss with the developer any proposed plans or factors that may affect his subdivision.

Sufficient information should be included in the Sketch Plan to clearly indicate the character and extent of the proposed subdivision or land development and its relationship to existing conditions and facilities within the area in which the same is to be located.

Prospective developers should consult with the Pennsylvania Department of Environmental Resources (PaDER) concerning soil suitability when on-site sewage disposal facilities are proposed. Prospective developers should also consult with the County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development.

Where a proposed subdivision or land development meets the criteria for submission of a Traffic Impact Study (Section 717) and/or an Environmental Impact Assessment Report (Section 718), or where other provisions of This Ordinance are considered inapplicable to the proposal, the developer may submit a request for modification of one or more requirements of This Ordinance. Such request for modification shall be reviewed in accordance with the requirements of Article XIV of This Ordinance.

Submission and review of a Sketch Plan shall not constitute official submission of a plan to the Township.

Section 402. Required Information

The following information shall be contained on a Sketch Plan:

- a. A plan designated, Sketch Plan, drawn at a scale not smaller than 1" - 200'.
- b. An approximate key map showing the generalized location of the tract and adjacent streets.

- c. Tract boundaries with approximate dimensions.
- d. North point, topography, swales, major tree stands and other significant existing site features.
- e. Proposed street and lot layout with information as to the kinds of uses contemplated.
- f. The name of the property owner and date.
- g. Where a request for modification is included as part of the Sketch Plan submission, sufficient information shall be provided to enable the Planning Commission, Township Engineer and Board of Supervisors to act on said request.

ARTICLE V

PRELIMINARY PLAN SUBMISSION

Section 501. Plan Requirements

Not less than ten (10) working days prior to a regularly scheduled meeting of the Planning Commission, the applicant shall submit two (2) copies of the Application for Review of Preliminary Subdivision or Land Development Plan and twelve (12) copies of the Preliminary Plan drawn by a Professional Land Surveyor or a Professional Engineer in accordance with the standard set forth in the "Professional Engineers Registration Law" (P.L.913, No.367).

The submittal shall contain the following specifications:

- a. Plans shall be on sheet sizes no larger than 24" x 36" and drawn to a scale not smaller than 1" = 100'. If the Plan requires more than one sheet, each sheet shall be numbered and sheet layout index shall be provided.

The Board of Township Supervisors may require final plans at a scale of 1" = 50' as a condition of preliminary approval to assure legibility in cases warranted by the complexity of the proposal.

- b. The designation, Preliminary Plan.
- c. Proposed project name and municipality or municipalities in which located.
- d. North point (with north point oriented to the top of the plan sheet), graphic scale, written scale, and date, including the month, day, and year that the original drawing was completed, and the month, day and year for each revision, if any.
- e. Name(s) and address(es) of record owner(s) and subdivider(s).
- f. Name, address, seal, registration number and signature of Professional Engineer or Professional Land Surveyor responsible for preparation of the plan, certifying that the designer of the plan has been to the site and observed the present condition and that the plan indicates the actual condition of the site.
- g. Names of all abutting property owners and respective deed references.
- h. Signature(s) of the legal and/or equitable owner(s) certifying concurrence with the Plan.
- i. A location map, for the purpose of locating the property being subdivided, showing the relationship of adjoining property to

all streets, roads and municipal boundaries and drawn to a scale of not less than 1" = 2,000'.

- j. If construction is to occur in phases, a plan showing the progression of phases, how each phase relates to completed and future phases, and a time line indicating when each phase is to be commenced and completed.
- k. Boundaries of the property being subdivided showing bearings and distances, a statement of total acreage of the property, the total number of lots being proposed and the location of municipal boundaries.
- l. All existing and proposed easements and rights-of-way and the purpose for which the easements and rights-of-way have been established.
- m. Zoning data, including any changes in the existing zoning to be requested by the subdivider.
- n. All existing buildings, sewers, water mains, culverts, utility lines, fuel storage tanks and other significant man-made features.
- o. All existing watercourses and bodies, tree masses, locations of "outstanding", "rare, threatened and endangered" and "historic" trees, rock outcroppings, wetlands, floodplains and other significant natural features.
- p. Existing (from field data) and proposed contours of the site at vertical intervals of two (2) feet for areas with an average slope of ten percent (10%) or less and at intervals of five (5) feet for areas with an average slope exceeding ten percent.
- q. The location and elevation of the datum to which the contour elevations refer shall be an established U.S.G.S. bench mark.
- r. Land subject to flooding shall further submit information as set forth in Article IX of This Ordinance relative to Flood Plain Area Regulations.
- s. The typical cross section, names, approximate grades, and widths of right-of-way, cartway and paving of proposed streets, alleys and easements.
- t. The layout of lots showing approximate dimensions, lot numbers, approximate area of each lot and a summary table identifying the number of proposed structures and dwelling units.
- u. Parcels of land intended to be dedicated or reserved for schools, parks, playgrounds, parking areas, common open space, or other public, semi-public or community purpose.

- v. All existing or proposed streets on or adjacent to the tract, including name, right-of-way width and cartway width.
- w. A copy of any deed restrictions imposed on the property as a condition of sale by the present owner.
- x. Front, side and rear building setback lines.
- y. When on-site sewage disposal systems are proposed, locations for the proposed soil percolation test sites and probe holes shall be shown.
- z. When on-site water supply is proposed, the approximate location of all well sites shall be shown. For lots also to be served by on-lot sewage disposal systems, 100-foot isolation distances shall be drawn on the Plan.
- aa. Clear sight triangles at street intersections, as set forth in Section 703 c. (10) (b) of this Ordinance.
- bb. Location of proposed sanitary and storm sewers, water mains and fire hydrants.
- cc. Building locations and respective parking areas.
- dd. Locations of proposed curbs, sidewalks, drives and street trees.
- ee. Where the Preliminary Plan covers only a part of the subdivider's holdings, a key map at a scale not smaller than four hundred (400) feet to the inch, showing the entire tract, its topography at contour intervals of at least twenty (20) feet, its manmade and natural features, and the proposed street layout for the entire tract; abutting streets and names of abutting property owners; and the portion of the tract included in the Preliminary Plan submission.
- ff. Signature blocks and date spaces for recommendation/approval by the following:
 - (1) Township Planning Commission
 - (2) Board of Township Supervisors
 - (3) Township Municipal Authority (where required)

Section 502. Supporting Documentation

- a. A Planning Module for Land Development.
- b. In the event that the Plans propose extension of service into the project by any Authority or jurisdiction other than the Township, a statement from the applicable Authority or

jurisdiction regarding the adequacy of such extension shall be submitted.

- c. A preliminary Traffic Impact Study, where required herein.
- d. A preliminary Environmental Impact Assessment Report, where required herein.
- e. Verification of compliance with Flood Plain Area and Wetlands Regulations as set forth herein.
- f. A preliminary Grading Plan in accordance with Article XI.

Section 503. Review Procedure

- a. Copies of the Preliminary Plan and Supporting Documentation shall be distributed by the Township Secretary to the following reviewing and advisory bodies for comment and report:

- (1) Township Engineer;
- (2) Cumberland County Planning Commission; and
- (3) Township Planning Commission.

Additionally, Preliminary Plans shall be submitted to adjacent municipalities and governmental agencies or authorities that may be affected by the Plan.

The Letort Regional Authority shall receive written notice and a copy of any plan or application for the development of land within the designated watershed or any tributary of Letort Spring Run.

- b. At a regular or special Planning Commission meeting following receipt of reports from agencies listed above, but in no case later than sixty (60) days from the time of Preliminary Plan submission, the Planning Commission shall:

- (1) Review the applicant's submission.
- (2) Review all reports received.
- (3) Discuss submission with applicant, or applicant's agent.
- (4) Evaluate the plan, reports, and discussion.
- (5) Determine whether the Preliminary Plan meets the objectives and requirements of This Ordinance and other ordinances of the Township.

- (6) Determine any required supplemental plans and/or studies, such as Traffic Impact Studies, Environmental Impact Assessment Reports, etc.
 - (7) Either recommend approval, disapproval or conditional approval of the Preliminary Plan.
 - (8) Submit its reports to the Board of Township Supervisors. When the Planning Commission recommends disapproval in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the ordinance relied upon.
 - (9) The Township Planning Commission shall transmit the plans and report its decision, comments and/or recommendations in writing to the Board of Township Supervisors via the Township Secretary not less than seven (7) calendar days before the official meeting to be held to consider approval or disapproval of the Plan.
- d. During the course of the Planning Commission's review of the Preliminary Plan and prior to any action by the Board of Township Supervisors within the required ninety (90) day review period, the Preliminary Plan may be revised by the applicant. The required number of copies of the revised plan shall be submitted which shall note the dates of any and all revisions and a summary of the nature thereof. One of the copies submitted shall be color coded to identify the revisions. If it is determined that the revision(s) are of a substantial nature, the applicant shall sign a statement stipulating that a new ninety (90) day time period shall commence from the date of the Planning Commission's meeting next following the filing of the revised Preliminary Plan. Or, in the alternative, the applicant shall sign a statement granting an extension of time for a lesser period to be concurred with by the Planning Commission. The additional reviews required for revised plans may require the payment of additional fees by the applicant.
 - e. Upon review of a subdivision or land development plan, the Township Engineer shall make comments and recommendations in writing to the Township Planning Commission and the Board of Township Supervisors.
 - f. The Board of Township Supervisors shall render its decision and communicate it to the applicant in accordance with the requirements of Section 304 of this Ordinance.

ARTICLE VI
FINAL PLAN SUBMISSION

Section 601. Final Plan

Not less than ten (10) working days prior to a regularly scheduled meeting of the Planning Commission, the Applicant shall submit two (2) copies of an application for Review of Final Subdivision or Land Development Plan and twelve (12) copies of the Final Plan to the Township. The Final Plan shall be prepared by a Professional Land Surveyor or a Professional Engineer in accordance with the standards set forth in the "Professional Engineers Registration Law" (P.L.913, No.367). Final Plans shall conform in all important details with Preliminary Plans as previously approved, and any conditions specified in the approval of Preliminary Plans shall be incorporated in the Final Plans. Final plans shall show the following:

- a. Sheet sizes shall be no larger than 24"x36" and shall be drawn to a scale no smaller than 1" = 100' unless a larger scale has been required as a condition of preliminary approval. Where more than one sheet is required, an index sheet of the entire subdivision or land development shall be shown on a sheet of the same size.

The Final Plan shall be drawn in ink on durable, reproducible material. The Final Plan shall be formatted so that it is legible when reduced to 18" x 24" size for recording.

- b. The designation, Final Plan and date submitted.
- c. Proposed and existing tract boundary lines, right-of-way lines of streets, easements, and other right-of-way and property lines of residential lots and other sites with accurate dimensions, bearings, or internal angles, and radii, arcs, and deflection angles. The error of closure shall not be more than one part in ten thousand (1:10,000).
- d. The information required to be shown or provided with the Preliminary Plan as listed in Sections 501 and 502.
- e. The location of sidewalks and street lights.
- f. Profiles showing proposed street, sidewalk and curbing construction.
- g. The location of proposed survey monuments.
- h. Statement by owner offering dedication of streets, rights-of-way and any sites for public uses which are to be dedicated.

- i. Signature blocks and date spaces for recommendation/approval by the following:
 - (1) Township Planning Commission
 - (2) Board of Township Supervisors
 - (3) Township Municipal Authority (where required)
 - (4) Cumberland County Planning Commission
- j. PaDER code number referencing approval of the Plan Revision Module.
- k. Certification by a Professional Land Surveyor or a Professional Engineer, as defined by Article II of This Ordinance.

Section 602. Supporting Documentation:

- a. Whenever any improvements are proposed in connection with a subdivision or land development it shall be the responsibility of the applicant to provide adequate engineering and related designs, construction specifications performance guarantees, and ownership and maintenance responsibilities in accordance with the standards and requirements set forth in This Ordinance, as applicable.
- b. If water is to be supplied by means other than on-site wells, maintained and operated by individual lot owners, a copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such, a cooperative agreement or commitment must accompany the Plan as evidence that the proposed development will be supplied with an adequate, reliable and safe water supply.
- c. Stormwater Management Plan approved by the Township Engineer.
- d. An Erosion and Sedimentation Control Plan approved by the Cumberland County Conservation District.
- e. An overall Grading Plan.
- f. A notation on the Plan relating to the conformance with the requirement for a "Highway Occupancy Permit" from the Pennsylvania Department of Transportation, in accordance with Section 307 of This Ordinance.
- g. A notarized certificate of ownership.
- h. A Landscaping Plan showing the type and location of all plantings, as required herein.

- i. Suitable documentation that the applicable plans are in conformity with ordinances and regulations governing the extension of utility services.
- j. Such other certificates, affidavits, endorsements, or dedications as may be required by the Board of Township Supervisors in the enforcement of these regulations.

Section 603. Review Procedure

- a. Copies of the Final Plan and Supporting Documentation shall be distributed by the Township Secretary to the following reviewing and advisory bodies for comment and report:
 - (1) Township Engineer;
 - (2) Cumberland County Planning Commission; and
 - (3) Township Planning Commission.

Additionally, Final Plans shall be submitted to adjacent municipalities and governmental agencies or authorities that may be affected by the Plan.

- b. At a regular or special Planning Commission meeting following receipt of reports from agencies listed above, but in no case after sixty (60) days from the time of Final Plan submission, the Township Planning Commission shall:
 - (1) Review the applicant's submission.
 - (2) Review all reports received.
 - (3) Discuss submission with the applicant, or applicant's agent.
 - (4) Evaluate the plan, reports and discussion.
 - (5) Determine whether the Final Plan meets the objectives and requirements of This Ordinance and other ordinances of the Township.
 - (6) Either recommend approval, disapproval or conditional approval of the Final Plan.
 - (7) Submit its report to the Board of Township Supervisors. When the Planning Commission recommends disapproval or conditional approval in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the ordinance relied upon.

- (8) The Township Planning Commission shall transmit the plans and report its decision, comments and/or recommendations in writing to the Board of Township Supervisors via the Township Secretary not less than seven (7) calendar days before the official meeting to be held to consider approval or disapproval of the Plan.
- c. Upon review of a subdivision or land development plan, the Township Engineer shall make comments and recommendations in writing to the Township Planning Commission and the Board of Township Supervisors.
- d. During the course of the Planning Commission's review of the Final Plan and prior to any action by the Board of Township Supervisors within the required ninety (90) day period, the Final Plan may be revised by the applicant according to the procedure for Preliminary Plan revisions and as set forth in Section 503 d. herein, and a new ninety (90) day review period will begin as also set forth in Section 503 d.
- e. The Board of Township Supervisors shall render its decision and communicate it to the applicant in accordance with the requirements of Section 304 of this Ordinance.

ARTICLE VII
DESIGN AND CONSTRUCTION STANDARDS

Section 701. Application

The standards of design and construction in This Article shall be used to judge the adequacy of development proposals and shall be considered to be the minimum criteria in achieving the purpose and objectives of This Ordinance. In addition to the standards included herein, development proposals shall also comply with such construction and material specifications as are or shall be adopted by the Board of Township Supervisors.

Variations or modifications to these criteria may be granted by the Board of Township Supervisors in accordance with the provisions set forth in Article XIV of this Ordinance. Where questions should arise regarding the interpretation of these design standards, the determination of the Board of Township Supervisors shall prevail.

Section 702. General Standards

- a. Land. No land shall be subdivided or developed for any purposes unless reasonable hazards to life, health, or property from flood, fire and disease, shall have been eliminated or unless the plans for the project shall provide adequate safeguard against such hazards.
- b. Development. Proposed projects shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously and no development is to occur until a Building Permit is obtained from the Building Permit Officer.
- c. Natural and Historic Features. Reasonable measures shall be taken to ensure the preservation of natural and historic features, areas and structures as identified in the Middlesex Township Comprehensive Plan to be worthy of such preservation and to ensure public access to such features, areas and structures where appropriate.
- d. Conformance with Comprehensive Plan. The layout or arrangement of the subdivision or land development shall conform to the Middlesex Township Comprehensive Plan and any regulations or maps adopted in furtherance thereof.

Section 703. Streets

- a. Street Pattern. The proposed street pattern shall be integrated with existing and/or officially planned streets and it shall be related to topography to produce usable lots and reasonable street grades.

- (1) Streets in and bordering a subdivision or land development shall be coordinated, and be of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic, and facilitate fire protection.
- (2) Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets to the boundaries of the tract to be subdivided.
- (3) Where a development is to be constructed in phases, the arrangement of streets in each phase shall make provisions for the proper projections of streets to the boundaries of the next phase.

- b. Purpose. Streets shall be designed according to their function and laid out to preserve the integrity of their design in accordance with the following functional classification unless otherwise determined by the Board.

(1) Arterial

This classification includes highways which provide connections between boroughs, larger villages, major resort areas and other traffic generators which develop substantial volumes of traffic and the average trip lengths are usually five miles or greater. Design features of facilities in this classification should permit high-operating speeds.

(2) Collector

This classification includes highways that provide connections with local access roads, arterials and State highways. They may serve a traffic corridor connecting villages, small boroughs, shipping points, mining and agricultural areas on an intra-county or township basis. Many trips destined to such points originate in widely diffused locations and a highway in this class function is considered a collector. Traffic volumes and trip lengths vary greatly depending upon size and distance between localities. Desirable operating speeds are between 40 and 50 miles per hour.

(3) Local Access

This classification is intended to include streets that provide direct access to abutting land and includes connections from farms, individual residences and commercial properties to higher classes of roadways. Trip lengths are short and operating speeds are low. Spacing between roads of this classification and traffic volumes vary widely depending upon the intensity of land development and the distance to population centers. In general, this classification includes all public roads which are not included in higher classifications.

(4) Marginal Access

This classification is intended to include local access streets which are parallel to and adjacent to arterial street and which provide access to abutting properties and protection from through traffic.

(5) Alley and Service Drive

This classification is intended to include minor streets which provide secondary access to the back or side of properties abutting a street. These streets should be designed for operating speeds of 15 miles per hour or under.

(6) Cul-de-Sac

This classification is intended to include streets which have a turn-around area at their termini. Standards presume light traffic at speeds under 25 miles per hour.

(7) Dead-End Street

This classification of street is prohibited unless designed as a permanent cul-de-sac.

c. Street Design Criteria

Streets shall be designed in accordance with Guidelines for Design of Local Streets and Roads (Publication 70) of the Pennsylvania Department of Transportation and the following criteria, whichever is more stringent:

- (1) Streets shall be laid out according to the requirements shown in Table 1; however, additional street width may be required as determined by the Board to insure public safety and convenience in accordance with the purposes of This Ordinance.
- (2) Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be required to meet the above standards.

- (3) Partial and Half-Streets. The dedication of half-streets at the perimeter of new subdivisions is prohibited.
- (4) Street Construction. Streets must be constructed to the grades and dimensions drawn on the plans, profiles, and cross-sections submitted by the applicant and approved by the Board of Township Supervisors. Before paving the street surface, the applicant must install the required utilities and provide, where necessary, adequate storm water drainage for the street acceptable to the Supervisors. The pavement base, wearing surface, and shoulders must be constructed according to Township specifications.
- (5) Curves - (Horizontal). Where connecting street lines deflect from each other at any one point, the line must be connected with a true, circular curve.

The minimum radius of the center line for the curve must be as shown in Table 1.

Straight portions of the street must be tangent to the beginning or end of curves.

- (6) Curves - (Vertical). Vertical curves shall be used in changes of grade when the algebraic difference exceeds one (1%) percent, and shall be designed for maximum visibility. Intersections shall be approached on all sides by leveling areas in accordance with the minimum requirements of Publication 70, based on highway classification and speed limit.
- (7) Slope of Banks Along Streets. The slope of banks along streets measured perpendicular to the street center line shall be no steeper than the following:
- (a) One (1') foot of vertical measurement for three (3') feet of horizontal measurement for fills.
 - (b) One (1') foot of vertical measurement for two (2') feet of horizontal measurement for cuts.
- (8) Crown. The slope of the crown on all streets shall be one-fourth inch (1/4") per foot.
- (9) Shoulders. Shoulders shall have a slope of one-half inch (1/2") per foot and shall be constructed of the same materials as the cartway.

TABLE 1

STREET DESIGN STANDARDS

Street Type	Arterials*	Collectors*	Local Access Streets	Cul-De-Sacs ²	Marginal Access	Service Drives
Minimum Right-of-Way Width	*	60'	50'	50'	35-50'	22'
Minimum Pavement Width	*	36'	36' (c) 22' (nc)	30' (c) 22' (nc)	26' (c) 22' (nc)	18-22'
Maximum Grade	*	6% ³	8% ⁴	8% ⁴	8% ⁴	10% ⁴
Minimum Grade	0.75%	0.75%	0.75%	0.75%	0.75%	0.75%
Minimum Radius of Curve At Center Line ¹	500'	300'	200'	100'	100'	---
Minimum Tangent Length Between Curves	*	100'	---	---	---	---

(1) Where street lines deflect from each other more than 10 degrees.

(2) Cul-de-sac streets may not exceed 500 feet in length. They must be provided with a paved turn-around with a minimum diameter of one hundred (100) feet to the outside edge of pavement and one hundred twenty (120) feet to the legal right-of-way.

(c) Minimum width where curbs are to be installed.

(nc) Minimum width where curbs are not to be installed.

(3) May be increased by 1% for grades not more than 300' long.

(4) May be increased by 2% for grades not more than 150' long.

* Subject to PennDOT review and concurrence.

TABLE 2

INTERSECTION DESIGN STANDARDS

Type Intersection	Arterial* With Arterial	Arterial* With Collector	Collector With Collector	Collector With Local Access	Local Access ¹ With Local Access
Maximum Number of Intersecting Streets At Each Junction	2	2	2	2	2
Minimum Center Line Offset At Intersections Opening At Opposite Sides Of An Existing Or Proposed Street	*	400'	250'	125'	125'
Angle of Intersection Of Street Center Lines	90°	90°	90°	(Shall not deviate more than 15° from perpendicular)	
Length (ft) and Grade Of Approaches To Intersections Where General Grade Is 6% Or More	*	100/4%	75/4%	75/4%	50/4%
Minimum Radius Of Curbs At Intersection Of Streets	50'	50'	35'	35'	35'
Intersection Clear Sight Triangle - Each Center Line Leg	*	150'	75'	75'	75'

* Subject to PennDOT review and concurrence.

(1) Marginal access streets have same requirements as local access streets

- (10) Intersections. Intersections shall be designed in accordance with the criteria shown in Table 2, and the following:
- (a) Intersections involving the junction of more than two (2) streets are prohibited. Right-angle intersections must be used wherever possible; however, in no case shall streets intersect at less than seventy-five (75) degrees (measured on the center-lines of the streets).
 - (b) Clear Sight Triangle. Proper sight lines must be maintained at all street intersections. Measured along the center line, there must be a clear sight triangle of seventy-five (75') feet (150 feet for Arterial streets) from the point of intersection of the two street lines, and no building or obstruction higher than thirty (30") inches above the grade of the center line of the streets shall be permitted in this area.
 - (c) Maximum grade within any intersection shall not exceed one (1%) percent in any direction, and approaches to any intersection shall follow a straight course within one-hundred (100'0") feet of the intersection.
- (11) Sight Distance. Sight distance must be provided with respect to both horizontal and vertical alignment. Passing sight distance and stopping sight distance shall comply with the minimum requirements of Publication 70, based on highway classification and speed limit.
- (12) Alleys and Service Drives. The following standards shall apply to the design and location of alleys and service drives:
- (a) Alleys shall not be permitted in residential developments except by the permission of the Board of Township Supervisors. All buildings or other structures adjacent to any alley must comply with the side or rear yard setbacks from the alley right-of-way line as included in the appropriate district regulations in the Zoning Ordinance.
 - (b) Alleys or secondary service drives serving commercial and industrial establishments are required unless other provisions for service are provided.
- (13) Development Adjacent to Arterial Streets. Where a proposed land development abuts an existing or proposed arterial street, the Planning Commission may recommend and the Board of Township Supervisors may require use of marginal access streets, reverse frontage lots, or such

other treatment that will provide protection for abutting properties, reduce the number of intersections with the arterial street, and separate the local and through traffic.

- d. Names of Streets. Names of new streets shall not duplicate or approximate existing or platted street names, or approximate such names by the use of suffixes as "lane", "way", "drive", "court", "avenue". In approving the names of streets, cognizance may be given to existing or platted street names within the postal delivery district served by the local post office. New streets shall bear the same name or number of any continuation or alignment with an existing or platted street.
- e. Private Streets.

No plan showing new development shall be approved if any such plan shows private streets or rights-of-way as the sole means of ingress or egress to more than one (1) lot, tract, or parcel of land.

Section 704. Blocks and Lots.

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

- (b) To permit adequate, safe worker and patron access, circulation and parking, as well as loading and unloading.
- c. Lot Size. The minimum lot size shall be as required by the Township's Zoning Ordinance.
- d. Lot Area: Lot descriptions may read to street center lines, however lot areas as used herein shall not include any area within street right-of-way lines.
- e. Building Setback Lines: The building setback lines shall conform to the requirements of the Township Zoning Ordinance provided, however, that no building line shall be less than sixty-five (65) feet from the centerline of any existing street classified as a collector under the Middlesex Township Comprehensive Plan.
- f. Lot Width. The minimum lot width shall be as required by the Township Zoning Ordinance.
- g. Lot Frontage. The minimum lot frontage shall be as required by the Township's Zoning Ordinance.
- h. Through Lots. Through lots are discouraged, except where desired along limited access highways or required due to the limitations of a specific site.
 - (1) Reverse frontage lots adjacent to limited access highways must face on an interior street, and back on such thoroughfares. Where a lot is permitted to have reverse frontage, a landscaped screen shall be provided by the developer between the lot and the limited access highway.
 - (2) Access to all other through lots shall be limited to the street of lower classification.
- i. Lot Lines. Lot lines shall be approximately at right angles or radial to street lines so long as reasonably shaped lots result.
- j. Lot Access. Every lot shall have access off a street which shall be properly designed, improved, and constructed as required by This Ordinance. Lots in a subdivision or land development which are proposed to front upon an existing Township or State road which is not improved to the standards set forth herein shall as a minimum comply with the right-of-way requirements of Section 703.
- k. Street Address: Address numbers when applicable shall be assigned to each lot by the postal authority.

Section 705. Recreation Areas and Fees

The subdivider or developer of a residential subdivision or land development plan shall pay a fee for use by the Board of Township Supervisors for Township recreational purposes or, at the option of the Board of Township Supervisors, provide a suitable and adequate recreation area, to serve the needs of the future occupants of the subdivision or land development. For purposes of This Section the term "recreation area" shall mean a contiguous tract of land reserved exclusively for active or passive recreation.

- a. The fee shall be a fixed fee per lot as shown on the subdivision or land development plan, or a fixed fee per dwelling unit, whichever is greater. The amount of the fee to be charged shall, from time to time, be set and established by resolution of the Board of Township Supervisors.
- b. In the event that the Board of Township Supervisors deem it appropriate or desirable, they can, in lieu of the fees set forth above, require the subdivider or developer to provide a suitable and adequate recreation area within the proposed subdivision or land development. If the Board of Township Supervisors choose that option, then the subdivider or developer shall have the right to designate those lands which shall be set aside, subject to the following conditions:
 - (1) The land set aside shall be suitable to serve the purpose of active or passive recreation by reason of its size, shape, location and topography, and shall be subject to the approval of the Planning Commission and the Board of Township Supervisors.
 - (2) Single-Family In the case of a single-family subdivision, a minimum of five hundred (500) square feet per dwelling unit shall be set aside, excepting in the case of a lot containing an existing dwelling.
 - (3) Multi-Family In multi-family developments, a minimum of twenty (20) percent of the total land area being developed, excluding streets, wetlands and bodies of water.
 - (4) In the case of single-family subdivisions or land developments of less than three (3) lots, the Board of Township Supervisors shall only require payment of the fee, and shall not require the setting aside of land pursuant to This Subsection.
- c. The Applicant shall satisfy the Board of Township Supervisors that there are adequate provisions to assure retention and all future maintenance of such recreation area.

- d. In the event the Applicant does not wish to retain the required recreational area, such area may be offered for dedication to the Township for public use. However, the selection and designation of the area to be designated shall be controlled by all of the terms and conditions set forth in this Section.
- e. The Board of Township Supervisors may find dedication to be impractical. In that event, then the developers shall either be required to maintain the recreational areas, or to pay the fee set forth in this Section, at the option of the Board of Township Supervisors. Any one or more of the following reasons may cause the Board of Township Supervisors to find dedication to be impractical:
 - (1) Because of the size, shape, access., topography, drainage or other physical features of the land, such dedication would adversely affect the subdivision or land development and its future residents or occupants.
 - (2) There is no open space within the proposed subdivision which is practical for dedication because of its size, access, topography or other physical characteristics.
 - (3) Other related reasons.
- f. All fees and fines collected hereunder shall be administered by the Township pursuant to Article XIX of the Second Class Township Code and related provisions, and shall be used by the board of Supervisors for the acquisition and equipping of lands and buildings, the erection of buildings and equipment on lands, and the operation and maintenance of lands, buildings and equipment for recreational purposes, or for contribution to the operation or maintenance of recreational facilities within the Township which are maintained by organizations other than the Township, upon approval by the Board of Township Supervisors. The Fees obtained hereunder may be kept in a separate capital reserve fund established as provided by law for the purpose of recreation; and may be combined for investment purposes, but shall be used only for recreation-related purposes as set forth herein.

Section 706. Monuments and Markers.

- a. Material and Size: Monuments and markers shall be constructed as follows:

	<u>Construction</u>	<u>Minimum Size</u>
Monument	Concrete or Stone	4" x 4" x 36"
Marker	Iron Pipes or Iron or Steel Bars	24" x 3/4" dia.

- b. Placement; Marking: Monuments and markers must be placed by a registered engineer or surveyor so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the surface of the surrounding ground. Monuments must be marked on top with a copper or brass dowel.
- c. Monuments; Location of: Monuments must be set at --
 - (1) one corner of a lot comprising a single lot subdivision, or at one predominant intersection of a street and a property line of a lot in a subdivision comprised of not more than 5 contiguous lots or parcels.
 - (2) at least three predominant line intersections or line angles in subdivisions of more than 5 lots or parcels, and in any land development program. When any program of development and/or subdivision encompasses more than 20 acres, the Township Supervisors and/or the Township Engineer may require additional monuments at designated points.
 - (3) such other points as may be required by the Township Engineer and Township Supervisors when unusual conditions may create sight problems or cause unusual deviation from normal surveying practice.
- d. Markers; Location of: Markers must be set --
 - (1) at the beginning and ending of curves along street property lines if not monumented.
 - (2) at points where lot lines intersect curves either front or rear.
 - (3) at angles in property lines of lots.
 - (4) at all other lot corners.
- e. Removal: Any monuments or markers that are removed must be replaced by a Professional Engineer or Professional Land Surveyor at the expense of the person removing them.

Section 707. Parking Areas.

Off-street vehicular parking facilities for commercial, industrial, residential and other uses shall be in accordance with the provisions set forth in the Township Zoning Ordinance. Vehicular parking facilities for land uses other than single-family detached residences shall be designed according to the following provisions:

- a. Parking facilities shall not be permitted within ten (10) feet of a side or rear property line, unless formal arrangements, satisfactory to the Board of Township Supervisors, have been made for the establishment of a common parking facility.
- b. Buffer planting shall be provided where parking compounds are adjacent to residential properties. The buffer planting shall be at least fifteen (15) feet wide and be installed in accordance with the provisions of applicable Township ordinances.
- c. Horizontal curves in a parking area shall have a minimum radius of four (4') feet.
- d. All dead end parking lots shall be designed to provide a sufficient back-up area for end stalls.
- e. Painted lines, arrows and dividers shall be provided and maintained to control parking and, when necessary, to control vehicular circulation.
- f. Parking areas, main entrances and exits which are open to the public shall be lighted to a minimum of two (2) foot-candles at an elevation of three (3') feet above the pavement surface.
- g. Parking areas shall be provided with drainage facilities in accordance with the provisions of This Ordinance.
- h. Parking areas shall provide ample room to allow for snow removal.

Section 708. Driveways.

The placement, relocation, re-pavement, or other substantial improvement to any driveway shall require a permit to be issued by the Township, on such forms as are prescribed by the Township, and shall require the payment at the time of application for the permit of a fee in such amount as shall be set by the Board of Township Supervisors.

All driveways shall be located, designed, constructed and maintained in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of the highway.

a. Location

- (1) Access to the public highway or street shall be controlled in the interest of public safety. Off-street parking, loading, and service areas on all properties used for purposes other than single-family residences shall be physically separated from the highway or street by a curb, pipe rail, or fence and a planting strip. Access driveways shall be permitted at locations in which:

- (a) Sight distance is adequate to safely allow each permitted movement to be made into or out of the access driveway;
 - (b) The driveway will not create a hazard;
 - (c) The free movement of normal highway traffic is not impaired; and
 - (d) The driveway will not create an area of undue traffic congestion on the highway
- (2) The general layout shall be such that there will be no need for motorists to back into public rights-of-way of collector or arterial streets.
 - (3) Access driveways shall not be located at interchanges, ramp areas or locations that would interfere with the placement and proper functioning of highway signs, signals, detectors, lighting or other devices that affect traffic control.
 - (4) Access to a property which abuts two or more intersecting streets or highways may be restricted to only that roadway which can more safely accommodate its traffic.
 - (5) The Township may require a permittee to locate an access driveway directly across from a highway, local road or access driveway on the opposite side of the roadway if it is judged that offset driveways will not permit left turns to be made safely or that access across the roadway from one access to the other will create a safety hazard.

b. Local Access Roads

An access intended to serve more than three (3) properties or to act as a connecting link between two or more roadways is, for the purpose of this section, considered a "local access road" and not a driveway, regardless of its ownership. As such, its design must be in accordance with this Ordinance and any construction and materials specifications which are or shall be adopted by the Board of Township Supervisors.

c. Number of Driveways

- (1) The number and location of entrances which may be granted will be based on usage, interior and exterior traffic patterns and current design policy of Middlesex Township.
- (2) Normally, only one driveway will be permitted for a residential property and not more than two driveways will be permitted for a non-residential property. The number of access drives shall not exceed two (2) per lot on any one street frontage.

- (3) The Board of Township Supervisors, on the advice of the Planning Commission, may grant permission for additional access drives where required to meet exceptional circumstances and where frontage of unusual length exists.

d. Approaches to Driveways

Driveway approaches shall conform to the following standards:

- (1) The location and angle of an access driveway approach in relation to the highway intersection shall be such that a vehicle entering or leaving the driveway may do so in an orderly and safe manner and with a minimum interference with highway traffic.
- (2) Where the access driveway approach and highway meet, flaring of the approach may be necessary to allow safe, easy turning of vehicular traffic.
- (3) Where the highway is curbed, driveway approaches shall be installed one and one-half inches above the adjacent highway or gutter grade to maintain proper drainage.

e. Driveway Design Requirements

(1) General

- (a) The design features described in this section are to be used by the applicant in designing the driveway plans which accompany the application, in conjunction with such construction and materials specifications as are or shall be adopted by the Board of Township Supervisors.
- (b) Access driveway approaches used for two-way operation shall be positioned at right angles (i.e. 90 degrees) to the highway, or as near thereto as site conditions permit.
- (c) When two access driveways are constructed on the same property frontage and used for one-way operation, each of these driveways may be placed at an angle less than a right angle, but not less than forty-five (45) degrees to the highway.

(2) Specific Design Requirements

- (a) Access drives shall not cross the street right-of-way lines:
 - (i) Within forty (40) feet of the street right-of-way line of an intersecting street and in no case less than ten (10) feet from the point of tangency when the intersecting street lines

are joined by a curve. When deemed reasonably necessary for safety by the Planning Commission, this dimension shall be increased for access drives to shopping centers, other commercial, industrial, public or institutional uses. Such access drives shall be located on major streets when practical, in a manner to permit safe ingress and egress.

- (ii) Within ten (10) feet of a fire hydrant, catch basin or drain inlet.
 - (iii) Within forty (40) feet of another access drive.
 - (iv) Within three (3) feet of a property line unless two (2) adjoining owners mutually agree to a common access drive.
- (b) Driveway entrances or aprons within the street right-of-way shall be surfaced to their full width, and in no case shall be less than ten (10') feet. Where a driveway serves two abutting lots, the minimum width shall be twenty (20) feet except where the Zoning Ordinance may require a greater width for specific types of use or special circumstances.
 - (c) Access drives for commercial and industrial uses shall be paved and shall not be less than eighteen (18) feet in width nor exceed thirty-five (35) feet in width within twelve (12) feet of the street right-of-way line, excepting as increased by the curb radii.
 - (d) To the extent possible, driveways shall not enter onto or exit from arterial or collector streets.
 - (e) Driveways serving corner or through lots shall be located on the street having the lower classification.
 - (f) Multiple driveways serving the same property must be separated by a minimum distance of fifteen (15) feet measured along the right-of-way line and twenty (20) feet measured along the shoulder, ditch line or curb.

(3) Curbing

- (a) The permit may require the installation of curbing wherever it is required to control access or drainage, or both. All curb must be permanent concrete curbing, subject to the construction and material specifications as are or shall be adopted by the Board of Township Supervisors.

- (b) Where the property abutting the right-of-way line could be used as a parking area, the permit may require curbing, permanent guardrail or fencing to be constructed along the right-of-way line in order to prohibit vehicle encroachment upon the sidewalk or shoulder area.
- (c) When curb exists adjacent to the proposed driveway, the line and grade of the existing curb shall be matched, unless otherwise authorized by the permit.

(4) Sight Distance

- (a) Access driveways shall be located at a point within the property frontage limits which provides at least the minimum sight distance set forth in such construction and material specifications as are or shall be adopted by the Board of Township Supervisors.
- (b) If sight distance requirements as specified in this section cannot be met, the Township may:
 - (i) Prohibit left turns by exiting vehicles;
 - (ii) restrict turning movements to right turns in and out of a driveway;
 - (iii) require installation of a right turn acceleration lane or deceleration lane;
 - (iv) require installation of a separate left turn standby lane;
 - (v) alter the horizontal or vertical geometry of the roadway; or
 - (vi) deny access to the highway.

(5) Grade of Access Driveways

- (a) All driveways shall be constructed so as not to impair drainage within the right-of-way, alter the stability of the improved area or change the drainage of adjacent areas.
- (b) Where a drainage ditch or swale exists, the permittee shall install adequate pipe under the driveway. Drainage pipe installed under driveways shall be compatible with field conditions and as approved by Middlesex Township and the Township Engineer.

- (c) The sideslopes of driveway embankments and the grade requirements in uncurbed shoulders within the right-of-way shall conform with such construction and material specifications as are or shall be adopted by the Board of Township Supervisors.

Section 709. Sidewalks.

- a. Requirements. Sidewalks shall generally be required for residential, commercial and other areas in Middlesex Township. However, the Board of Township Supervisors may waive such a requirement in the case of subdivisions or land developments that are not adjacent to an area where sidewalks have previously been constructed. A grant of such a waiver shall be recorded in the minutes of a public meeting of the Board of Township Supervisors and shall require that the following language be shown on the Final Plan:

"The owners of these lots, upon notification by Middlesex Township, shall be responsible for the construction of sidewalks to Township specifications within six (6) months of the date of such notification."

- b. All sidewalks shall be designed and constructed in accordance with such construction and materials specifications as are or shall be adopted by the Board of Township Supervisors.

Section 710. Curbing

- a. Requirements. Curbs shall be constructed in all subdivision or land developments unless the requirement is waived by the Board of Township Supervisors. A grant of such a waiver shall be recorded in the minutes of a public meeting of the Board of Township Supervisors and shall require that the following language be shown on the Final Plan:

"The owners of these lots, upon notification by Middlesex Township, shall be responsible for the construction of concrete curbs to Township specifications within six (6) months of the date of such notification."

- b. In areas where curbing is not required, suitable gutters shall be designed and installed subject to Township approval to control erosion. If curbs are to be installed, the pavement shall extend from curb to curb.

- c. All curbing shall be designed and constructed in accordance with such construction and materials specifications as are or shall be adopted by the Board of Township Supervisors.

Section 711. Street Lights and Illumination

A street lighting system shall be installed where required by the Board of Township Supervisors. Any such required system shall be designed and constructed as approved by the Board of Township Supervisors and the applicable utility company.

On-site illumination or floodlighting shall conform to the requirements of the Middlesex Township Zoning Ordinance.

Section 712. Sewers and Water

- a. The Middlesex Township Municipal Authority shall have the responsibility to ensure that all requirements of This Ordinance that pertain to public water and/or sanitary sewerage facilities are complied with. Wherever This Ordinance refers to the Township Engineer, this shall be construed as the Municipal Authority Engineer whenever public water and/or sanitary sewerage facilities are involved.

- b. Sewerage Facilities - Standards and Permits.

- (1) Wherever possible, all properties shall be connected to a municipal sanitary sewer system as required by Middlesex Township ordinance. The minimum sewerage facility that shall be provided for any dwelling, building, commercial or industrial enterprise shall be of materials, design and function in accordance with standards and regulations as determined by PaDER.
- (2) Where a public sewerage system is within one-thousand (1,000) feet of, or where the Township's Official Sewage Plan (Act 537) provides for the installation of such public sewerage facilities within five (5) years, the subdivider shall provide the subdivision with a complete sanitary sewer system to be connected to the existing or proposed public sewerage system if, in the Supervisors' opinion, it is feasible. The design and installation shall be in accordance with subsection (4) below and other applicable Township specifications.
- (3) Where a private, community sewerage system is proposed, such system shall be subject to approval of PaDER before approval by the Township. As a condition of Township approval, the Board may establish terms for future acceptance of such system on behalf of the Middlesex Township Municipal Authority which may include a deferral of acceptance or a refusal to accept. Ownership and

maintenance responsibility for all private, community sewerage systems shall be clearly established as a condition of Final Plan approval.

- (4) In addition to satisfying all requirements under Subparagraphs (1), (2) and (3) above, the subdivider or developer shall provide the subdivision or development with a complete sanitary collection system, including a collector main installed in the street bed or approved right-of-way and laterals installed from the collector main to the building line. The collector main shall be of a material and design approved by the Municipal Authority and shall conform in all respects to the standards and requirements as published in the Sewage Manual by PaDER. Where the potential exists for future extension of service beyond the proposed subdivision or land development, the developer may be required by the Municipal Authority to install oversize facilities to accommodate such future growth. The lateral to the building line shall be of a material and design approved by the Municipal Authority and for residences shall be of a minimum inside diameter of six (6) inches between the collector main and the right-of-way line of the street or highway. Laterals for buildings other than single family residences shall be commensurately larger and as approved by the Municipal Authority Engineer. The sewage collector mains and laterals shall be plugged water tight pending connection with a public sewer system. All sewage collector mains and laterals shall be designed and inspected by the Municipal Authority Engineer at the cost and expense of the subdivider or developer.
- (5) Where the installation of a sanitary sewer system is not required, the subdivider or owner of the lot shall provide for each lot, at the time improvements are erected thereon, a private sewage disposal system consisting of a septic tank and tile absorption field or other approved sewage disposal system. All such individual sewage disposal systems shall be constructed in accordance with the "Rules and Regulations of PaDER.
- (6) Unless otherwise provided in the Pennsylvania Sewage Facilities Act and regulations thereunder, all installations of sewerage facilities within the Township shall be in accordance with a permit issued by the Township.
- (7) The subdivider or developer shall also provide at his expense the information and sufficient number of copies to properly amend the Township's Sewage Facilities (Act 537) Plan in accordance with the requirements of PaDER. This amendment shall be required for either sub-surface disposal units or sewer installations.

- (8) Upon proper cause, the Supervisors, at an open meeting, may waive, modify, alter or suspend the requirement of Subparagraph (4).

c. Water Facilities - Standards and Permits.

- (1) Wherever possible, all properties shall be connected to a municipal water supply system as required by Middlesex Township ordinance.
- (2) Where a water main supply system is within one-thousand (1,000) feet of, or where plans approved by the Township provide for the installation of such public water facilities, the subdivider shall provide the subdivision with a complete water main supply system to be connected to the existing or proposed water main supply system if, in the Supervisor's opinion, it is feasible. The design and installation shall be in accordance with Township specifications or the requirements of the agency or entity having jurisdiction as a condition of Township approval. Proof that the supplier is capable of providing the proposed development with an adequate supply of safe drinking water is required as part of supporting documentation for the Final Plan.
- (3) Where a private, community water system is proposed, such system shall be subject to the applicable approval of PaDER before approval by the Township. As a condition of Township approval, the Board may establish terms for future acceptance of such system on behalf of the Middlesex Township Municipal Authority which may include a deferral of acceptance or a permanent refusal to accept. Ownership and maintenance responsibility for all private, community water systems shall be clearly established as a condition of Final Plan approval.
- (4) Where installation of a public water main supply system is not required, the subdivider or owner of the lot shall provide for each lot, at the time improvements are erected thereon, an individual water supply approved when applicable by PaDER, as to source, installation, and quality of water.
- (5) Fire hydrants shall be installed as an integral part of any common water system; placement of hydrants shall be as required by the agency supplying water. Fire hydrants shall be located so that the distance from any building frontage to a fire hydrant is not more than 600 feet measured along the curb.

- d. Installation of all sewers, water mains, street lights, manholes and other utilities shall be in strict accordance with the engineering standards and specifications of the Township Municipal Authority or other public utility concerned.

- e. Following the installation of any public water distribution system, and/or the sewer collection system(s), the applicant shall provide the Township with as-built drawings showing the location and depth of all water lines, valves, appurtenances, and the size, location, length and depth of all sanitary sewer lines including house lateral locations. All descriptions and drawings shall include bearings and distances. The as-built plans shall be prepared by a Professional Engineer or Professional Land Surveyor.

Section 713. Stormwater Drainage:

- a. Stormwater Drainage Facilities: Facilities to accommodate stormwater drainage as a result of the proposed development of any tract of land under This Ordinance, must conform to the requirements of Article X herein, as well as any construction and materials specifications as are or shall be adopted by the Board of Township Supervisors,
- b. Existing Drainage Ways: Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainage way, channel or stream. The easement to be provided shall be not less than twenty (20) feet wide, or of such greater width as will be adequate to preserve the unimpeded flow of natural drainage or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities, or for the purpose of installing a storm water sewer.

Section 714. Utility Line Installation.

Electric, telephone and television transmission lines shall be placed under ground, except where determined by the Board of Township Supervisors not to be feasible. Where such lines are not placed underground, said lines shall be placed along rear lot lines to the fullest extent possible.

Section 715. Utility Easements.

- a. Width; Location: When easements are required for any utility serving a subdivision or land development, they must be a minimum of twenty (20) feet wide and must, to the fullest extent possible, be adjacent to, or centered on, rear or side lot lines.
- b. Natural Gas Lines: All natural gas lines must be installed in compliance with the ASA Code B31, 80 1958, as amended. The minimum distance from a natural gas line to a dwelling unit or other structure must be as required by the applicable transmission or distributing company.

- c. Petroleum Lines: Between a proposed dwelling unit or other structure and the center line of a petroleum or petroleum products transmission line which may traverse the subdivision or land development, there must be a minimum distance of 100 feet measured in the shortest distance.

Section 716. Signs, Storage Areas and Structure Orientation.

- a. Signs: Moderation in respect to the style, size and frequency of signs is recommended. (See Township Zoning Regulations pertaining to signs.)
- b. Storage Areas:
 - (1) Outdoor storage areas of any type should be located to the rear of structures and should be screened by natural vegetation or fencing, in accordance with the requirements of the Zoning Ordinance.
 - (2) In group developments, it is recommended that remote, screened storage areas be provided for items infrequently used, such as recreation vehicles, etc.
- c. Structure Orientation:
 - (1) Structures should be grouped whenever possible so as to provide larger, more usable open space without decreasing the overall density of development.
 - (2) Extra building setbacks are recommended at all street intersections in order to increase sight distances and to make the presence of an intersection more apparent.
 - (3) Insofar as possible commercial structures should be relatively central in respect to their parking areas in order to minimize required walking distance for safety and convenience. Protected pedestrian accessways shall be provided in commercial developments adjacent to residential neighborhoods.

Section 717. Traffic Impact Studies.

- a. Purpose. To provide the Board of Township Supervisors with an opportunity:
 - (1) To identify traffic and transportation problems associated with the adequacy of the existing transportation network and facilities to provide access to and from and through the site in light of the character and volume of traffic expected to be generated by the proposed subdivision and/or land development;

- (2) To delineate solutions to such problems, or facilities including the prescription of improvements to be provided by or at the expense of Applicant.
- b. When Required. A transportation impact study shall be submitted regarding subdivisions and land developments which meet the following criteria:
- (1) Residential -- Involving 10 or more dwelling units
 - (2) Commercial -- Involving 10,000 or more feet of gross floor space;
 - (3) Industrial -- Involving 25,000 or more square feet of gross floor space;
 - (4) Other -- Whenever the Planning Commission or Board of Township Supervisors shall find that there is a reasonable ground to believe that the existing transportation network may be inadequate to handle the volume or character of traffic likely to result from the proposed subdivision or land development.
- c. By Whom Prepared. The study shall be prepared by a qualified traffic engineer and/or transportation planner who shall be mutually agreed upon by the developer and the Township. The study preparer shall have sufficient, documented prior traffic study experience to qualify him to perform the study and render any opinions and recommendations set forth therein. The cost to prepare the study will be borne entirely by the developer. The Traffic Impact Study report shall be certified as correct by the preparer.
- d. Contents. The study shall contain information, analyses and conclusions regarding the following:
- (1) General Site Description. The site description shall include the size, location, proposed land uses, construction staging and completion date of the proposed land development. If the development is residential, types of dwelling units and number of bedrooms shall also be included. A brief description of other major existing and proposed land developments within the study area shall be provided. The general site description shall also include probable socio-economic characteristics of potential site uses to the extent that they may affect the transportation needs of the site (i.e. number of senior citizens).

(2) Transportation Facilities Description.

(a) Proposed Internal Transportation System.

This description shall show proposed vehicular, bicycle and pedestrian circulation, all proposed ingress and egress location, all existing or proposed internal roadway including the widths of paved cartways and rights-of-way, parking conditions, traffic channelizations and any other traffic signals or other intersection control devices, within or near the site of the subdivision or land development.

(b) External Transportation System.

This report shall describe the entire external roadway system within the study area of the proposed subdivision or land development. Major intersections in the study area shall be identified and sketched. All existing and proposed public transportation services and facilities within a one-mile radius of the site shall also be documented. All future highway improvements, including proposed construction and traffic signalization, shall be noted. This information shall be obtained from the Pennsylvania Department of Transportation. Any proposed roadway improvements resulting from proposed surrounding developments shall also be recorded.

(c) Existing Traffic Conditions.

Existing traffic conditions shall be measured and documented for all roadways and intersections in the study area. Existing traffic volumes for average daily traffic, peak highway hour(s) traffic, and peak development-generated hour(s) traffic shall be recorded. Manual traffic counts at major intersections in the study area shall be conducted, encompassing the peak highway and development-generated hour(s) and documentation shall be included in the report. A volume capacity analysis based upon existing volumes shall be performed during the peak highway hour(s) and the peak development-generated hour(s) for all roadways and major intersections in the study area. Levels of service shall be determined for each location. This analysis will determine the adequacy of the existing roadway system to serve the current traffic demand.

(d) Transportation Impact.

Estimation of vehicular trips to result from the proposal shall be completed for the average daily peak highway hour(s) and peak development-generated

hour(s). In the case of existing facilities, vehicular trip generation rates to be used for this calculation shall be based on existing data. In the case of new development, vehicular trip generation rates to be used for this calculation shall be obtained from Trip Generation Rates Tables found in the latest edition of the Institute of Transportation Engineers Trip Generation Manual. These development-generated traffic volumes shall be provided for the in-bound and out-bound traffic movements as estimated, and the reference source(s) and methodology followed shall be documented. All turning movements shall be calculated. These generated volumes shall be distributed to the study area and assigned to the existing roadways and intersections throughout the study area.

Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to individual access points. Pedestrian volumes shall also be calculated, if applicable. If school crossings are to be used, pedestrian volumes shall be assigned to each crossing. Any characteristics of the site that will cause particular trip generation problems shall be noted.

(e) Conclusions and Recommended Improvements

Levels of service for all roadways and intersections shall be listed. All roadways and/or intersections showing a level of service below D for signalized intersections and below E for unsignalized intersections shall be considered deficient and specific recommendations for the elimination of these problems shall be listed. This listing of recommended improvements shall include, but not be limited to, the following elements: internal circulation design, site access location and design, external roadway and intersection design and improvements, traffic signal installation and operation, including signal timing, and transit design improvements. All physical roadway improvements shall be shown on the preliminary plan. Existing and/or future public transportation service shall also be addressed. A listing of all actions to be undertaken to increase present public transportation usage and improve service, if applicable, shall be included. An analysis based on the guidelines contained in studies by the Cumberland County Planning Commission shall be undertaken to indicate whether or not future public transportation service should be provided to the development. The listing of recommended improvements for both roadways

and transit shall include, for each improvements, the party responsible for the improvement, the cost and funding of the improvement, and the completion date for the improvement.

(3) Modified Study.

Whenever a study is required solely because of the findings of the Planning Commission or Board of Township Supervisors as provided in subsection b. (4) above, or if the Board of Township Supervisors shall conclude after a developer request for modification of requirements under This Section, that certain of the required information, analyses or conclusions are unnecessary for an identification of the traffic problems or finding solutions therefor, the Board of Township Supervisors shall delineate the scope and contents of the study so as to include only those matters it deems appropriate to aid in the identification and solution of the problems envisaged.

Section 718. Environmental Impact Assessment Report.

- a. Purpose. In order to provide the Board of Township Supervisors with an opportunity to more effectively evaluate subdivision and/or land development proposals, the applicant shall be required to disclose the environmental consequences or effects of such proposals through the submission of an Environmental Impact Assessment (EIA) report.
- b. When Required. An EIA report shall be submitted with the Preliminary Plan for subdivisions and land developments which meet the following criteria:
 - (1) Residential -- Involving 25 or more dwelling units
 - (2) Commercial -- Involving 25,000 or more feet of gross floor space;
 - (3) Industrial -- Involving 25,000 or more square feet of gross floor space;
 - (4) Other -- Whenever the Planning Commission or Board of Township Supervisors shall find that there is a reasonable ground to believe that an adverse environmental impact is likely to result from the proposed subdivision or land development.

An undated EIA report shall accompany and form a part of the Final Plan for any of the above.

- c. By Whom Prepared. The study shall be prepared by a qualified consultant who shall be mutually agreed upon by the developer

and the Township. The study preparer shall have sufficient, documented prior environmental study experience to qualify him to perform the study and render any opinions and recommendations set forth therein. The cost to prepare the study will be borne entirely by the developer. The EIA report shall be certified as correct by the preparer.

- d. Contents. Twelve (12) copies of the EIA report shall be submitted in accordance with the format and content specified below. Within the EIA report, specific emphasis shall be directed toward the proposed project's effects on and relationship to applicable site, neighborhood (including areas in adjacent municipalities where applicable) and township-wide resources, conditions or characteristics. Where required information is contained in other Plans and supporting documentation, said information can be cited by reference to said plans and supporting documentation. The EIA report shall include text, tables, maps and analyses for the purpose of describing the project site, proposed use(s), environmental characteristics and the environmental effects of the proposal as follows:

- (1) An identification of the site location and area through the use of a location map drawn at a scale of not more than two thousand feet (2000') to the inch. The location map shall depict all streets, adjoining properties, zoning district boundaries and municipal boundaries within three thousand (3000') feet of any part of the tract. In the case of development of a section of the entire tract, the location map shall also show the relationship of the section to the entire tract.
- (2) An identification of the site character and appearance through the presentation of black and white photographs or copies thereof. Such photographs shall provide a representation of what the site looks like from the ground. Photographs should be properly identified or captioned and shall be keyed to a map of the site.
- (3) An identification of the nature of the proposals through the presentation of the following:
 - (a) A site development plan including notes pertaining to the number and type of lots or units, the square footage and/or acreage of the tract and a depiction of the features which are proposed such as streets, driveways, parking areas, buildings and other structures, and all impervious surfaces. The plan shall be drawn at a scale of not more than one hundred feet (100') to the inch and may be submitted as an attachment to the report. The plan shall reflect all the information required for a Preliminary Plan.

- (b) Plans and elevations depicting the proposed size, square footage, height, number of rooms (where applicable) of buildings and/ or other structures.
 - (c) A statement indicating the existing and proposed ownership of the tract and where applicable, the type of ownership, operation and maintenance proposed for areas devoted to open space or otherwise not under the control of a single lot owner.
 - (d) A statement indicating the proposed staging or phasing of the project and a map depicting the boundaries of each stage or phase of the project. Such boundaries shall be superimposed on a version of the site development plan.
- (4) An identification of physical resources associated with the natural environment of the tract including such features as geology, topography, soils, hydrology and the like. The identification of physical resources shall include a narrative description of the qualitative and quantitative aspects of each of the resources mentioned above. In addition, these resources shall be mapped at a scale of not more than one hundred feet (100') to the inch as specified below and may be either incorporated into the EIA report or submitted as attachments to the report.
- (a) A map depicting the geological characteristics of the tract. Such map shall define the location and boundaries of the rock formations at or influencing the tract and features such as faults and/or fractures.
 - (b) A map depicting the topographical characteristics of the tract. Such map shall contain contours with at least two (2) foot intervals; and, shall depict slopes from zero to four (0 - 4) percent, four to ten (4 - 10) percent, ten to fifteen (10 - 15) percent, fifteen to twenty-five (15 - 25) percent, and greater than twenty-five (25) percent:
 - (c) A map depicting the soil characteristics of the tract. Such map shall depict all soil types and shall include a table identifying soil characteristics pertinent to the proposed subdivision and/or land development such as depth of bedrock, depth of water table, flood hazard potential, and limitations for septic tank filter fields.
 - (d) A map depicting the hydrological characteristics of the tract. Such map shall depict: surface water resources, their drainage characteristics, watersheds and flood plains, and groundwater resources. Surface

water resources include features such as creeks, runs and other streams, ponds, other natural bodies of water, springs, wetlands, and any man-made impoundments. Groundwater resources include features such as aquifers and aquifer recharge areas.

- (5) An identification of biological resources associated with the natural environment of the tract including such features as vegetation and wildlife. The identification of biological resources shall include a narrative description of each of the resources mentioned above. Any protected and/or endangered species shall be noted. In addition, these resources shall be mapped at a scale of not more than one hundred feet (100') to the inch, as specified below; and, may be either incorporated into the EIA report or submitted as attachments to the report.
 - (a) A map depicting the vegetation characteristics of the tract. Such map shall define the locations and boundaries of the wooded areas of the tract and shall note the types of vegetation associations which exist in terms of their species types and sizes. In addition, all trees twelve (12) inches in caliper or greater, shall be accurately located on the map either as free standing trees or as tree masses.
 - (b) A map depicting characteristics associated with wildlife habitats. Such map may draw upon the vegetation, hydrology and soil maps in order to express habitat characteristics associated with terrestrial and aquatic wildlife on the tract and the relationship of the overall habitat(s).
- (6) An identification of the land use conditions and characteristics associated with the tract such as: current and past use, land cover, and encumbrances; and, the relationship of these to adjacent tracts. The identification of land use conditions and characteristics shall include a narrative description of the above. In addition, the following maps drawn at a scale of not more than one hundred (100') feet to the inch, unless otherwise noted, shall be incorporated into the EIA report or submitted as attachments to it:
 - (a) A map depicting the land cover characteristics of the tract. Such map shall define existing features including: paved or other impervious surfaces, wooded areas, cultivated areas, pasture, old fields, lawns and landscaped areas and the like.
 - (b) A map depicting any encumbrances to the tract. Such map shall define easements and other areas where certain use privileges exist.

- (c) A map depicting the land uses adjacent to the proposed tract. Such map may be at the same scale as the location map.
- (7) An identification of the historic resources associated with the tract such as areas, structures and/or routes and trails which are significant. Areas, structures and/or routes and trails included on the National Register of Historic Places, the Pennsylvania Inventory of Historic Places and the Historic American Building Survey, those identified in the Comprehensive Plan and any structure erected prior to 1890 shall be identified. The identification of historic resources shall include a narrative description of the above. In addition, a map drawn at a scale of not more than one hundred feet (100') to the inch depicting historic resources shall be incorporated into the EIA report or submitted as an attachment to the report.
- (8) An identification of the visual resources associated with the tract such as areas which have a particular amenity value and areas which offer interest in viewing the tract. The identification of visual resources shall include a narrative description of the above. In addition, a map drawn at a scale of not more than one hundred feet (100') to the inch depicting visual resources shall be incorporated into the EIA report or submitted as an attachment to the report.
- (9) An identification of the community facility needs associated with the user and/or resident of the proposed subdivision and/or land development. The community facility needs assessment shall indicate in narrative form the type of services which will be in demand. Where applicable, community facilities (such as schools, park and recreation areas, libraries, hospitals, and other health care facilities, fire protection, police protection, ambulance, and rescue service and postal services) shall be discussed in terms of the ability of existing facilities and services to accommodate the demands of future users and/or residents of the lots and/or tract and the need for additional or expanded community facilities.
- (10) An identification of the utility needs associated with the user and/or resident of the proposed subdivision and/or land development. The utility needs assessment shall indicate in narrative form the type of installations which will be in demand. Utilities (such as those used for water supply, sewage disposal, refuse disposal, storm drainage, communications and electrical transmission) shall be discussed in terms of: the ability of existing utility installations to accommodate the demands of the future users and/or residents of the lots and/or tract;

the need for additional or expanded utility installations; the ability to achieve an adequate, potable quantity of water whenever individual wells are proposed; the ability to achieve an adequate system for on-site sewage disposal whenever such a system is proposed; and the ability to achieve an adequate system for storm drainage and stormwater management.

- (11) An identification of the relationship of the transportation and circulation system needs of the proposed subdivision and/or land development to the existing street or highway network. A discussion of this relationship shall be in narrative form and shall indicate factors such as methods to be used for traffic control within the tract and at points of ingress to and egress from it; and, expected traffic volumes generated from the subdivision and/or land development including their relationship to existing traffic volumes on existing streets for both peak-hour and nonpeak-hour traffic conditions. In addition, there shall be a discussion of the physical condition of existing streets which will service the proposed subdivision and/or land development and what improvements are proposed to remedy any physical deficiencies.
- (12) An identification of the anticipated population characteristics related to the proposed subdivision and/or land development. The characteristics which shall be presented in narrative form shall include a profile of the future users and/or residents of the lot and/or tract including information such as the number of people expected. Such information shall be related to initial and completed subdivision and/or land development conditions.
- (13) An identification of the economic and fiscal characteristics related to the proposed subdivision and/or land development. The characteristics which shall be presented in narrative form shall include a profile of the township, county and school district revenues which the proposal may generate and the township, county and school district costs it may create. Such information shall be related to initial and completed subdivision and land development conditions.
- (14) An identification of characteristics and conditions associated with existing, construction related, and future air and water quality, light and noise levels, vibration, toxic materials, electrical interference, odor, glare and heat, fire and explosion, smoke, dust, fumes, vapors and gases and/or radioactive materials.

- (15) The implications of the proposed subdivision and land development in terms of: the type of beneficial or adverse effects which may result from it; and, the duration of these effects in terms of their short-term or long-term nature. To indicate such effects, there shall be a discussion of the implications of the proposed subdivision and/or land development to the resources, conditions and characteristics described in subsections (4) through (14) above. In addition to a narrative presentation of implications, the applicant shall display where the subdivision and/or land development adversely affects the tract's resources, conditions or characteristics through the use of a map drawn at a scale of not more than one hundred feet (100') to the inch, wherein the areas adversely affected from proposed development are highlighted. Such map may be either incorporated into the EIA report or submitted as an attachment to the report. Further, the applicant must demonstrate and specify in the EIA report how and where the findings in the EIA report and its attachments are reflected in the subdivision and/or land development plan.
- (16) Alternatives to the proposed subdivision and/or land development. To indicate such alternatives, the applicant shall submit exhibits or diagrams which will depict the type of alternatives described in narrative form. The applicant shall comment on how alternatives such as: revised location, redesign, layout or siting of buildings, roads and other structures, alternate methods for sewage disposal and water supply, reduction in the size of proposed structures or number of structures, and the like would preclude, reduce or lessen potential adverse impact or produce beneficial effects.
- (17) Probable adverse effects which cannot be precluded. In indicating such effects a discussion shall be presented regarding whether they will have primary or secondary implications, that is, whether the adverse effects will have direct or indirect influence on a particular resource, condition or characteristic.
- (18) Measures to mitigate adverse effects. To indicate such measures, the applicant shall submit exhibits or diagrams which will depict the type of remedial, protective and mitigative measures described in narrative form. These resources shall include those required through existing procedures and standards, and those unique to a specific project, as follows:
- (a) Mitigation measures which pertain to existing procedures and standards are those related to current requirements of the state, county and/or township for remedial or protective action such as: sedimentation and erosion control, storm water runoff control,

water quality control, air quality control, and the like.

(b) Mitigation measures related to impacts which may be unique to a specific subdivision and/or land development are those related to efforts such as: revegetation, screening, fencing, emission control, traffic control, noise control, relocation of people and/or businesses, land acquisition, and the like.

(19) Any irreversible environmental changes which would occur due to the proposed subdivision and/or land development should it be implemented. To indicate such changes, the use of non-renewable resources during the initial and continued phases of the subdivision and/or land development shall be discussed. Further, the loss of environmental resources shall be indicated through a presentation of the quantity of loss and related qualitative effects.

d. In making its evaluation, the Board of Township Supervisors and/or the Planning Commission may request any additional information it deems necessary to adequately assess potential environmental impacts. Further, whenever any information requested in subsection c. above is not applicable to the proposed subdivision and/or land development, the Board of Township Supervisors may waive any or all of the requirements to address such information upon a finding of such inapplicability. A written request for a modification shall be made by the applicant and shall be submitted at the time when a Sketch Plan or an application for subdivision and/or land development is made.

ARTICLE VIII

MOBILEHOME PARK REGULATIONS

In addition to the rules, regulations, standards and procedures established in other sections of This Ordinance, the following shall also apply to mobilehome parks:

Section 801. General

The basic requirements of This Ordinance may be modified in the design and development of mobile home parks to the extent of and in accordance with the minimum standards set forth hereunder.

Section 802. Zoning Compliance

All mobilehome park approvals under This Ordinance shall be subject to compliance with all related provisions of the Middlesex Township Zoning Ordinance, including applications, permits, and fee requirements set forth therein.

Section 803. Design Standards and Required Improvements

In addition to the other referenced requirements, the following shall apply:

- a. Generally, mobile home stands should be diagonal to the street at an angle of 30 degrees from perpendicular.
- b. The minimum depth of each mobile home space shall be not less than thirty (30) percent longer than the mobile home.
- c. The longitudinal gradient and cross slope of any mobile home shall not exceed five (5) percent, except for terracing at the periphery, and the minimum slope in any direction shall be one (1) percent.
- d. The streets, exits and entrances shall be all-weather conforming to the standards and specifications for Township streets.
 - (1) At entrances, exits and where parking is permitted on both sides, the minimum width shall be thirty-six (36) feet unless standards for Township streets require a greater width.

- (2) In all other cases the minimum width shall be twenty-six (26) feet, or as set forth under Article VII hereof.
 - (3) The above may be reduced in the case of one-way traffic, subject to the approval of the Board of Township Supervisors.
 - (4) Cul-de-sac streets shall be provided with a turn-around having an outside roadway diameter of at least one hundred (100) feet.
 - (5) The pavement edge at all intersections shall have an inside radius of at least thirty (30) feet.
 - (6) Street grades shall not exceed eight (8) percent and adequate transition shall be made at grade changes for the maneuvering of mobile home units.
 - (7) All other basic street and intersection design standards of this Ordinance not modified above shall apply.
- e. Curbs and sidewalks shall be provided and constructed according to the basic standards of this Ordinance.

ARTICLE IX
FLOOD PLAIN AREA REGULATIONS

Section 901. Purpose

The specific purposes of these special provisions are:

- a. to regulate the subdivision or development of land within any designated Flood Plain Area in order to promote the good health, welfare and safety of the community;
- b. to require that each subdivision lot in floodprone areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to preclude flood at the time of initial construction;
- c. to protect individuals from buying lands which are unsuitable for use because of flood by prohibiting the improper subdivision or development of unprotected lands within the designated flood plain districts.

Section 902. Abrogation and Greater Restrictions

This Article supplements prior articles of This Ordinance as well as the Township Zoning Ordinance. To the extent that This Article imposes greater requirements or more complete disclosure in any respect, or to the extent that the provisions of This Article are more restrictive, it shall be deemed and interpreted to control such other provisions of This Ordinance or the Zoning Ordinance.

Section 903. Design Standards and Improvements in Designated Flood Plain Areas

a. General

- (1) Where not prohibited by this or any other laws or ordinances, land located in any designated Flood Plain Area may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.
- (2) No subdivision or land development, or part thereof, shall be approved if the proposed development or improvements will individually or collectively increase the one-hundred (100) year flood elevation more than one foot (1') at any point.

- (3) Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any floodway area. Sites for these uses may be permitted outside the floodway area in a Flood Plain Area if the lowest floor (including basement) is elevated to the Regulatory Flood Elevation. If fill is used to raise the elevation of a site, the fill area shall extend laterally for a distance of at least fifteen (15') feet beyond the limits of the proposed structure, and access shall meet the requirements of Section 903.c. hereinbelow.
- (4) Building sites for structures or buildings other than for residential uses shall not be permitted in any floodway area. Sites for such structures or buildings outside the floodway in a Flood Plain Area shall be protected as provided for in Section 903.a.(3) above. However, the Board of Township Supervisors may allow the subdivision or development of areas or sites for commercial and industrial uses at an elevation below the Regulatory Flood Elevation if the developer otherwise protects the area to that height, or assures that the buildings or structures will be flood-proofed to the Regulatory Flood Elevation.
- (5) If the Board of Township Supervisors determines that only a part of a proposed plan can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.
- (6) When a developer does not intend to develop the plan himself, and the Board of Township Supervisors determines that additional controls are required to insure safe development, it may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plan.

b. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings, on-site water supply systems and on-site sewage disposal systems.

Plans shall be subject to the approval of the Board of Township Supervisors. The Board of Township Supervisors may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties. All drainage facilities shall be designed in accordance with Article X of this Ordinance.

c. Streets and Driveways

The finished elevation of proposed streets and driveways shall be at least one (1') foot above the Regulatory Flood Elevation. Profiles and elevations of streets and driveways to determine compliance with this requirement, and as required by other provisions of This Ordinance, shall be submitted with the Final Plan. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

d. Sewer Facilities

All sanitary sewer systems located in any designated Flood Plain Area, whether public or private, shall be floodproofed up to the Regulatory Flood Elevation.

e. Water Facilities

All water systems located in any designated Flood Plain Area, whether public or private, shall be floodproofed up to the Regulatory Flood Elevation.

f. Other Utilities and Facilities

All other public or private utilities and facilities, including gas and electric, shall be elevated or floodproofed up to the Regulatory Flood Elevation.

Section 904. Application Procedures and Requirements

a. Pre-Application Procedures

- (1) Prior to the preparation of any plans, it is suggested that prospective developers consult with PaDER concerning soil suitability when on-site sewage disposal facilities are proposed.
- (2) Prospective developers shall consult the County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development.

b. Preliminary Plan Requirements

The following information shall be required as part of the Preliminary Plan and shall be prepared by a Professional Engineer or Professional Land Surveyor:

- (1) Name of engineer, surveyor or other qualified person responsible for providing the information required in This Section.
- (2) A map showing the location of the proposed subdivision or land development with respect to any designated Flood Plain Area, including information on, but not limited to, the one-hundred (100) year flood elevations, boundaries of the Flood Plain Area or areas, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.
- (3) Where the subdivision or land development lies partially or completely within any designated Flood Plain Area, or where the subdivision or land development borders on a Flood Plain Area, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall also show contours at intervals of no greater than five (5') feet, and shall identify accurately the boundaries of the Flood Plain Areas.
- (4) Such other information as is required by This Ordinance.

c. Final Plan Requirements

The following information shall be required as part of the Final Plan and shall be prepared by a Professional Engineer or Professional Land Surveyor:

- (1) All information required for the submission of the Preliminary Plan incorporating any changes requested by the Board of Township Supervisors and/or Planning Commission.
- (2) A map showing the exact location and elevation of all proposed buildings, structures, roads and public utilities to be constructed within any designated Flood Plain Area. All such maps shall show contours at intervals of no greater than five (5') feet within the Flood Plain Area, and shall identify accurately the boundaries of the floodprone areas.
- (3) Submission of the Final Plan shall also be accompanied by all required permits and related documentation from PaDER, and any other Commonwealth agency, or local municipality where any alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall

be submitted indicating that all affected adjacent municipalities have been notified in advance of the proposed alteration or relocation. The Department of Community Affairs and the Federal Insurance Administrator shall also be notified in advance of any such proposed activity, and proof of such notification shall be submitted in advance of the Middlesex Township Planning Commission meeting at which such plan is to be considered.

Section 905. Disclaimer of Municipal Liability

The grant of a permit or approval of a plan for any proposed subdivision or land development to be located within any designated Flood Plain Area shall not constitute a representation, guarantee or warranty of any kind by the municipality or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the municipality, its officials or employees.

ARTICLE X

STORM WATER MANAGEMENT PLAN AND DESIGN CRITERIA

Section 1001. Scope.

A Storm Water Management Plan (SWMP) shall be required for each subdivision or land development plan at both the preliminary and final submittal stage. As an integral part of the SWMP, Erosion and Sedimentation Control measures shall be included. A SWMP must be approved prior to the construction of any improvements.

All SWMPs shall be prepared and certified by a Professional Engineer; provided, however, that a SWMP may be prepared by a Professional Land Surveyor if said plan constitutes an Incidental Storm Water Management Plan as defined by Article II of This Ordinance.

Section 1002. Content.

The SWMP shall contain the following:

- a. A general description of the proposed project.
- b. Project location on a 7.5 minute USGS map, including boundaries and area of the drainage area in which the project is located.
- c. Topographic features of the project site and adjacent lands that may impact upon the storm water management design. This data shall include:
 - (1) Flow direction arrows to indicate the natural drainage pattern of the site.
 - (2) Contour lines at two (2') foot intervals for slopes of ten (10%) percent or less.
 - (3) Contour lines at five (5') foot intervals for slopes of greater than ten (10%) percent.
 - (4) Contour data shall be based on USGS benchmark and the location or description of said benchmark shall be indicated on the plan.
- d. The names of the owner(s) of all adjoining land.
- e. The names of existing or proposed developments of adjacent land and the locations and dimensions of all streets and/or easements in each development.
- f. The existing and proposed use of the tract.

- g. The total number of lots and the total acreage of the site.
- h. Tract boundaries with bearings, distances and curve data.
- i. Identification of existing stormwater drainage facilities within and beyond the subdivision or land development, which may be impacted by the proposed project.
- j. Runoff calculations and related design computations of the total drainage basin necessary to substantiate the proposed temporary and permanent storm water management facilities, i.e.
 - (1) Pre- and post-development drainage area delineation
 - (2) Curve number/coefficient weighting
 - (3) Time of concentration calculations and flow paths used
 - (4) Hydrograph computations
 - (5) Basin routing

All calculation sheets shall be signed by the designer and checked before final submission.
- k. Design and Specifications of temporary and permanent storm water management facilities.
- l. Staging or Implementation Schedule for constructing the proposed storm water control system.
- m. Grading for major subdivisions and land developments shall be to the street right-of-way line, and where extreme cuts and/or fills are proposed, as may be required by the Township Engineer.
- n. Provisions to ensure adequate maintenance of storm water management facilities.
- o. Signature of the preparer certifying accuracy of the Plan.
- p. If the subdivision or land development is to be developed in stages, a general drainage plan for the entire tract shall be provided with the first stage and appropriate development stages for the drainage system indicated thereon.

Section 1003. Design Standards.

Computations for determining storm water runoff and for the design of storm water management facilities shall be based upon the Soil-Cover-Complex method described in either TR-55, Urban Hydrology for Small Watersheds; the United States Department of Agriculture, Soil Conservation Service Engineering Field Manual; or the Soil

Conservation Service National Engineering Handbook, Section 4. Computations based upon an alternative method may be accepted upon recommendation of the Township Engineer and approval of the Township Board of Supervisors. The following standards shall apply:

- a. All designs and calculations shall take into consideration the entire upstream drainage basin .
- b. All pre-development calculations unless in woodland, shall be based upon the assumption of grass cover and pre-development storm water runoff shall be calculated for the two (2), five (5), ten (10) and twenty-five (25) year storm events. Where the site contains existing impervious surface, up to 50% of the impervious area may be considered as an existing pre-development condition.
- c. All storm water detention pond design and calculations shall be accompanied by the following:
 - (1) Either singular or composite inflow hydrographs
 - (2) Stage-storage data
 - (3) Stage-discharge data
 - (4) Storage-routing calculation
 - (5) Other data as required by the Township Engineer
- d. Release rates from storage structures shall coincide with all pre-development runoff rates for the primary outlet structure.
- e. Storage structures shall be sized to store the difference between the post development twenty- five year peak runoff and the pre-development twenty-five year peak runoff for the primary outlet structure.
- f. All storage structures or facilities will be designed with emergency spillways sufficient to handle the 100-year post development storm event.
- g. Culverts, pipes, and other water carrying structures shall be designed to handle peak discharge from the ten-year post development storm event. Cross culverts under Township roads shall be designed to pass the 25-year post development flow.
- h. The SWMP shall include calculations indicating velocities of flow, grades, sizes, and capacities of water carrying structures, debris or sedimentation basins, and detention ponds and sufficient design information to construct such facilities.
- i. Subsurface infiltration will only be considered as an alternative if no other management is feasible from a technical point of view. The lack of space for detention ponds will not

be considered as a reason for permitting subsurface infiltration.

- j. Subsurface infiltration shall not be permitted in areas where it will adversely affect subsurface sewage disposal.
- k. Subsurface infiltration will only be permitted after the applicant has completed an engineering study of the site. This study shall include but is not limited to:
 - (1) Soil compatibility and permeability, as proven by geotechnical analysis
 - (2) Maintenance program
 - (3) Calculations as per a proven theory or acceptance by an authority in the field of subsurface infiltration
- l. All natural drainage ways and existing contouring of pre-development drainage patterns shall be preserved to the maximum extent possible, and post-development drainage patterns shall simulate pre-development patterns.
- m. Calculations for development shall anticipate the maximum area to be impervious, as permitted in the Township Zoning Ordinance.
- n. Storm water runoff shall be based on the following 24-hour storm events:

<u>STORM FREQUENCY</u>	<u>INCHES OF RAINFALL</u>
2 years	2.5 inches
5 years	3.8 inches
10 years	4.7 inches
25 years	5.1 inches
50 years	5.8 inches
100 years	6.4 inches

- o. Maximum permitted velocities are as follows:
 - (1) Three (3) feet per second where only sparse vegetation can be established.
 - (2) Four (4) feet per second under normal conditions where vegetation can be established by seeding.
 - (3) Five (5) feet per second where a dense, vigorous sod can be quickly established or where water can be temporarily diverted during establishment of vegetation.
 - (4) Six (6) feet per second where well established sod is in existence.

- (5) For lined water carrying channels the following velocities are permitted:

<u>CHANNEL LINING</u>	<u>MAXIMUM VELOCITY</u>
6-inch rock rip-rap	6 feet per second
9-inch rock rip-rap	8 feet per second
Asphalt	7 feet per second
Durable Bedrock	8 feet per second
12-inch rock rip-rap	9 feet per second
Concrete or steel	12 feet per second

- (6) The normal maximum velocity of open channel flows shall not exceed ten (10) feet per second.
- p. Minimum permitted velocity of a channels/pipes shall be three (3) feet per second.
- q. Horizontal and vertical alignment changes of the collection system shall be achieved through the use of manholes and/or inlets.
- r. The minimum slope for un-lined, open channels shall be two (2.0) percent; minimum slope for pipes and lined channels shall be one-half (0.5) percent.
- s. Energy dissipaters/erosion control devices shall be placed at the outlets of all pipes where flow velocities exceed maximum permitted channel velocities.
- t. Vertical pipes, inlets and other surface water receiving structures shall be installed with trash racks, or so designed to control trash accumulation.
- u. Storm water runoff channels shall be designed and installed to avoid trapping excess sediment, except if structures are so designed to trap sediment.
- v. Where storm water detention basins are also intended for sediment control, they will be designed to meet the requirements of "Chapter 102. Erosion Control" of the Rules and Regulations of PaDER.
- w. Storage of equivalent storm water runoff for a portion of a property may be considered in lieu of storage of generated runoff provided:
- (1) The site is located so that it is physically impossible to detain runoff from the proposed facilities or drainage problems exist upgrade that would impact upon the site or downgrade properties.
 - (2) The impact of generated runoff discharging off site from the subdivision or land development is determined by the

Township Engineer to be negligible and not detrimental to adjacent properties.

- (3) Implementation of equivalent storage shall be determined applicable and feasible by the Township Engineer.
- x. Use of parking lots for detention storage may be approved by the Board of Township Supervisors, after review and recommendations from the Township Engineer.
- y. No storm water runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without approved provisions being made by the developer for properly handling such conditions.

Section 1004. Erosion and Sedimentation.

In those areas involving residential development where there are no new improvements being proposed (i.e. no new streets, drainage ways, detention ponds, etc.) and/or other storm water management facilities, a typical individual lot Erosion and Sedimentation Control Plan or notation shall be placed on the subdivision or land development plan. In all other instances, the Erosion and Sedimentation Control Plan shall be submitted to the County Conservation District for their review and approval prior to final plan approval.

Section 1005. Ownership and Maintenance Program.

Each SWMP shall contain provisions which clearly set forth the ownership and maintenance responsibility of all temporary and permanent storm water management facilities and erosion and sedimentation control facilities, including:

- a. Description of Temporary and Permanent Maintenance Requirements.
- b. Establishment of suitable easements for access to all facilities by County and Township officials.
- c. Identification of the responsible party or entity for ownership and maintenance of both temporary and permanent storm water management and erosion control facilities. In meeting this requirement, the following priority is herein established:
 - (1) Maintenance by Private Entity. In cases where permanent control facilities are owned by a private entity (such as a homeowners association), such entity shall be responsible for maintenance. In this case, a legally binding agreement between the entity and the Township

shall be made providing for maintenance of permanent control facilities, including the inspection by the Township of all such facilities deemed critical to the public welfare on a regular basis and after each major flood event.

- (2) Maintenance by Individual Lot Owners. When storm water management facilities are located on individual lots, and when they are the responsibility of the landowner to maintain, a description of the facility or system and the terms of the required maintenance shall be recorded with the approved subdivision plan among the deed records of Cumberland County, Pennsylvania.

If the Township determines at any time that any permanent storm water management facility as provided under Subsections (1) and (2) above has been eliminated, altered, or improperly maintained, the owner of the property shall be advised of the corrective measures required and given a reasonable period of time to take necessary action. If such action is not taken by the property owner, the Township may cause the work to be done and a lien for costs may be placed against the property in accordance with the requirements of the Municipal Lien Law.

- (3) Township Ownership. The applicant may offer to dedicate the stormwater management facilities to the Township. Dedication of the facilities to the Township shall be done in accordance with the requirements of this Ordinance. As a condition of Township acceptance of said facilities, the applicant shall provide sufficient funds, as estimated by the Township Engineer, to cover anticipated maintenance and repair costs for ten (10) years from the date of Final Plan approval.

Section 1006. Storm Water Management Construction Standards

Basic Construction Criteria. Construction standards of storm water management and erosion control facilities shall be in accordance with the approved Plans and accompanying Specifications if any. The construction details and standards of the following publications in their most recent revision shall control.

- a. PennDOT, Form 408, Specifications.
- b. PennDOT, RC Series, Roadway Construction Standards.
- c. Construction and materials specifications as have been or shall be adopted by the Board of Township Supervisors.

ARTICLE XI
GRADING REQUIREMENTS

All site grading activities shall conform to the construction and materials specifications as have been or shall be adopted by the Board of Township Supervisors, as well as the following:

Section 1101. Grading.

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

- a. All lots, tracts, or parcels shall be graded to provide proper drainage away from buildings and dispose of the runoff without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding, except where other arrangements are approved by the Board of Township Supervisors.
- b. All drainage provisions shall be designed to adequately handle the surface runoff and carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural water course. Where drainage swales are used to divert surface waters away from buildings, they shall be paved, sodded or planted and shall be of such slope, shape and size as to conform with the requirements of the Township.
- c. Concentration of surface water runoff shall only be permitted in swales or watercourses that lead to a natural watercourse or drainage structure.
- d. Grading will done in such a way so as to not divert water onto the property of another landowner without the expressed consent of the Township and the affected landowner.
- e. During grading operations, necessary measures shall be taken to prevent erosion or siltation of natural drainageways.
- f. During grading operations, necessary measures for dust control will be exercised.
- g. Top soil shall be preserved and redistributed as cover and shall be expeditiously planted with perennial grasses or ground cover.
- h. Tree guards during construction and grading, and limitations as to cuts and fills, both temporary and permanent near trees shall be provided as necessary to give reasonable assurance of their continued healthy growth.

- i. Grading equipment will not be allowed to cross live streams. Provision will be made for the installation of culverts or bridges. Emergency crossings may be permitted through permission of PaDER.

Section 1102 Excavations and Fills.

- a. Cut and fill slopes shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing except as approved by the Township Engineer when handled under special conditions.
- b. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.
- c. Cut and fills shall not endanger adjoining property.
- d. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
- e. Fills shall not encroach on natural watercourses or construction channels.
- f. Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.

Section 1103 Grading Plans.

Grading Plans required as supporting documentation to Preliminary and Final Plans will act as a guide to individual lot owners for lot plans to be submitted with individual building permit applications.

ARTICLE XII
LANDSCAPING REQUIREMENTS

Section 1201. Purpose.

The intent of this Article is to promote practical and attractive development within Middlesex Township by:

- a. Minimizing erosion and sedimentation, and stimulating groundwater recharge.
- b. Minimizing glare and heat on proposed hard surfaces, and reducing noise pollution.
- c. Stimulating air purification and oxygen regeneration.
- d. Maintaining existing, healthy vegetation.
- e. Providing harmonious development on properties adjacent to incongruous zoning districts or uses by providing minimum landscaping requirements.

Section 1202. Scope.

A Landscape Plan shall be required for each land development plan at both the Preliminary and Final Plan submittals. In addition to other Plan requirements set forth in This Ordinance, the following is required for submission:

a. Preliminary Landscape Plan.

The Preliminary Landscape Plan shall be drawn at a scale of not less than 1" = 50'. It shall be coordinated with the overall site plan and contain the following:

- (1) Building and paved area layout.
- (2) Location of all outside storage and trash receptacle areas.
- (3) Existing and proposed underground and aboveground utilities, such as site lighting, transformers, hydrants, manholes, etc.
- (4) Preliminary grading plan delineating areas with slopes in excess of 3:1.
- (5) Fences and walls.

- (6) Existing wooded areas; existing wooded areas to remain; and existing and proposed water bodies.
- (7) Species of proposed trees, shrubs, groundcover and grass.
- (8) Areas to be planted with proposed species other than grass.

b. Final Landscape Plan.

The Final Landscape Plan shall be drawn in greater detail and shall contain the following:

- (1) All plan elements required for the Preliminary Plan.
- (2) Plant schedule, indicating the botanical and common names, height or spread, caliper and quantity of all proposed plant material.
- (3) Details for the planting and staking of trees.
- (4) Existing trees with trunks 18" inches in diameter or greater (measured 6" above existing ground level), existing wooded areas and existing and proposed water bodies.
- (5) Location and spacing of all proposed plant material.

- c. Final Landscape Plans shall be certified by a Landscape Architect registered by the Commonwealth of Pennsylvania. These plans shall also be reviewed by the Township Engineer and approved by the Board of Township Supervisors.

Section 1203. Landscape Requirements.

- a. The requirements of this section are used to judge the adequacy of subdivision and land development proposals.
- b. The locations, dimensions and spacing of required plantings should be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as wind, moisture and sunlight.
- c. The type(s) of plantings shall be limited or carefully selected for locations where they will not be disturbed or contribute to conditions hazardous to the public safety. Such locations include, but shall not be limited to: public street rights-of-way; underground and above-ground utilities; and sight triangle areas required for unobstructed views at street intersections.

- d. Obstructions to Vision. No bushes or shrubs exceeding thirty (30) inches in height, or at such lesser height which due to ground elevations would obstruct the vision of motorists, shall be permitted within any required clearsight-triangle nor within ten (10) feet of the right-of-way line adjacent to access drives; and all street trees shall be kept free of branches and foliage from the ground level to a height of at least six (6) feet.
- e. All plant materials used shall, at the time of planting, meet minimum size requirements as stated in Section 1204.
- f. Street Trees.
 - (1) When required. Street trees shall be planted for any subdivision or land development where suitable street trees do not exist, as part of the design and construction of:
 - (a) New streets;
 - (b) New sidewalks or pedestrian ways;
 - (c) Existing streets, sidewalks, pedestrian ways, highways, bicycle trails or pathways when they abut or lie within the subdivision or land development; and
 - (d) Access driveways to residential developments serving more than four (4) dwelling units.
 - (2) Spacing. Street trees shall be planted no closer than forty (40) feet on center nor further than sixty (60) feet on center for each side of the street, except along major roads (arterials and collectors), where they may be up to eighty (80) feet on center; or an equivalent number may be planted in an informal arrangement.
 - (3) Setback. Street trees shall be planted a minimum distance of five (5) feet outside and parallel to the right-of-way line, unless otherwise approved by the Board of Supervisors. Trees located at intersections shall respect the clear sight triangles.
 - (4) Existing trees along a street which would be suitable as street trees and can be counted toward the street tree requirement shall be over four (4) inches in caliper and shall be within 25 feet of the curb or road edge.
- g. Existing Trees. Existing trees shall be protected to prevent unnecessary destruction. At least twenty-five (25%) percent of the number of trees (minimum trunk caliper of five (5) inches at six (6) inches above the ground) that exist at the time of plan submission shall be maintained or replaced immediately

following construction. Replacement trees shall be a minimum trunk caliper of two and one-half (2.5) inches at a height of six (6) inches above finished grade and located within unbuildable sections of the site (i.e. floodplain, steep slope, and setback areas).

Existing trees as described below shall not be removed without the express approval of the Board of Township Supervisors, upon recommendation of the Township Planning Commission:

- (1) All trees having a diameter of thirty (30) inches or greater - designated as "outstanding trees".
 - (2) Trees, shrubs or plants identified on the list of rare, threatened and endangered species of the U. S. Fish and Wildlife Service - designated as "rare, threatened and endangered species".
 - (3) Trees that are part of an historic site or associated with a historic structure - designated as "trees of historic significance".
- h. Where on-lot sewage disposal systems are proposed, trees shall not be placed over top of the area where the proposed septic tank and drain field are to be constructed.
 - i. All shrubbery and plants shall have a normal habit of growth, and shall be sound, healthy, vigorous and free of disease, insects, insect eggs and larvae.
 - j. All trees shall have a minimum trunk diameter of two and one-half (2.5) inches at a height of six (6) inches above finished grade.
 - k. All plantings shall be performed in conformance with good nursery and landscape practices and to other standards that are established by the Township.
 - l. Requirements for the measurement, branching, grading, quality and burlapping of all shrubbery shall follow the code of standards recommended by the American Association of Nurserymen, Inc., in the American Standard Nursery Stock, ANSI Z60, 1-1973, as amended.
 - m. Screen Buffer. Wherever natural screening is being provided to meet a screening requirement of the Township Zoning Ordinance, the following landscape requirements must be adhered to:
 - (1) Trees and shrubs used for screening shall consist of at least 75% evergreen trees and shrubs and shall be so arranged as to provide an immediate visual screen of fifty percent (50%). Evergreen trees shall be at least six (6) feet in height at the time of planting.

When additional height is deemed necessary, an additional row of deciduous trees with calipers of not less than two and one-half (2.5) inches shall be planted within the screening area at intervals of not more than 40 feet on center.

- (2) Walls, ornamental structures, fences and berms, or a combination of these, not less than five (5) feet in height may be used in combination with appropriate plant material subject to the specific land use areas involved and as approved by the Board of Township Supervisors.
- (3) Innovative means of screening are encouraged; however, as a guideline to quantity of materials required, there shall be a minimum of one (1) tree for each twelve (12) lineal feet of property line. Straight rows are strongly discouraged.
- (4) Screen buffers are required for, but not limited to, the following conditions:
 - (a) Where commercial or industrial uses abut residential uses.
 - (b) Where residential uses abut any railroad or limited access highway, or any other arterial highway in the case of reverse frontage or where marginal or rear access is provided.
 - (c) Around all open sides of any common utility yard and any outdoor equipment or refuse storage area in group residential developments.
 - (d) Elsewhere as deemed necessary by the Planning Commission and/or Board of Township Supervisors.
- (5) Windbreaks - The use of planting rows to serve as windbreaks to control the drifting of snow across public and private thoroughfares as well as for general comfort is recommended.

n. Individual Lot/Building Area Requirements.

- (1) In addition to the landscape requirements for street trees, buffers, off-street parking areas, detention basins and service areas, each new building lot shall provide one deciduous or evergreen tree per every one thousand (1,000) square feet of gross floor area of building.
- (2) Any area on the development site not used for buildings, paved areas or buffer plantings, (excluding natural woodlands), shall be planted with an all-season ground cover or lawn and other landscape materials.

(3) When designing the landscape for an individual lot or building area, due consideration shall be given to the location and selection of plantings and other landscape features to:

- (a) Provide visual interest;
- (b) Define outdoor spaces;
- (c) Complement proposed architectural styles; and
- (d) Group materials according to specific needs and objectives on the site and as appropriate to the overall site design.

o. Off-Street Parking Areas.

- (1) Off-street parking lots shall be screened in accordance with the above regulations relating to buffers. Further, any parking lot perpendicular to and within one hundred (100) feet of a public street or intersection shall be screened with a hedge, berm or other measure to prevent distraction or confusion from parking car's headlights.
- (2) No parking lot shall be located closer to a building than ten (10) feet to allow adequate room for landscaping.
- (3) No more than 25 parking spaces shall be placed in a continuous row without an intervening planting island of at least ten (10) feet in width and the length of the parking stall.
- (4) A minimum of ten (10) percent of any parking lot facility over 2,000 square feet in gross area (measured from the outside edge of paving to outside edge of paving) shall be devoted to landscaping. This landscaping shall include a minimum of one tree per 20 parking spaces and all planting beds within a parking lot shall be surfaced in lawn or ground cover planting.
- (5) For any land use where the total number of parking spaces exceeds 100 stalls, the parking area shall be divided by continuous islands perpendicular to the spaces every 130 feet (130 feet assumes four (4) rows of parking at 20' length and two (2) aisles at 25' width). These divider islands shall be a minimum of ten (10) feet wide.

p. Service, Loading and Trash Disposal Areas.

- (1) All service, delivery, loading and outdoor storage and trash disposal areas shall be screened from all residential districts, public streets, parking lots and pedestrian walkways.

- (2) These areas shall be totally screened from the above-listed places by the use of fences, walls, berms, evergreen plant material, or a combination of these, not less than six (6) feet in height.

Section 1204 Recommended Plant Materials.

- a. Species selection shall be based upon the existing site conditions including the site geology, hydrology, soils and microclimate, as well as functional considerations of screening, energy conservation and architectural compatibility.
- b. The following is a recommended list of street trees for use in Middlesex Township. However, the Township may permit other planting types if they are hardy to the area, are not subject to blight or disease and are of the same general character and growth habit as those listed below. Street trees shall have a minimum two and one-half inch (2.5) caliper.
 - (1) *Acer rubrum* - Red Maple (hybrid varieties)
 - (2) *Fraxinus pennsylvanica* - Green Ash
 - (3) *Pyrus calleryana* "Aristocrat" - Aristocrat Pear
 - (4) *Pyrus calleryana* "Chanticleer" - Chanticleer Pear
 - (5) *Pyrus calleryana* "Redspire" - Redspire Pear
 - (6) *Quercus borealis* - Northern Red Oak
 - (7) *Quercus coccinea* - Scarlet Oak
 - (8) *Tilia Tomntosa* - Silver Linden
 - (9) *Tilia cordata* - Littleleaf Linden
 - (10) *Zelkova serrata* - Japanese Zelkova
- c. The following is a recommended list of street trees for use within areas limited in space by overhead power lines and sidewalks:
 - (1) *Acer campestre* - Hedge Maple
 - (2) *Crataegus crusgalli inermis* - Thornless Cockspur Hawthorne
 - (3) *Crataegus x Lavalleyi* - Lavalley Hawthorne
 - (4) *Koelreuteria paniculata* - Goldenrain Tree
 - (5) *Malus 'Centurion'* - 'Centurion' Crabapple

- (6) Malus 'Harvest Gold' - 'Harvest Gold' Crabapple
- (7) Malus x zumi 'Calocarpa' - Redbud Crabapple
- d. In no circumstances will any of the following trees be permitted to be planted as street trees:
 - (1) Poplars - all varieties.
 - (2) Willows - all varieties.
 - (3) White or Silver Maple (Acer Saccharinum).
 - (4) Aspen - all varieties.
 - (5) Common Black Locust.

ARTICLE XIII

IMPROVEMENT AND CONSTRUCTION ASSURANCES

Section 1301. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plan Approval

- a. No plan shall be finally approved unless the streets shown on such plan have been improved to a mud-free or otherwise permanently passable condition, or improved as may be required by This Ordinance, and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as required by This Ordinance have been installed in accordance with such ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plan, the developer shall provide for the deposit with the Township of financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.
- b. When requested by the developer, in order to facilitate financing, the Board of Township Supervisors shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security. The final plan or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the Board of Township Supervisors; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
- c. Without limitation as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
- d. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

- e. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
- f. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten (110%) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals said one hundred ten (110%) percent.
- g. The amount of financial security shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a Professional Engineer licensed as such by the Commonwealth of Pennsylvania. The engineer shall certify the amount of security to be a fair and reasonable estimate of such cost. The Board of Township Supervisors, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another Professional Engineer licensed as such in the Commonwealth and chosen mutually by the Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.
- h. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10%) percent for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten (110%) percent of the cost of completing the required improvements as re-established on or about the expiration of the preceding one-year period by using the above procedure.
- i. In the case where development is projected over a period of years, the Board of Township Supervisors may authorize submission of final plan by section or stages of development

subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

- j. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Township Supervisors to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Township Supervisors, and the Board of Township Supervisors shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Township Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon receipt of such certification the Board of Township Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Board of Township Supervisors fails to act within said forty-five (45) day period, the Board of Township Supervisors shall be deemed to have approved the release of funds as requested. The Board of Township Supervisors may, prior to final release at the time of completion and certification by its engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements.
- k. Where the Board of Township Supervisors accepts dedication of all or some of the requirements following completion, the Board of Township Supervisors may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.
- l. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

- m. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plan as set forth in this section, the Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plan upon actual completion of the improvements depicted upon the approved final plan. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plan, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

Section 1302. Inspection During Construction.

The Board of Township Supervisors shall authorize and direct the Township Engineer to cooperate with the applicant in arranging for the Engineer's periodic presence at the site of the work and construction of the required facilities and improvements during such phases thereof as in the judgment of the Engineer will enable him to determine whether or not such construction is in general conformity with the Final Plan and all Township requirements.

- a. Notice shall be given to the Township at least forty-eight (48) hours in advance of commencement of any construction operation to provide for required inspection.
- b. No underground pipes, structures, subgrades, binders or base courses shall be covered until inspected and approved by the duly authorized official of the Township. Failure in compliance with this regulation shall provide cause for uncovering of such work, at the applicant's expense, to permit the required inspection.
- c. In those cases where the Township Engineer deems necessary, the developer, through his contractor, shall retain the services of a certified Soils Engineer to perform moisture and density testing in order to determine compaction or the extent thereof as related to the requirements of such Township construction and materials specifications as have been or may be adopted by the Board of Township Supervisors.
- d. The wearing course on all streets proposed to be dedicated to the Township shall not be placed until at least seventy-five (75) percent of the lots within the development have been built upon, or upon the expressed desire of the Board of Township Supervisors.

- e. Whenever any work or materials are found to be not in compliance with the Final Plan and/or applicable Township requirements, the Township Engineer or any other duly authorized Township representative, may stop work on the job until such non-compliance or variance is eliminated and any work or materials installed which are not in compliance are made to comply. It shall be unlawful to do or perform any work in violation of such stop order, except as may be necessary to prevent injury or damage to person or property. Such stop order may be revoked by the Board of Township Supervisors.
- f. Whether or not such construction or work shall have been accomplished in accordance with Township requirements shall be determined by the Township Engineer upon the basis of his on-site inspections during such phases thereof as in his judgment will enable him to make such determination. The Engineer shall submit a written report to the Board of Township Supervisors in regard thereto.

Section 1303. As-Built Plan.

After Final Plan approval and upon the completion of all required improvements, the applicant shall submit an As-Built Plan prepared by a Professional Engineer or Professional Land Surveyor. Said Plan shall indicate that the constructed improvements are in conformance with the previously approved drawings and specifications. Said plan shall also note any and all deviations from the previously approved drawings and specifications. One (1) reproducible and two (2) copies of the As-Built Plan shall be filed with the Township.

The As-Built Plan shall be drawn to the same scale as the Final Plan, certified to by the designer of the plan, and approved by the Township Engineer. Said Plan shall indicate the actual location, dimensions and/or elevations of all completed improvements, including but not limited to:

- a. Concrete monuments.
- b. The edge of the cartway and top of the curb for both sides of each street.
- c. Sanitary sewer mains, manholes and laterals.
- d. Storm sewers, inlets and culverts.
- e. Water mains and fire hydrants.
- f. Street lights.
- g. Landscaping and screen planting.
- h. Permanent sedimentation, erosion control and stormwater management structures.

- i. All easements.

Section 1304. Release From Improvement Bond

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

- a. The Board of Township Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the required improvements.
- b. The Township Engineer shall, thereupon, file a report, in writing, with the Board of Township Supervisors, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the authorization for inspection by the Board of Township Supervisors.
- c. The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reason for non-approval or rejection.
- d. The Board of Township Supervisors shall notify the developer, within fifteen (15) days of receipt of the Township Engineer's report, in writing by certified mail or registered mail, of the action of the Board with relation thereto.
- e. If the Board of Township Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released of all liability, pursuant to its performance guaranty bond or other security agreement.
- f. If any portion of the said improvement shall not be approved or shall be rejected by the Board of Township Supervisors, the developer shall proceed to complete the same, and upon completion, the same procedure of notification as listed above shall be followed.
- g. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Board of Township Supervisors or the Township Engineer .

Section 1305. Remedies to Effect Completion of Improvements

In the event that any improvements which may be required have not been installed as provided in This Ordinance or in accordance with the approved Final Plan, the Board of Township Supervisors shall have the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security the Board of Township Supervisors may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Township purpose.

Section 1306. Fees for Inspection of Improvements

The Board of Township Supervisors shall prescribe that the applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule adopted by Resolution of the Board of Township Supervisors upon enactment of This Ordinance, or as such schedule may be amended. A copy of said fee schedule shall be available for review at the Township Office. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township Engineer or consultants for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.

Section 1307. Disputes over Fees

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

In the event that the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution as set forth below:

- a. If within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another Professional Engineer licensed as such in the Commonwealth of Pennsylvania to review such expenses and make a determination as to the amount thereof which is reasonable and necessary.
- b. The Professional Engineer so appointed shall hear such evidence and review such documentation as the Professional Engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- c. In the event that the Township and the applicant cannot agree upon the Professional Engineer to be appointed within 20 days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of Cumberland County (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such Engineer, who, in that case, shall be neither the Township Engineer nor any Professional Engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.
- d. The fee of the appointed Professional Engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Township shall pay the fee of the Professional Engineer, but otherwise the Township and the applicant shall each pay one-half of the fee of the appointed Professional Engineer.

ARTICLE XIV

MODIFICATION OF REQUIREMENTS

Section 1401. Special Conditions

Where, the literal enforcement of the provisions of these regulations will exact undue hardship because of peculiar conditions pertaining to the land in question, the Board of Township Supervisors, after review by the Planning Commission, and recommendation by the Township Engineer as required, may grant a modification of the requirements of one or more provisions of This Ordinance: Provided that such modification will not be contrary to the public interest and that the purpose and intent of This Ordinance is observed.

Section 1402. Applications for Modification

All requests for a modification shall be in writing and shall accompany and be a part of the Sketch Plan or the Application for Development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.

Section 1403. Modification Action by the Board of Township Supervisors

- a. The Board of Township Supervisors shall consider and act upon requests for modification at a regularly scheduled meeting of the Board.
- b. A formal hearing shall not be required. However, the applicant or any interested party may request a hearing upon agreement to pay for the public notice and stenographic costs thereof.
- c. At any meeting or hearing, the applicant or his representative shall present evidence in support of the request.
- d. The Board of Township Supervisors after hearing said evidence and considering the application, may grant or deny said modification.
- e. In modifying any requirements, the Board of Township Supervisors shall record its action and the grounds for the modification of a requirement to the applicant applying for the modification.
- f. Whenever a request for the modification of a requirement is denied, the Board of Township Supervisors shall record its action and the grounds for such denial in its minutes. The Board of Township Supervisors shall transmit a copy of the action and the grounds for such denial of any alteration to the applicant applying for the modification.

ARTICLE XV

ENFORCEMENT, PENALTIES, SEVERABILITY, AMENDMENTS, AND ENACTMENT

Section 1501. Administration and Enforcement

- a. The Board of Township Supervisors shall have the duty and authority for the administration and general enforcement of the provisions of This Ordinance, as specified or implied herein.

Officials of the Township having regulatory duties and authorities connected with or appurtenant to the subdivision, use or development of land shall have the duties and authorities for the controlling enforcement of the provisions of This Ordinance, as specified or implied herein or in other ordinances of the Township.

- b. Permits required by the Township, for the erection or alteration of buildings, the installation of sewers or sewage disposal systems, or for other appurtenant improvements to, or use of, the land, shall not be issued by any Township official responsible for such issuance until he has ascertained that the site for such building, alteration, improvement or use is located in a subdivision approved and publicly recorded in accordance with the provisions of This Ordinance regulating the subdivision and development of land.

Also, such permits shall be issued only after it has been determined that the site for such building alteration, improvement or use conforms to the site description indicated by the approved and recorded Final Plan or other land description acceptable in accordance with the provisions of This Ordinance, and that it is in compliance with all applicable provisions of This Ordinance.

If the building permit is issued erroneously or prior to proper approval, it is void.

- c. The Sewage Enforcement Officer shall require that applications for Sewage Disposal System Permits contain all the information for him to ascertain that the site for the proposed system is acceptable in accordance with the provisions of This Ordinance, and the Rules and Regulations of PaDER and any requirement of the Township pertaining to the issuance of such permit.

- d. Preventive Remedies

- (1) In addition to other remedies, the Township may institute and maintain appropriate actions by law or equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The

description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

- (2) The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of This Ordinance. The Township's authority to deny such a permit or approval shall apply to any of the following applicants:
 - (a) The owner of record at the time of such violation.
 - (b) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - (c) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - (d) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of the violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- (3) As an additional condition for the issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

Section 1502. Amendments

- a. Before voting on the enactment of an amendment, the Board of Township Supervisors shall hold a public hearing thereon, pursuant to public notice. Notice shall be given as follows:
 - (1) By publication of the notice in a newspaper of general circulation in the Township. Said notice shall be published one (1) time each week for two (2) successive weeks. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days before the date of the hearing.

- b. In addition, in the case of an amendment other than that prepared by the Township Planning Commission, the Board of Township Supervisors shall submit each such amendment to the Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.
- c. In addition, at least thirty (30) days prior to the hearing on the amendment, the Township shall submit the proposed amendment to the County Planning Commission for recommendations.

Section 1503. Publication, Advertisement and Availability of Ordinance

- a. Proposed subdivision and land development ordinance amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for charge not greater than the cost thereof. The Board of Township Supervisors shall publish the proposed amendment once in one (1) newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
 - (1) A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
 - (2) An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinance.
- b. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Board of Township Supervisors shall at least ten (10) days prior to enactment readvertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
- c. Subdivision and land development amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

- d. Within thirty (30) days after adoption, the Township shall forward a certified copy of any amendment to the subdivision and land development ordinance to the County Planning Commission.

Section 1504. Penalties

- a. Jurisdiction. District justices having territorial jurisdiction over Middlesex Township shall have initial jurisdiction over proceedings brought under Section 1504 b.
- b. Enforcement Remedies.
 - (1) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of This Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fee collected for the violation of the Ordinance shall be paid over to the Township.
 - (2) The Court of Common Pleas of Cumberland County, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
 - (3) Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Township the right to commence any action at law and/or at equity for enforcement pursuant to this Section.

Section 1505. Mediation Option

- a. Parties to proceedings authorized in This Ordinance may utilize mediation as an aid in completing such proceedings. Mediation shall supplement, not replace, those procedures in This Ordinance once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
- b. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
 - (1) Funding mediation.
 - (2) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 - (3) Completing mediation, including time limits for such completion.
 - (4) Suspending time limits otherwise authorized in This Ordinance and the Pa. Municipalities Planning Code, provided there is written consent by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation.
 - (5) Identifying all parties and affording them the opportunity to participate.
 - (6) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 - (7) Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in the Pa. Municipalities Planning Code.
- c. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Section 1506. Severability

If any section, clause, provision, or portion of This Ordinance shall be held to be invalid, or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of This Ordinance.

Section 1507. Enactment

Enacted and Ordained this 28th day of December, 1990.

TOWNSHIP OF MIDDLESEX

By: /s/ Robert M. Eppley

/s/ David D. Hukill

/s/ Dale M. McLane

ATTEST:

/s/ Robert E. Preston
Township Secretary

(Township Seal)