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ARTICLE I
TITLE, SHORT TITLE, AND PURPOSE

Section 101 *Title*

An ordinance establishing rules, regulations and standards governing the subdivision and development of land within the Township of Maxatawny, Berks County, Pennsylvania, pursuant to the authority set forth in Article V, of the Pennsylvania Municipalities Planning Code, as amended, and setting forth procedures to be followed by the Township Planning Commission and the Township Supervisors in applying, administering, and amending these rules, regulations, and standards in prescribing penalties for the violation thereof.

Section 102 *Short Title*

This Ordinance shall be known, and may be cited as the “Maxatawny Township Land Subdivision Regulations of 1984, as amended.”

Section 103 *Purpose*

These regulations are adopted to protect, promote and create conditions favorable to the health, safety, morals, and general welfare of the citizens by:

- 103.1 Assuring sites suitable for building purposes and human habitation.
- 103.2 Providing for the harmonious, orderly and efficient development of the Township.
- 103.3 Providing for the coordination of existing streets and highways with proposed streets, parks, and other public facilities.
- 103.4 To provide for adequate open spaces for traffic, recreation, light and air.
- 103.5 Assuring equitable and just processing of Subdivision Plans by providing uniform procedures and standards for the observance of both the Subdivider and Township officials.
- 103.6 Providing for design standards and appropriate improvements and assuring prompt installation of said improvements.

Section 104 *Application of the Ordinance*

104.1 No Subdivision or Land Development of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer or water main, gas, oil, or utility transmission lines, or other improvements in connection therewith, shall be constructed, initiated, or dedicated for public use or for the common use of occupants of buildings abutting thereon, except in accordance with this Ordinance.

For the purposes of this Ordinance, the term “Subdivider” shall refer to all applicants for subdivision or land development as defined by the Pennsylvania Municipalities Code and who have submitted any plans for consideration to the Township as set forth in this Ordinance, even in the case where only a land development plan is considered and no subdivision is intended. Subdivider shall be the term used throughout for all applicants and developers as contemplated herein.

104.2 No lot in a Subdivision or Land Development may be sold, and no permit to erect any building or structure upon land in a Subdivision or Land Development may be issued, unless and until a Final Plan has been approved and recorded and either the required

improvements in connection therewith have been constructed or the Township has been guaranteed by means of financial security acceptable to the Supervisors and will be subsequently installed.

Section 105 *Interpretation*

The provisions of this Ordinance shall be interpreted and applied as minimum requirements. When provisions, standards and specification of this Ordinance conflict with State or Federal Statute, other ordinances or regulations, the more restrictive requirement shall apply regardless of its source, unless specified to the contrary.

Section 106 *Revisions and Resubdivisions*

- 106.1 Only one Plan concerning any one tract of land or portion thereof shall be before the Township for review at any time. The review period shall terminate when the Plan is either recorded, rejected or withdrawn.
- 106.2 Until a submission is approved or rejected by the Supervisors, the Subdivider may withdraw the submission and submit a revised Plan following the submission and review procedures which apply to that Plan. For any submittal of a revision of a previously submitted Plan, the Township shall require all necessary application materials and fees be paid at the time of submittal.
- 106.3 A revision or resubdivision of a recorded Plan or a Final Plan approved by the Supervisors shall be considered as a new Subdivision and shall comply with all regulations of this Ordinance.
- 106.4 For a revision to a recorded Plan in which the Township staff determines that the revision is only for a “lot line adjustment” (which may include an annexation) or to correct erroneous data or minor omissions or revise engineering details or supporting documentation, the Plan may be submitted under the simplified requirements under the provisions of this Ordinance Article II, Section 215 as it applies to Sketch Plan/Preliminary Plans reviewed as Final Plans.

**ARTICLE II
SUBMISSION AND REVIEW PROCEDURES**

Section 201 *General*

Hereinafter all plans for the subdivision or development of land within the corporation limits of the Township shall be reviewed by the Township Planning Commission and other Township, State, or County officials as deemed necessary and shall be approved or disapproved by the Township Supervisors in accordance with procedures specified in these regulations. The provisions and requirements of these regulations shall apply to and control all land subdivisions which have not been recorded in the Office of the Recorder of Deeds in and for Berks County, Commonwealth of Pennsylvania, prior to the effective date of these regulations provided, however, that any change in a recorded plan, except as noted in Article II, Section 212, shall constitute a resubdivision and shall make said plan subject to any and all of these regulations. The submission procedures set forth herein shall also apply to conditional use applications within the Township as specified by the Township Zoning Ordinance, as amended. Any approval not processed as required hereafter, shall be null and void unless it was made prior to the adoption of this Ordinance.

Section 202 *Submission of Sketch Plan*

The submission of a Sketch Plan is highly recommended. However, such submission shall be done at the discretion of the Subdivider and shall not constitute a mandatory part of the submission process. Submission of the Sketch Plan shall not constitute formal filing of a Plan with the Township, nor shall it commence the statutory review period as required by the Municipalities Planning Code.

- 202.1 Plan to be Filed with Township – When a Subdivider chooses to submit a Sketch Plan, all submission requirements as set forth in Section 301 of this Ordinance shall be submitted. Copies of the Application, Sketch Plan for all proposed subdivisions and all required supporting data, including the necessary review fees, shall be submitted to the Township Secretary by the Subdivider or his representative authorized in writing to submit the plan.
- 202.2 Number of Copies – Thirteen (13) legible black line or blue line paper prints of the Sketch Plan shall be required. Plans shall fully comply with requirements of Article III, Section 301 of these regulations.
- 202.3 Distribution of Sketch Plan – The Township Secretary (or his representative) shall refer the Sketch Plan to the following: (a) Five (5) copies to the Township Planning Commission; (b) Three (3) copies to the Township Supervisors; (c) Two (2) copies to the Township Engineer; (d) One copy to the Township Zoning Officer; (e) One copy to the Township Solicitor; and (f) One copy for the Township files.
- 202.4 Filing Fees – The Township Secretary (or his representative) shall collect a filing fee as established by the Township Supervisors for all Subdivision/Land Development Plans. Additional fees shall be charged in order to cover the costs of the Township professional consultants for examining Plans, including, but not limited to the expenses of the Township Engineer, Solicitor, Code Enforcement Officer, Zoning Officer, Sewage Enforcement Officer and other professionals as needed and other expenses incidental to the approval of Subdivisions. The Subdivider shall pay the fee at the time of application for a Sketch Plan.

Section 203 *Review of Sketch Plan*

- 203.1 A Sketch Plan shall be considered as a submission for informal discussion between the sub-divider and the Township. Submission of a Sketch Plan shall not constitute official submission of a Plan to the Township.
- 203.2 *Review by Township Planning Commission*
 - a. After a Sketch Plan has been submitted, such Plan shall be reviewed by the Township Planning Commission at the next scheduled meeting, provided that such submission has occurred no less than Twenty (20) calendar days prior to the scheduled meeting.
 - b. The Township Planning Commission may request, in writing, that the County Planning Commission review the Sketch Plan.
 - c. After a request for County Planning Commission review, pursuant to Subsection (b) above, no action shall be taken by the Township Planning Commission with respect to a Sketch Plan until the Township Planning Commission has received the written report of the County Planning Commission, provided, however, that if the County Planning Commission shall fail to report thereon within forty-five (45) days from the date the Sketch Plan was received, then the Township

Planning Commission may act without having received and considered such report.

- d. The Township Planning Commission, after receiving and reviewing the Township Engineer's written report, shall offer additional comments to the Subdivider during the course of their meeting as to lay-out, compliance with Township Ordinances and Regulations and other issues they deem necessary for discussion. The Planning Commission may at their discretion provide their comments to the Subdivider in writing at a reasonable time following the meeting on which said Sketch Plan was reviewed.

If applicable, the Township Planning Commission shall forward to the Township Supervisors a copy of all reports and comments.

203.3 (not used)

203.4 *Review by Township Board of Supervisors*

Upon receipt of the Township Planning Commission's comments regarding Sketch Plans the Subdivider shall attend the Board of Supervisor's next regularly scheduled Planning Meeting to informally review any comments they may have in addition to the Planning Commission's comments.

Section 204 *Official Submission of Preliminary Plan*

204.1 Plan to be filed with Township – Copies of the Preliminary Plan and all required supporting data shall be officially submitted to the Township Secretary by the subdivider or his representative authorized in writing to submit the plan and shall include the appropriate application and fee as outlined this Ordinance and Fee Resolution.

204.2 Official submission of Preliminary Plans shall compromise: (a) Four (4) completed copies of the Application for Review of a Preliminary Subdivision Plan; (b) Fifteen (15) legible black line or blue line paper prints of the Preliminary Plan which shall fully comply with the requirements of Article III, Section 302, of these regulations; (c) Five (5) completed copies of the subdivision sewage disposal report, the sewage module, and all other documents and approvals required by the Pennsylvania Department of Environmental Protection; (d) Four (4) copies of all other required information. In the case of revised plans, the Township Secretary should be contacted regarding the number of required copies to be filed.

204.3 Filing Fees – The Township Secretary (or his representative) shall collect a filing fee as established by the Township Supervisors for all Subdivision/Land Development Plans. Additional fees shall be charged in order to cover the costs of the Township professional consultants for examining Plans, including, but not limited to the expenses of the Township Engineer, Solicitor, Code Enforcement Officer, Zoning Officer, Sewage Enforcement Officer and other professionals as needed and other expenses incidental to the approval of Subdivisions. The Subdivider shall pay the fee at the time of application for a Preliminary Plan.

204.4 Distribution of Preliminary Plan – The Township Secretary (or his representative) shall refer the Preliminary Plan to the following: (a) Five (5) copies to the Township Planning Commission; (b) Three (3) copies to the Township Supervisors; (c) Two (2) copies to the Township Engineer; (d) One copy to the Township Zoning Officer; (e) One copy to the Township Solicitor; and (f) One copy for the Township files, and if the Board of Supervisors so directs; (g) Two (2) copies to the County Planning Commission with a request that said County Planning Commission review the Preliminary Plan.

Section 205 *Review of Preliminary Plan*

205.1 *Review by the Township Engineer*

The Township Engineer shall review the Preliminary Plan to determine its conformance to the Township Subdivision Regulations. The Township Engineer may recommend changes, alterations or modifications, as he deems necessary. The report of the Township Engineer shall be in writing and shall be submitted to the Township Planning Commission at the regularly scheduled or special meeting at which the Preliminary Plan is to be considered by the Township Planning Commission.

205.2 *Review by the Township Zoning Officer*

The Township Zoning Officer shall review the Preliminary Plan to determine its conformance to the Township Zoning Ordinance. The Zoning Officer shall check all zoning data as required to be shown under Article III, Section 302, to determine if information shown is in accordance with latest amendments to the Zoning Ordinance. The report from the Township Zoning Officer as to the accuracy of the information shown shall be submitted to the Township Planning Commission at or before the regularly scheduled or special meeting at which the Preliminary Plan is to be considered by the Township Planning Commission.

205.3 *Review by the Township Planning Commission*

- a. When a Preliminary Plan has been officially submitted, such Plan shall be reviewed by the Township Planning Commission at its next regularly scheduled meeting, provided that such submission has occurred no less than twenty (20) days prior to such meeting, or at the discretion of the Planning Commission, at a special meeting which may be held prior thereto. The Planning Commission shall not consider plans for approval, discuss plans or consider waivers unless a representative for the subject Plan is present.
- b. No official action shall be taken by the Township Planning Commission with respect to the Preliminary Plan until the Township has received the written report of the County Planning Commission, provided, however, that if this report is not received within forty-five (45) days after transmittal to this agency, then the Township Planning Commission may officially act without having received and considered such report.
- c. During review of the Preliminary Plan, the Township Planning Commission shall consider the written reports of the Township Engineer and the Township Zoning Officer, before making a decision on the Plan.
- d. At the conclusion of the Township Planning Commission's review of the Plan, the Planning Commission shall forward its recommendation to the Board of Supervisors. In the case of an unfavorable recommendation, the Planning Commission shall ask that the reasons for said recommendation be included in the Planning Commission's meeting minutes for the meeting in which such recommendation took place. In the event of conditional approval, the Planning Commission shall advise the Board of Supervisors of the nature of any recommended conditions. The Planning Commission shall ask that any conditions be included in the Planning Commission's meeting minutes for the meeting at which such recommendation took place.

- e. Before making a decision on the Preliminary Plan, the Township Planning Commission shall ensure that a Sewage Planning Module is submitted to DEP, if applicable.

205.4 *Review by the Township Supervisors*

- a. When a Preliminary Plan has been officially referred to the Township Supervisors by the Township Planning Commission, together with its recommendations, such Plan shall be reviewed at the next “Planning Meeting” of the Board of Supervisors or at the discretion of the Township Supervisors at a special meeting, which may be held prior thereto. The Township Supervisors shall not consider plans for approval, discuss plans or consider waivers unless a representative for a subject Plans is present.
- b. The Township Supervisors shall review the Preliminary Plan and the written reports and recommendations thereon (to the extent that the same had been received) of the Township Planning Commission, the County Planning Commission, the Pennsylvania Department of Transportation, the Soils Conservation Service, the Township Engineer and the Township Zoning Officer, and by any other officials and official boards and/or agencies which may have submitted a report or recommendation with regard to the same, to determine the Preliminary Plan’s conformance to the standards contained in these regulations. The Township Supervisors may require or recommend such changes and modifications as they shall deem necessary or advisable in the public interest.
- c. In any event, the Township Supervisors shall render a decision and communicate it to the Subdivider not later than ninety (90) days following the date of the regular meeting of the Board of Supervisors or the Planning Commission (whichever first reviews the application) next following the date the application is filed, provided that the next regular meeting not occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been filed.
- d. If no reply is made the by the Planning Commission concerning their recommendation on the pending Plan prior to the expiration of the Township review period, the Board of Supervisors may proceed to act on the Plan without the recommendation.
- e. Approval of Preliminary Plans shall not constitute acceptance of a subdivision for recording. Approval is only an expression of approval of a general Plan to be used in preparing the final approval and recording upon fulfillment of all requirements of these regulations.
- f. Whenever the approval of a Preliminary Plan is subject to conditions, the written action of the Board, rendered within fifteen (15) days, as prescribed herein, shall, a) specify each condition of approval, citing relevant ordinance provisions; and b) require the Subdivider’s written agreement to the conditions.

One (1) copy of the Plan shall be maintained for the permanent records of the Township, and one (1) copy shall be sent to the Subdivider or his agent.

Section 206 *Submission of Final Plan*

The Final Plan shall conform in all important respects to the Preliminary Plan as previously reviewed by the Township Planning Commission and the Township Supervisors and shall incorporate all modifications required by the Township in its review of the Preliminary Plan.

The Township may permit submission of the Final Plan in sections (phasing Plans), each covering a reasonable portion of the entire proposed Subdivision as shown on the review of the Preliminary Plans.

206.1 *Plans to be filed with the Township* – Copies of the Final Plan and all required supporting data shall be officially submitted to the Township Secretary by the Subdivider or his representative authorized in writing to submit the Plan and shall include the appropriate application and fee as outlined in this Ordinance and Fee Resolution.

206.2 Official submission of Final Plan shall comprise: (a) four (4) completed copies of the application for review of Final Subdivision Plan; (b) ten (10) legible black line or blue line paper prints, the Final Plan which shall fully comply with Article III, Section 303 of these regulations; (c) four (4) copies of all other required information including the following, if applicable: (1) All offers of dedication and covenants governing the reservation and maintenance of undedicated open space which shall bear the certificate of approval of the Township Solicitor as to their legal sufficiency; (2) Such private deed restrictions, including building reserve lines, as may be imposed upon the property as a condition of sale, together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided; (3) All homeowners association documentation or Planned community information that may be proposed for said development; (4) All State, County and Federal documentation, permits, approvals and Plans; (5) Whenever a Subdivider proposes to establish a street which is not offered for dedication to public use, the Township Planning Commission or the Township Supervisors may require the Subdivider to submit, and also to record the Plan and a copy of the agreement made with the Township on behalf of the Subdivider, his heirs, successors, and assigns and approved by the Township Solicitor in which shall establish conditions under which the street may later be offered dedication and stipulate, among other things, the following: (a) The streets shall conform to Township specifications or that the owners of the abutting lots shall included with the offer of dedication sufficient money, as estimated by the Township Engineer, to restore the street to conformance with the Township's specifications; (b) An offer to dedicate the street shall be made only for the street as a whole; (c) the method of assessing repair costs be stipulated; (6) Whenever approval by the Pennsylvania Department of Environmental Protection is required for the water supply or sanitary sewage disposal system or systems for a proposed subdivision, the Township Planning Commission shall required that two (2) copies of such certification of approval shall be submitted with the Final Plan. In the case of revised plans, the Subdivider should contact the Township Secretary to determine the number of revisions that must be submitted.

206.3 *Filing Fees* – The Township Secretary (or his representative) shall collect a filing fee as established by the Township Supervisors for all Subdivision/Land Development Plans. Additional fees shall be charged in order to cover the costs of the Township professional consultants for examining Plans, including, but not limited to the expenses of the Township Engineer, Solicitor, Code Enforcement Officer, Zoning Officer, Sewage Enforcement Officer and other professionals as needed and other expenses incidental to the approval of Subdivisions. The Subdivider shall pay the fee at the time of application for a Final Plan.

206.4 *Distribution of Final Plan* – The Final Plan shall be distributed in accordance with the requirements of Article II, Section 204.4 for Preliminary Plan. In addition, the Secretary shall forward the print of the Final Plan to the Township Planning Commission.

Section 207 *Review of Final Plan*

207.1 *Review by the Township Engineer*

The Final Plan shall be reviewed and a written report submitted as required under Article II, Section 205.1 for Preliminary Plan.

207.2 *Review by the Township Zoning Officer*

The Final Plan shall be reviewed and a written report submitted by the Township Zoning Officer as required under Article II, Section 205.2 for Preliminary Plans.

207.3 *Review by Township Planning Commission*

The Final Plan shall be reviewed, in accordance with the procedure required under Article II, Section 205.3 of these regulations for Preliminary Plans. In addition: (a) before acting on any subdivision Plan, the Planning Agency may, but shall not be required to, hold a public hearing thereon after public notice; (b) If all the requirements of this Ordinance are met and the review is favorable, the Planning Commission shall authorize its Chairman, with the Secretary, to endorse the Record Plan; (c) The Record Plan with Township Planning Commission's endorsement, shall be forwarded to the Township Supervisors.

207.4 *Review by the Township Supervisors*

The Final Plan shall be reviewed in accordance with the procedures as required under Article II, Section 205.4 of these regulations, for Preliminary Plans. In addition: (a) Before acting on any subdivision Plan, the governing body may, but shall not be required to, hold a public hearing thereon after public notice; (b) If the Township Supervisors approve the Final Plan, it shall be signed by the chairman and the secretary, together with the date of such action; (c) A performance guarantee or a certificate of satisfactory installation is required under Article II, Section 210, shall be required before Plans are released for recording.

Section 208 *Recording of Final Plan*

208.1 The statutory review period for the disposition of any Preliminary or Final Plan may be extended if an agreement in writing to such an extension is received from the Subdivider prior to the public meeting in which action is to be taken.

208.2 After approval by the Township Supervisors and the Township Planning Commission, and with all endorsements indicated on the copy, the Subdivider shall record this Plan. No Subdivision Plan may be legally recorded unless it bears the Township and County approval and seal and until all conditions of conditional approval are satisfied.

208.3 After the Final Plan has been approved by the appropriate Township Authorities, the County Planning Commission shall receive the number of Final Plans as required by County resolution for their permanent files as well as one Plan for the Township's permanent file.

208.4 The Subdivider shall file the Record Plan with the County Recorder of Deeds within ninety (90) days of the date of final approval by the Township Supervisors. Evidence of

such recording shall be submitted to the Township. If the Subdivider fails to record within such period, the action of the Township Supervisors and Township Planning Commission shall be null and void unless an extension of time is granted in writing by the Township Supervisors after written request to do so by the Subdivider.

Section 209 *Time Limitations on Approved Plan*

- 209.1 Conditional Plan approval shall be valid for a period of six (6) months. If all conditions of the Plan approval are not satisfied within the six-month period, the Plan shall be deemed to be rejected. Extensions of the six-month period shall only be considered by the Board of Supervisors if the request is submitted to the Township in writing and sets forth the progress to date on satisfying said conditions of Plan approval.
- 209.2 Within twelve (12) months after approval of the Preliminary Plan by the Township Supervisors, the Developer or his agent shall submit a Final Plan and all required supplementary data to the Township Secretary unless an extension of time is granted by the Supervisors. If an extension is not granted, failure to submit a Final Plan within twelve (12) months may result in a determination by the Township Supervisors that they will consider any Plan submitted after twelve (12) months as a new Preliminary Plan.

Section 210 *Performance Guarantee*

Prior to final approval of the Final Plan, the Subdivider shall guarantee the installation of all required improvements by one of the following methods:

- 210.1 By installing the improvements required by Article V of these Subdivision Regulations under the inspection of and to the satisfaction of the Township Engineer and the Township Supervisors and obtaining a certificate from the Township Engineer that all improvements have been installed in accordance with the standards and requirements contained in these regulations or other requirements of the Township.
- 210.2 In lieu of completing all the improvements required, the Subdivider may post a performance guarantee, in the form of an escrow account, in the amount of One Hundred Ten percent (110%) of the cost of all improvements as estimated by the Township Engineer using state prevailing wages and bidding requirements for that portion of the Subdivision which the Subdivider has submitted to the Township for Final Plan approval. The construction and installation of all improvements shall occur within a stated period of time which shall not be longer than eighteen (18) months from the date of final subdivision approval.

The amount of the escrow funds may be reduced by the Township Supervisors as and when the portions of the required improvements have been installed. In the event of default, the Subdivider shall be liable to the Township for the cost of improvements or parts thereof not installed. The Township may collect monies owed for improvements in any manner as provided by law. Upon receipt of the proceeds thereof, (or using the escrow funds) the Township shall install the improvements. If the cost of the improvements exceeds the amount of the performance guarantee, then the Subdivider shall be liable for the amount in excess which the Township has actually expended for such improvements. In the case of the amount of the performance guarantee exceeding the actual cost of improvements made, the Township shall return the unused sum to the Subdivider who has paid or deposited the performance guarantee.

Performance guarantees shall not be released except by written permission from the Township Supervisors, and in accordance with the procedures of Section 211.

In the event the improvements are not completed within one year of the Performance Guarantee, the Township may re-review the estimates for completion of improvements and/or add additional costs to said guarantee.

Section 211 *Release of Performance Guarantee*

When the Subdivider has completed all of the necessary and appropriate improvements, the developer shall notify the Township Supervisors, in writing, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. In the event that the request for release of performance guarantee is received by the Township Engineer twenty-one (21) days prior to the next regularly scheduled Planning meeting of the Board of Supervisors, he shall report on his recommendation concerning said request at that time. Specifically, the Township Engineer shall, thereupon, file a report, in writing, with the Township Supervisors. The Township Supervisors shall notify the Subdivider in writing of their decision.

Section 212 *Resubdivision Procedure*

Any revision, replatting or resubdivision of land which includes changes to a recorded Plan shall be considered, a subdivision and shall comply with all regulations of this Ordinance, except that:

212.1 Lot lines may be changed or removed from those shown on a recorded Plan, provided that in making such changes:

- a. No lot or tract of land shall be created or sold that is smaller than the minimum dimensions required by the Township Zoning Ordinance.
- b. Easements or rights-of-way reserved for drainage shall not be changed unless said changes are intended to improve the conditions of the property.
- c. Street locations and block sizes shall not be changed.
- d. No lot shall be created which does not abut an existing or a proposed street.

212.2 In every case wherein lot lines are changed as permitted by the above, the Plan shall be resubmitted and reviewed according to the procedures outlined herein for Final Plans. The Subdivider shall then record the new Plan in accordance with Article II, Section 208, of this Ordinance.

Section 213 *Dedication and Maintenance*

All streets, parks or other improvements shown on the subdivision Plan, recorded or otherwise, shall be deemed to be private until such time as the same has been offered for dedication to the Township and accepted by resolution by the Township Supervisors. Before acceptance of any street, park, or other improvements, the Township Supervisors shall require the Subdivider to file a maintenance guarantee which shall not exceed fifteen (15%) percent of the Township Engineer's estimate of the cost of all improvements required by this Ordinance. Such maintenance guarantee shall be in a form and with a surety approved by the Township Solicitor, guaranteeing that the Subdivider shall maintain all improvements in good condition for a period of eighteen (18) months after completion of construction or installation of all improvements.

Section 214 *Plan Exempted from Standard Procedures*

- a. In case of a proposed subdivision where the intent of the Subdivider so expressed in writing will create not more than three (3) lots, parcels, or tracts of land out of the original Tract, all of which front on an existing state or municipal road or street, the Planning Commission may require the Subdivider to prepare a Sketch Plan for Record,

showing the simple subdivision accompanied by the required data set forth in Section 301 hereof and the submission of the reports of soil percolation tests as described in these regulations. Further subdivision from any of the lots, parcels or tracts resulting from a subdivision of this section shall require a review of the Plans in accordance with the standard procedures set forth in these regulations.

- b. After a request for County Planning Commission review, no action shall be taken by the Township Planning Commission with regard to a Plan until the Township Planning Commission has received the written report of the County Planning Commission, provided, however, that if the County Planning Commission shall fail to report within forty-five (45) days from the date the Plan was received, then the Township Planning Commission may act without having received and considered such report.

Section 215 *Approval of Sketch or Preliminary Plan as a Final Plan*

At the request of a Subdivider (or his agent authorized in writing) the Planning Commission and/or the Board of Supervisors may review and consider as a Final Plan, a Sketch Plan or Preliminary Plan, if, but only if, such Sketch Plan or Preliminary Plan submitted contains all of the data and information required under these regulations for a Final Plan and meets all of the requirements for a Final Plan. Even though the Planning Commission or the Board of Supervisors may review and consider a Sketch Plan or a Preliminary Plan as a Final Plan, nevertheless, if it is found that such Sketch Plan or Preliminary Plan does not meet all of the information required for a Final Plan, then the Planning Commission or the Board of Supervisors may disapprove said Plan or, in the alternative may approve the same as a Preliminary Plan.

Section 216 *Conditional Uses*

216.1 Application. An application for conditional use approval shall be accompanied by a proposed Plan which need not be finally engineered, but must show, in addition to existing conditions with respect to the subject property, the size and location of all proposed buildings, structures and accessory facilities, including roads, access driveways and parking areas. In addition, the application shall be accompanied by such information in graphic and/or narrative form, to demonstrate the technical and economic feasibility of compliance with all applicable standards and criteria including, without limitation, the adequacy of the proposed project with respect to: landscaping, screening and buffering, stormwater management and sedimentation and erosions control, active and passive recreation and open space, architectural compatibility of buildings, structures, and common or public area amenities, restoration and adaptive reuse of any Historic Resources, transmission, treatment and disposal of sanitary sewage, and provision for necessary utilities including potable water.

216.2 *Submission Requirements for Conditional Use Site Plans*

- a. A statement describing the proposed use.
- b. Layout. A site layout drawn to suitable scale (preferably 1"=50') showing the location, dimensions and area of each lot; the location, dimensions and height of proposed structures and any existing structures; the required setbacks areas; the proposed density of residential uses; the location and width of proposed or abutting streets; and the proposed areas to be used for different purposes within the development, including outdoor storage or display areas. If the Plan involves one phase of what eventually may be a longer development, then the inter-relationships of those phases shall be shown.
- c. Landscaping. The width of any buffer yard and the heights, spacing and general species of plants to be used for screening. General numbers, locations and types

of landscaping to be provided in off-street parking lots, along streets and other areas.

- d. **Parking.** The locations and numbers of parking spaces; the location and widths of aisles; the location and sizes of off-street loading areas. In the event that shopping cart storage is proposed, a depiction of said storage shall be provided.
- e. **Lighting and Signs.** The height, location and approximate intensity of exterior lighting. The sign area, height, location and general method of lighting of signs.
- f. **Sidewalks.** The location of any proposed sidewalks (with width) and curbing.
- g. **Utilities.** Note stating general proposed method of providing wastewater treatment and water supply (such as “On-Lot Well and On-Lot Septic Services”).
- h. **Nuisances and Safety.** A description of any proposed industrial or commercial operations or storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large trucks, glare, air pollution, odors, fire or toxic or explosive hazards or other hazards to the public health and safety; together with a description of proposed methods to control such hazards and nuisances.
- i. **Grading and Stormwater.** Proposed and existing contours. Identification of any slopes between 15% and 25% and greater than 25% proposed to be impacted. These slopes must be identified by different shading on the Site Plan. Proposed method of managing of stormwater runoff (See, the appropriate Act 167 Ordinance governing the particular area of the Township where the Site is located). Delineation of any floodplains from the Official Federal Emergency Management Agency Floodplain Maps and any wetlands must be shown on the Site Plan.
- j. **Approximate lot lines of abutting lots within 50 feet of the project, with identification of abutting land uses.**
- k. **Delineation of zoning district and major applicable requirements.**
- l. **Name and address of the person who prepared the Site Plan, the Subdivider and the owner of record of the land.**
- m. **Such other data or information as the Township Zoning Ordinance requires for the particular use or that the Township Zoning Officer deems reasonable necessary to determine compliance with Township ordinance and/or that is listed in the official Township Application Form.**

216.3 *Conditional Use Process*

- a. **Submission.** A minimum of thirteen (13) complete paper copies of any required Site Plan meeting the requirements of Section 216.1 shall be submitted to the Township. The Zoning Officer shall refuse to officially accept an incomplete application which does not provide sufficient information to determine compliance with this Ordinance and does not provide the appropriate fees as per adopted Township Fee Schedule.
- b. **Applicant’s Distribution.** Unless these reviews will be separately addressed under the Subdivision and Land Development Ordinance, the Applicant shall prior to or within three (3) working days after submittal to the Township, submit

one copy of the Site Plan to the Maxatawny Township Municipal Authority for review and comment.

- c. Township Distribution. The Township shall distribute copies of the Site Plan to the Planning Commission, the Township Engineer, the Township Solicitor, and the Board of Supervisors. A minimum of one copy shall be retained in the Township files.
- d. Zoning Officer Review. The Zoning Office shall report in writing to the Planning Commission and the Board of Supervisors stating whether the proposal complies with this Ordinance.
- e. Township Engineer Review. The Township Engineer shall report in writing to the Planning Commission and the Board of Supervisors stating whether the proposal complies with this Ordinance.
- f. Planning Commission Review. The Planning Commission shall report to the Board of Supervisors any comments concerning the proposal including recommendation on ordinance compliance or proposed conditions.

Section 217 *Waiver Procedure*

217.1 *Application Requirements.* All requests for waivers shall be made in accordance with the following procedure:

- a. All requests for a waiver shall be made in writing and shall be made prior to or shall accompany or be part of the application for development. The request shall state in full, the grounds and facts of unreasonableness or hardship on which the request is based, the section or sections of the ordinance which are requested to be waived, and the minimum modification necessary. The request shall be accompanied by a Plan prepared at least to the minimum standards of a Sketch Plan (See, Section 301).
- b. Should a revision to a submitted Plan require a waiver, which was not apparent at the time of initial Plan submission, the request for a waiver shall be submitted in accordance with subsection 217.1 (a) at the time of submission of the revised Plan.
- c. All requests shall be submitted to the Township Secretary at least twenty (20) days prior to a Township Planning Commission meeting. After the Township Planning Commission takes action with regard to the waiver request, the Board of Supervisors shall consider waiver requests at their next Planning meeting. The Board of Supervisors shall not take formal action on a waiver until it has received and considered the comments and recommendations of the Township Planning Commission. Waiver requests shall only be entertained if a representative is present at the meeting where such request is scheduled for consideration.

217.2 *Township Action.*

The Board of Supervisors shall review the request to determine if the literal compliance with any mandatory provision of this chapter is demonstrated by the Subdivider to exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and the purpose and intent of this chapter as observed. The Subdivider shall demonstrate that an alternative proposal will allow for equal or better results and represents the minimum

modification necessary. If the Board of Supervisors determines that the Subdivider has met his burden, it may grant a waiver from the literal compliance with the terms of this Ordinance.

ARTICLE III PLAN REQUIREMENTS

Section 300 *General Procedures*

- 300.1 This article provides an overview of the general procedures for the application, submission, review and the approval of proposed Subdivision Plans or Land Development Plans within Maxatawny Township.
- 300.2 All Subdivision and Land Development Plans within the corporate limits of Maxatawny Township shall be reviewed by the Maxatawny Township Planning Commission, the Berks County Planning Commission, the Board of Supervisors and other Township, State of County Officials as deemed necessary, and shall be approved or disapproved by The Township Board of Supervisors in accordance with the procedures specified within this Article and within other sections of this Ordinance.
- 300.3 Jurisdiction. The Maxatawny Township Board of Supervisors shall have jurisdiction of Subdivision and Land Development within the Township limits. In order to assist the Board of Supervisors in consideration of Subdivisions and Land Developments, the Board of Supervisors hereby decrees that the Maxatawny Township Planning Commission shall serve the following functions:
 - a. All Plans proposing Subdivision or Land Development, upon submission to the Township, shall be referred to the Planning Commission for review.
 - b. The Planning Commission shall make recommendations to the Board of Supervisors concerning approval, conditional approval, waiver requests or disapproval of such Plans.
 - c. The Board of Supervisors shall consider, yet need not follow, the recommendations offered by the Planning Commission prior to taking action on any proposed Subdivision or Land Development Plan unless the time for a decision on a Plan may expire without Planning Commission recommendation.

Section 301 *Sketch Plan*

- 301.1 The Sketch Plan of a proposed subdivision shall be clearly and legibly drawn to a scale of one (1) inch equals fifty (50) feet, except that:
 - a. if the average size of the proposed lots in the subdivision is five (5) acres or larger, the Plan may be drawn to a scale of one (1) inch equals one hundred (100) feet.
 - b. if the subdivision proposes lots with an average frontage of less than fifty (50) feet, the Plan shall be drawn to a scale of one (1) inch equals twenty (20) feet.
 - c. if the subdivision contains more than two hundred (200) acres, the Plan may be drawn to a scale of one (1) inch equals two hundred (200) feet.

- 301.2 Sketch Plan and all submitted prints thereof shall be made on sheets either:
- a. Eighteen (18) inches by twenty-four (24) inches, or
 - b. Twenty-four (24) inches by thirty-six (36) inches, or
 - c. Thirty-six (36) inches by forty-eight (48) inches, or
 - d. Thirty (30) inches by forty-two (42) inches.
- 301.3 If the Sketch Plan requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet to a scale of one inch (1") equal eight hundred feet (800').
- 301.4 Sketch Plan shall contain at least the following information but not necessarily showing precise dimensions: (a) Tract boundaries accurately labeled with the total acreage of the tract and the Tax Parcel Identification Number noted; (b) Name of the municipality in which the subdivision is located; (c) North point, scale (written and graphic) and date; (d) Name of proposed subdivision or other identifying title; (e) Significant topographical and physical features. The Sketch Plan should depict significant topography, tree masses, utility easements, hydric soils, known wetlands, or geologic features, (sink holes, etc.) that may affect development of the Site. U. S. Geologic Survey and Soil Conservation Service Information may be used, but should be plotted to an appropriate scale; (f) Proposed general street layout with sizes; (g) Method of sewage disposal and water supply; (h) A location map with sufficient information to enable one to locate the property; (i) Location of tract with zoning district lines; (j) Location of municipal borders within the vicinity of the tract; (k) Streets on and adjacent to the tract properly named and identified; (l) Names of adjoining properties and subdivisions; (m) Location of existing structures; (n) Name and address of current owner of record; (o) Name and address of applicant (if different from owner); (p) Name and address of individual and/or firm that prepared the Plan; (q) A brief narrative of the project with Plan status; (r) In the case of Land Development Plans, proposed general layout including building locations, parking lots and open space; (s) In cases where Sketch Plan is prepared for recording (as per Section 214 and 215), the Plan shall be notarized and bear the name of the record owner and the sources of title to the land being subdivided as shown by the County Recorder of Deeds plus the seal of the surveyor, engineer, etc., responsible for the Plan, and shall show the existing Township zoning regulation, including district designations, requirements for lot sizes and front yards, and any zoning district boundary line traversing the proposed Subdivision and recommendations of Section 302 and 303 of this Ordinance.

Section 302 *Preliminary Plan*

- 302.1 The Preliminary Plan shall include all information as required for Sketch Plan under Article III, Section 301, in these regulations and shall be drawn to the same scales and presented on the same sheet size as required for the Sketch Plan. In addition, the following information shall be shown:
- a. Date, including the month, day, and year that the Preliminary Plan was completed and the month, day, and year that the Preliminary Plan was revised, for each revision.
 - b. Name of recorded owner and Subdivider.

- c. Name, address, license number, and seal of the registered engineer, architect, landscape architect or surveyor responsible for the subdivision plan.
- d. Names of all owners of all abutting unplatted land and the names of all abutting subdivisions, if any, with the book and page number where recorded.
- e. A key map for the purpose of locating the property being subdivided drawn at a scale not less than one (1) inch equals eight hundred (800) feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses, and any areas subject to flooding, and recorded subdivision plans existing within one thousand (1000) feet of any part of the property.
- f. Total tract boundaries of the property being subdivided showing bearings and distances and a statement of total acreage of the property.
- g. Zoning data including all of the following if applicable:
 - 1. Existing Township zoning regulations, including district designations, requirements for lot sizes and front yards, and any zoning district boundary lines traversing the proposed subdivision.
 - 2. Any changes in the existing zoning to be requested by the Subdivider.
 - 3. Any Township regulations other than zoning, governing lot size and/or front yard requirements.
- h. Contour lines at vertical intervals of at least two (2) feet for land with average natural slope of four (4) percent or less, and at intervals of at least five (5) feet for land with average natural slope exceeding four (4) percent.
- i. Locations and elevation of the data to which contour elevations refer shall be the closest U.S.G.S. established bench mark, or an established bench mark approved by the Township Engineer.
- j. All existing sewer lines, water lines, fire hydrants, electric and telephone utility lines, culverts, bridges, railroads, quarries, strip mines, water courses, flood plain areas, and other significant man-made or natural features within the proposed subdivision and fifty (50) feet beyond the boundaries of the proposed subdivision.
- k. All existing buildings or other structures and the approximate location of all existing tree masses, and all other trees over 1-½ inches in caliber, rock outcrops, water courses within the proposed subdivision or other significant features.
- l. All existing streets on the Official Plan or Plans of the Township (including unpaved streets), including streets of record (recorded but not constructed) easements and rights-of-way, including names, right-of-way widths, cartway (pavement) widths and approximate grades within and adjoining the subdivision.
- m. The full plan of proposed development, including:
 - 1. Location and width of all streets, easements, and rights-of-way, with a statement of any conditions governing their use, and suggested types, i.e. collector, major, minor, etc.

2. Suggested street names and utility easement locations.
 3. Building reserve (setback) lines along each street.
 4. Lot lines with approximate dimensions.
 5. Lot numbers and statement of number of lots and parcels.
 6. A statement of the intended use of all non-residential lots and parcels.
 7. Water supply, sanitary and/or storm sewers (and other drainage facilities) with the size and material of each indicated, and any proposed connections with existing facilities.
 8. Parks, playgrounds, and other areas proposed to be dedicated or reserved for public use with any conditions governing such use.
 9. Approximate location of sewage treatment plant, if applicable.
- n. Location of all required soil percolation test holes, if required.
- o. If the subdivision is located adjacent to, or in whole or in part in a flood hazard area, the Subdivider shall submit with the Preliminary Plan the following:
1. Cross-sections showing the stream channel, the projected high water level of the 100-year storm, the elevation of the land on either side of the stream, and the areas proposed for occupancy by structures, if any. One such cross-section shall be submitted for every 1,000 feet of stream profile, with not less than three such cross-sections being submitted for each subdivision.
 2. Contours at two-foot intervals, soil types, land use, and vegetation upstream and downstream from the subdivision.
 3. A profile showing the slope of the stream channel or flow line and extending 1,000 feet upstream and downstream from the subdivision.
- 302.2 The Preliminary Plan shall be accompanied by the following supplementary data as applicable:
- a. Typical street cross-section drawing(s) for all proposed streets. Cross-section drawings may be shown on either the Preliminary Plan or on separate profile sheets.
- Tentative profiles along the top of cartway (pavement) edge or along the top of curb for both sides of each proposed street shall be shown. Such profiles shall show existing and proposed grades at one of the following sets of scales:
1. One (1) inch equals ten (10) feet horizontal, and one (1) inch equals one (1) foot vertical.
 2. One (1) inch equals twenty (20) feet horizontal, and one (1) inch equals two (2) feet vertical.

3. One (1) inch equals forty (40) feet horizontal, and one (1) inch equals four (4) feet vertical.
 4. One (1) inch equals fifty (50) feet horizontal, and one (1) inch equals five (5) feet vertical.
- b. In lieu of the separate profile sheets, the tentative finished cartway (pavement) edge or top of curb grades for both sides of each street may be labeled on the Preliminary Plan.
 - c. Where deemed necessary by the Township Planning Commission or the Township Supervisors, a plan for the surface drainage of the tract to be subdivided shall be shown. Such Plan shall include storm water run-off calculations for the entire property being subdivided and shall show the proposed method, subject to Township approval, of accommodating the anticipated run-off as outlined in Section 408 of this Ordinance.
 - d. Preliminary designs of any bridges or culverts, which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Department of Transportation. Calculations for water-way opening shall be included. All designs shall be subject to approval by the Township.
 - e. Where a Preliminary Plan shows the proposed subdivision of only a part of the Subdivider's total property, a sketch shall be required showing the prospective street system in the remainder of the property so that the street system in the submitted portion shall be considered in relation to future connections with the unsubmitted portion. To prevent undue hardship in the case of extremely large properties, the Township Planning Commission may, based on existing natural or man-made features, delimit the area for which a prospective street system shall be sketched.
 - f. If a proposed subdivision plan is to be reviewed by the Soils Conservation Service, the Preliminary Plan shall show and be accompanied by necessary information for its review, as established from time to time by the Soils Conservation Service.
 - g. If the subdivision proposes a new street intersection with a State Legislative Route, a copy of the Plan shall be provided to PennDOT for review and comment.

Section 303 *Final Plan*

303.1 The Final Plan shall be of a size drawn to scale, and show all information as required for Preliminary Plans under Article III, Section 302 in these regulations. In addition, the Final Plan shall show the following:

- a. Name of the recorded owner (and Subdivider) of the tract, and the source (s) of title to the land being subdivided, as shown by the records of the County Recorder of Deeds.
- b. The total tract boundary lines of the area being subdivided with accurate distances to hundredths of a foot and bearings to one-quarter (1/4) of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one (1) foot in ten-thousand (10,000) feet; provided, however, that the boundary (s) adjoining

additional unplatted land of the Subdivider (for example, between separately submitted Final Plan sections) are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify, using the form specified in the Appendix, to the accuracy of the survey, the drawn plan, and the placement of the monuments.

- c. The name (or number) and cartway width and lines of all existing public streets and the name and location of all other roads within the property.
- d. The following data shall be shown for the cartway edges and right-of-way lines and, if required, the ultimate right-of-way, for all existing, recorded, (except those to be vacated) and/or proposed streets within or abutting the property to be subdivided. The length and width (in feet to the nearest hundredth of a foot) of all straight lines and of the radii and of the arc (or chord) of all curved lines. The length of all arcs (in feet, to the nearest hundredths of a foot) and the central angle in degrees, minutes and seconds.
- e. All straight lot lines shall be dimensioned (in feet, to the nearest hundredths of a foot) and all internal angles within lot lines shall be designated (in degrees, minutes and seconds). Curved lot lines shall show length of arc (in feet, to the nearest hundredths of a foot) and the central angle (in degrees, minutes and seconds).
- f. A statement of the intended use of all non-residential lots, with reference to restrictions of any type, which exist or will exist as covenants in the deed for the lots contained in the subdivision and, if covenants are recorded, including the book and page number.
- g. The proposed building reserve (setback) line for each lot, or the proposed placement of each building.
- h. The location (and elevation, if established) of all existing and proposed required street monuments.
- i. All easements or rights-of-way where provided for or owned by public services and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan, and easements shall either be shown or specifically described on the plan. Easements should be located in cooperation with the appropriate public utilities.
- j. Locations, size and invert elevations of all sanitary and/or storm sewers and location of all manholes, inlets and culverts (this data may be submitted as a separate plan).
- k. If the subdivision proposes a new street intersection with a State Legislative Route, a copy of the Highway Occupancy Permit shall be provided for all such intersections.
- l. A clear sight triangle shall be clearly shown for all street intersections.
- m. A Certificate of Ownership, Acknowledgement of Plan and Offer of Dedication shall be lettered on the plan, using the form in the Appendix, and shall be duly acknowledged and signed by the owner (s) of the property, and notarized.

- n. A certificate of approval of the Plan by the Township Supervisors and by the Township Planning Commission shall be lettered on the plan, using the form in the Appendix.
 - o. A blank space measuring three and one-half (3-1/2) inches square by six (6) inches shall be left, preferably adjacent to the Township certification, in which the endorsement stamp of the County Planning Commission may be applied.
 - p. A blank space measuring three (3) inches square shall be left along the lower edge of the sheet, in order that the Recorder of Deeds may acknowledge receipt of the Plan when it is presented.
- 303.2 The Final Plan shall be accompanied by such applicable supplementary data as is required in Article III, Section 302.2 in addition to profile sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:
- a. Existing (natural) profiles along the centerline of each street and if slope within cartway area exceeds five (5) percent, along both cartway edges.
 - b. Proposed finished grade of the centerline, and proposed finished grades at the top of both curbs, or proposed finished grade at both cartway pavement edges.
 - c. The length of all vertical curves.
 - d. Existing and proposed sanitary sewer mains and manholes, storm sewer mains, inlets, manholes, and culverts and existing or proposed water mains.

**ARTICLE IV
DESIGN STANDARDS**

Section 401 *Application and General Standards*

- 401.1 The standards and requirements contained in Articles IV and V are intended as the minimum for the promotion of the public health, safety and general welfare, and shall be applied as such by the Township Planning Commission and the Township Supervisors in reviewing all subdivision plans.
- 401.2 Whenever other Township Ordinances and/or regulations impose more restrictive standards and requirements than those contained herein, such other ordinances and/or regulations shall be observed; otherwise, the standards and requirements of these regulations shall apply.
- 401.3 The standards and requirements of these regulations may be modified by the Township Supervisors in the case of complete communities, neighborhood units or other large scale developments which, upon the recommendation of the Township Planning Commission, where such modifications achieve substantially the objectives of these regulations and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the subdivision plan.
- 401.4 Land subject to hazards to life, health, or property, such as may arise from fire, floods, disease, or other causes, shall not be subdivided for building purposes unless such hazards have been eliminated or unless the subdivision Plan shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agencies.

401.5 Subdivision Plans shall give due recognition to the “Official Plans” of the Township and of the County or to such parts thereof as may have been adopted pursuant to statute.

Section 402 *Streets*

402.1 *General Standards*

- a. The location and width of all proposed and existing streets shall conform to the “Official Plans” or to such parts thereof as may have been adopted by the Township Planning Commission and/or the Township Supervisors as required in Section 402.3.
- b. The proposed street system shall extend existing or proposed streets on the “Official Plans” at the same width or larger but in no case at less than the required minimum width in Section 402.3.
- c. Where, in the opinion of the Township Planning Commission, it is desirable to provide for street access to adjoining property, street stubs shall be extended by dedication to the boundary of such property.
- d. New minor streets shall be so designed as to discourage through traffic, but the Subdivider shall give adequate consideration to provision for the extension and continuation of major and collector streets into and from adjoining properties.
- e. Where a subdivision abuts or contains an existing street of improper width or alignment, the Township Planning Commission may require the dedication of land sufficient to widen the street or correct the alignment.
- f. Private Streets (streets not to be offered for dedication) are prohibited unless they meet the design standards of these regulations.

402.2 *Partial and Half Streets*

New half or partial streets shall be prohibited except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be obtained. Subdivider shall provide the entire required cartway width within his property.

402.3 *Street Widths*

Minimum street right-of-way and pavement widths shall be as shown on the “Official Plans” or if not shown on such plans, shall be as follows:

<i>Street Type</i>	<i>Required Widths (in feet)</i>
Minor Street	
Right-of-way	53
Cartway	36
Collector Street	
Right-of-way	60
Cartway	36

Major Street	
Right-of-way	See Note (a)
Cartway	See Note (a)
Permanent Cul-de-Sac Street	
Right-of-way	See Paragraph 402.10
Cartway	See Paragraph 402.10
Marginal Access Street	
Right-of-way	See Note (b)
Cartway	26
Service Street	
Right-of-way	24
Cartway	24

NOTES:

(a) As specified in the “Official Plans”, or as determined after consulting with the Township, the County Planning Commission and the Pennsylvania Department of Transportation.

(b) Variable, depending on the width of the adjacent right-of-way, but not less than thirty-three (33) feet.

Additional right-of-way and pavement widths may be required by the Township Planning Commission or Township Supervisors for the purpose of promoting the public safety and convenience or to provide parking in commercial and industrial areas and in areas of high density residential development.

402.4 Restriction of Access

- a. Whenever a subdivision abuts or contains an existing or proposed street with an ultimate right-of-way of eighty (80) feet or more, the Township Planning Commission or the Township Supervisors may require restriction of access to said street by:
 - 1. Provision of reverse frontage lots.
 - 2. Provision of service streets along the rear of the abutting lots, together with prohibition of private driveways intersecting the major streets.
 - 3. Provision of marginal access streets, provided that the reserve strips establishing such marginal access streets shall be definitely placed within the jurisdiction of the Township under an agreement meeting the approval of the Township.
- b. Except as specified under Paragraph 3 above, reserve strips shall be prohibited.

402.5 Street Grades

- a. There shall be a minimum centerline grade of three-quarters (3/4) percent.
- b. Centerline grades shall not exceed the following:
 - 1. Minor Street – eight (8) percent.
 - 2. Collector Street – six (6) percent.

3. Major street – five (5) percent.
 4. Street Intersection – three (3) percent.
- c. Grades up to twelve (12) percent may be permitted on a through minor street where access to the street is possible over streets with grades of ten (10) percent or less.

402.6 *Horizontal Curves*

- a. Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.
- b. To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:
 1. Minor Streets – One hundred fifty (150) feet.
 2. Collector Streets – Three hundred (300) feet.
 3. Major Streets – Five hundred (500) feet.
- c. A tangent of at least one hundred (100) feet shall be introduced between all horizontal curves on collector and major streets.
- d. To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

402.7 *Vertical Curves* – At all changes of street grades with the algebraic difference exceeding two percent (2%), vertical curves shall be provided of sufficient length to permit the following minimum sight distance: (a) Minor streets – 200 feet; (b) Collector streets – 300 feet; (c) Major streets – 400 feet.

402.8 *Intersections*

- a. Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than sixty (60) degrees or more than one hundred twenty (120) degrees.
- b. No more than two streets shall intersect at the same point.
- c. Streets intersecting another street shall either intersect directly opposite to each other or shall be separated by at least one hundred (150) feet between centerlines measured along the centerline of the street being intersected.
- d. Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed two (2) percent within fifty (50) feet of the intersection of the nearest right-of-way lines.
- e. Intersections with major streets shall be located not less than one thousand (1,000) feet apart measured from centerline to centerline along the centerline of the major street.

- f. Street curb intersections shall be rounded by a tangential arc with a minimum radius of:
 - 1. Twenty (20) feet for intersections involving only minor streets.
 - 2. Thirty-five (35) feet for all intersections involving a collector street.
 - 3. Fifty (50) feet for all intersections involving a major street.
 - 4. Ten (10) feet for all intersections involving only service streets.
- g. Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

402.9 *Sight Distance at Intersections*

- a. Clear sight triangles shall be provided at all street intersections. Within such triangles, no vision-obstructing object other than utility poles, street lights, street signs, or traffic signs shall be permitted which obscures vision above the height of thirty (30) inches and below ten (10) feet measured from the centerline grade of intersection streets. Such triangles shall be established from a distance of:
 - 1. Seventy-five (75) feet from the point of intersection of the centerlines, except that:
 - 2. Clear sight triangles of one hundred fifty (150) feet shall be provided for all intersections with Major Streets.
- b. Wherever a portion of the line of such triangles occurs behind (i.e., from the street) the building reserve (setback) line, such portion shall be shown on the Final Plan of the subdivision and shall be considered a building setback (reserve) line.

402.10 *Cul-de-Sac Streets*

- a. Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.
- b. Any temporarily dead ended street shall be provided with a temporary all-weather turnaround, within the subdivision, and the use of such turnaround shall be guaranteed to the public until such time as the street is extended.
- c. Cul-de-sac streets, permanently designated as such, shall conform to the following table:
 - 1. On cul-de-sac streets with a lot frontage of at least one (1) lot abutting thereon of one hundred (100) feet or less, the cul-de-sac street shall not exceed four hundred (400) feet in length and shall furnish access to no more than ten (10) dwelling units.
 - 2. On cul-de-sac streets with a lot frontage of at least one (1) lot abutting thereon of more than one hundred (100) feet but not more than one hundred seventy-five (175) feet, the cul-de-sac street shall not exceed eight hundred (800) feet in length and shall furnish access to no more than twelve (12) dwelling units.

3. On cul-de-sac streets with a lot frontage of at least one (1) lot abutting thereon of more than one hundred seventy-five (175) feet but not more than three hundred fifty (350) feet, the cul-de-sac street shall not exceed three thousand (3,000) feet in length and shall furnish access to no more than twenty (20) dwelling units.
- d. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.
- e. All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully pavement turnaround. The minimum radius to the pavement edge or curb line shall be fifty (50) feet, and the minimum radius of the right-of-way line shall be sixty (60) feet.
- f. Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end it shall be conducted away in an underground storm sewer.
- g. The centerline grade on a cul-de-sac street shall not exceed ten (10) percent, and the grade of the diameter of the turnaround shall not exceed five (5) percent.

402.11 *Street Names*

- a. Proposed streets, which are obviously in alignment with others already existing and named, shall bear the names of the existing streets.
- b. In no case shall the name of a proposed street be the same as or similar to an existing street name in the Township and in the same postal district, irrespective of the use of the suffix street, road, avenue, boulevard, drive, way, place, court, lane, etc.
- c. All street names shall be subject to the approval of the Township Supervisors.

402.12 *Service Streets (Alleys)*

- a. Service Streets may be permitted, provided that the Subdivider produces evidence satisfactory to the Township Planning Commission or Township Supervisors of the need for such service streets.
- b. No part of any dwelling, garage or other structure shall be located within ten (10) feet of the cartway edge of a service street.
- c. Dead-end service streets shall be avoided, but where this proves impossible, dead-end service streets shall terminate with a paved circular turnaround with a minimum radius to the outer pavement edge (curb line) of fifty (50) feet.
- d. Service street intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be rounded as required in Section 402.8f.4 and deflections in alignment in excess of five (5) degrees shall be made by horizontal curves.

402.13 *Driveway*

- a. Private driveways on corner lots shall be located at the property lines where physically possible and in no case shall be permitted to infringe upon the clear sight triangle.
- b. In order to provide a safe and convenient means of access, grades on private driveways shall not exceed seven (7) percent. Entrances should be round at a minimum of five (5) feet, or should have a flare construction that is equivalent to this radius at the point of intersection with the cartway edge (curb line).

Section 403 *Blocks*

403.1 *Layout*

The length, width and shape of blocks shall be determined with due regard to:

- a. Provision of adequate sites for buildings of the type proposed.
- b. Zoning requirements.
- c. Topography.
- d. Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with major streets.

403.2 *Length*

- a. Blocks shall have a maximum length of one thousand six-hundred (1,600) feet and a minimum length of five hundred (500) feet, provided however that the Township Planning Commission or Township Supervisors may decrease the maximum and/or minimum lengths of blocks if the opinion of either body, topography of the land in question and/or surface water drainage condition warrant such a decrease.
- b. In the design of blocks longer than one thousand (1,000) feet, special consideration shall be given to the requirements of satisfactory fire protection.
- c. Where practicable, blocks along major and collector streets shall not be less than one thousand (1,000) feet.

403.3 *Crosswalks*

- a. Crosswalks shall be required wherever necessary to facilitate pedestrian circulation and to give access to community facilities, as well as in blocks of over one thousand (1,000) feet in length.
- b. Such crosswalks shall have a width of not less than ten (10) feet and a paved walk of not less than four (4) feet.

403.4 *Depth*

Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except where prevented by the size, topographical conditions or other inherent conditions of property, in which case the Township Planning Commission or Township Supervisors may approve a single tier of lots.

403.5 *Commercial and Industrial Blocks*

Blocks in commercial and industrial areas may vary from the elements of design detailed above as required by the nature of the use.

Section 404 *Lots and Parcels*

404.1 *General Standards*

- a. Insofar as practical, side lot lines should be at right angles to straight street lines or radial to curved street lines.
- b. Where feasible, lot lines should follow municipal boundaries rather than cross them in order to avoid jurisdictional problems.
- c. Generally, the depth of residential lots should be not less than one (1) nor more than two and one-half (2 ½) times their width.
- d. Depth and width of all parcels intended for development shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, turn-around, loading and unloading, setbacks, landscaping, etc.
- e. If, after subdividing, there exist remnants of land, they shall be either:
 1. Incorporated in existing or proposed lots, or
 2. Legally dedicated to public use, if acceptable to the Township.

404.2 *Lot Frontage*

- a. All lots shall have the required minimum lot width and frontage and direct access to a public street, existing or proposed, or to a private street if it meets the requirements of these regulations.
- b. Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography or orientation.
- c. All residential reverse frontage lots shall have, a rear yard with a minimum depth of seventy-five (75) feet, measured in the shortest distance from the proposed dwelling unit to the ultimate right-of-way, and shall have within such rear yard and immediately adjacent to the right-of-way, a planting screen easement of at least ten (10) feet in width, across which there shall be no right of access.

404.3 *Lot Size*

Lot dimensions and areas shall not be less than specified by the Township Zoning Ordinance, or as determined by Section 406 of this Ordinance, whichever shall be the larger.

Section 405 *Sanitary Sewage Disposal*

- 405.1 Each property shall be connected with a public sewer system if accessible. Where the public sewer is not yet accessible but is planned for extension to the subdivision, the

Subdivider shall install sewer lines, including lateral connections as may be necessary to provide adequate service to each lot when connection with the sewer system is made. The sewer lines shall be suitably capped at the limits of the subdivision, and the laterals shall be capped at the street right-of-way line. When capped sewers are provided, on-site disposal facilities shall also be provided. Design of capped sewer system shall be subject to approval by the Township.

- 405.2 Sanitary sewers shall be designed and constructed in strict accordance with Department of Environmental Protection Standards of the Commonwealth of Pennsylvania and Township Standards.
- 405.3 Sanitary sewers shall not be used to carry storm water.
- 405.4 All lots, which cannot be connected to a public or community sanitary sewage disposal system in operation at the time of construction of a principal building, shall be provided with an on-site sanitary sewage disposal system consisting of a septic tank (s) connected with a tile disposal field and which shall, as a minimum requirement, meet the design standards of the Pennsylvania Department of Environmental Protection, Township Ordinance and any amendments or supplements thereto or any regulations adopted pursuant thereto.
- 405.5 If on-site sanitary sewage disposal facilities are to be utilized, the Township Planning Commission may require that the Subdivider submit an Economic Feasibility Report. Such Report shall compare the cost of providing on-site facilities and the cost of community sanitary sewer system with a temporary sewage treatment plant. Based on the analysis of this report, the Planning Commission may require the installation of a community sanitary sewer system. The temporary treatment plant will have to be abandoned when public trunk sewers are installed in the area.
- 405.6 Where on-site sanitary sewage facilities are to be utilized, each lot so served shall be of a size and shape to accommodate the necessary length of tile fields at a safe distance from, and at a lower elevation than, the proposed building (s) in accordance with Township Regulations.

Section 406 *Soil Percolation Test Requirements*

- 406.1 Soil percolation tests shall be performed for all subdivisions wherein building (s) at the time of construction will not be connected to a public or community sanitary sewage disposal system in operation.
- 406.2 Soil percolation tests shall be made in accordance with the procedure required by the Pennsylvania Department of Environmental Protection, by a Certified Sewage Enforcement Officer at the rate of one (1) test site for each acre or part thereof for the property being subdivided.
- 406.3 The engineer shall enter the result of the test and all other information on four (4) copies of the Subdivision Sewage Disposal Report form and shall submit these with the Preliminary Plans, provided, however, that where the approval of the proposed sanitary sewage disposal facilities by the Pennsylvania Department of Environmental Protection is otherwise required, two (2) copies of its report of investigation and approval may be submitted in lieu of the Subdivision Sewage Disposal Report.
- 406.4 Where possible, soil percolation tests shall be performed near the site of the proposed on-site sanitary sewage disposal facilities, and spaced evenly throughout the property.

406.5 The results of the soil percolation tests shall be analyzed by the Township Planning Commission and Township Supervisors in conjunction with the Pennsylvania Department of Environmental Protection in relation to the physical characteristics of the tract being subdivided and of the general area surrounding the tract being subdivided, and the Final Plan lot layout shall be based on this analysis.

406.6 If the analysis of the soil percolation test results reveals that the soil is unsuitable for the intended use at the lot size proposed, the Township Planning Commission or Township Supervisors may require that the lot size (s) be increased in accordance with the test results or that additional tests be made on each proposed lot at the location of the contemplated disposal facilities, and the data submitted for review.

Section 407 *Water Supply*

407.1 Whenever an existing public or approved community water system is geographically and economically accessible to a proposed subdivision, a distribution system shall be designed to furnish an adequate supply of water to each lot, with adequate main sizes and fire hydrants located to meet the specifications of the Middle Department Association of Fire Underwriters. Suitable agreements shall also be established for the design, specifications, construction, ownership and maintenance of such distribution system.

407.2 Where such systems are not accessible, and where on-site sanitary sewage disposal systems are to be used, a community water supply system may be required. A community water supply system shall be approved by the Pennsylvania Department of Environmental Protection, and appropriate measures shall be provided to insure adequate maintenance. Suitable agreements shall also be established for the construction, ownership and maintenance of such a distribution system.

407.3 Where individual on-site water supply system (s) are to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system and wells shall be placed uphill from sewage disposal systems and shall not be within one hundred (100) feet of any part of the absorption (tile) field of any on-site sanitary sewage disposal system, nor within fifty (50) feet from lakes, streams, ponds, quarries, etc.

407.4 Where individual on-site water supply system (s) are to be utilized, it is recommended that the Subdivider provide at least one test well for each ten (10) proposed dwelling units. Such wells should be drilled, cased, and grout sealed into bed rock at least fifty (50) feet deep, having a production capacity of at least five (5) gallons per minute of safe potable drinking water as certified by the State or Township health officer.

Section 408 *Storm Drainage*

408.1 All proposed subdivisions shall be accompanied by a storm water management report containing (but not limited to) the following:

- a. All proposed improvements.
- b. All calculations will be based on a 100-year frequency, 24-hour duration storm with the Soil-Cover Complex Method of analysis. The Pre-Developed condition will be based on meadow (good condition) regardless of the actual predevelopment cover.
- c. Post-Development Runoff (rate and volume) may not exceed Pre-Development Runoff (rate and volume).

- d. Storm drainage facilities should be designated not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in runoff that will occur when all the property at a higher elevation in the same watershed is fully developed.
 - e. All permanent and temporary storm water facilities must be shown in detail.
 - f. A note shall be included in the report to insure the Township that the permanent storm water facilities will remain a permanent part of the topography.
 - g. Additional stormwater control requirements as determined by the Township Engineer, Township Supervisors and stand alone ordinance and regulations.
- 408.2 In the design of storm drainage facilities, special considerations shall be given to avoidance of problems, which may arise from the concentration of storm water runoff onto adjacent developed or undeveloped properties.
- 408.3 Storm sewers and related installations shall be required only when, in the opinion of the Township Engineer, the runoff of storm water cannot be satisfactorily handled within the street cartway.
- a. Storm sewers shall have a minimum diameter of fifteen (15) inches, a minimum slope of one-half (0.5) percent, and shall be constructed of reinforced concrete. If approved by the Township Engineer, corrugated polyethylene pipe (smooth bore) may be permitted for diameters of fifteen (15) inches to sixty (60) inches. The use of corrugated metal pipe or any other type of storm sewer materials is prohibited.
- 408.4 Where existing storm sewers are reasonably accessible, proposed subdivisions shall be required, if necessary, to connect therewith.
- 408.5 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 and of such 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. Any changes in the existing drainage way shall be subject to the approval of the Pennsylvania Department of Environmental Protection, where the Department has jurisdiction and/or the Department of Forests and Waters.
- 408.6 All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way.
- 408.7 The slope of the crown on proposed streets shall be not less than 1/8th of an inch per foot and nor more than 1/3rd of an inch per foot.
- 408.8 Adequate facilities shall be provided at low points along streets and where necessary to intercept runoff.

Section 409 *Soil Erosion and Sedimentation Control*

- 409.1 All proposed subdivisions shall be accompanied by a Soil Erosion and Sedimentation Report containing (but not limited to) the following;
- a. The soil series shall be delineated on the plan.

- b. Permanent and temporary conservation measures should be indicated.
- c. Seeding and mulching rates should be specified.
- d. A note shall be included in the report to insure the Township that the conservation measures will remain a permanent part of the topography.

Section 410 *Public Use and Service Areas*

410.1 *Public Open Spaces*

- a. In reviewing subdivision plans, the Township Planning Commission and Township Supervisors shall consider whether community facilities, especially schools, in the area are adequate to serve the needs of the additional dwellings proposed by the subdivision, and shall make such report thereon as they deem necessary in the public interest.
- b. Subdividers and the Township Planning Commission shall give earnest consideration to providing facilities or reserving areas for facilities normally required in residential neighborhoods, including churches, libraries, schools and other public buildings; parks, playgrounds and playfields; shopping and local business centers. Areas provided or reserved for such community facilities shall be adequate to provide for building sites, landscaping, and off-street parking as appropriate to the use proposed, and shall be suitably prepared for this end use at the expense of the Subdivider. Prior to the preparation of plans, Subdividers of large tracts should review with the Township Planning Commission the minimum standards for various community facilities applicable to the tract being subdivided.
- c. In subdivisions which are intended to provide housing, the Township Planning Commission shall consider the need for suitable open areas for recreation and shall make a recommendation thereon. Standards to be used by the Township Planning Commission and the Township Supervisors in requesting the reservation of space for recreation shall be as follows:

<i>Families to be Served</i>	<i>Minimum Playground & Neighborhood Park Acreage to be Recommended</i>
50 – 174	3.0
175 – 374	5.5
375 – 624	6.5
625 – 800	8.0
for each additional 100 families	1.5

410.2 *Community Assets*

Consideration shall be shown for all natural features such as large trees, water courses, historic areas and structures, and similar community assets which, if preserved, will add attractiveness and value to the remainder of the subdivision.

410.3 *Utility Easements*

- a. Easements with a minimum width of twenty (20) feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting lots. No structures or trees shall be placed within such easements.

- b. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- c. There shall be a minimum distance of fifty (50) feet, measured in the shortest distance between any proposed dwelling unit and any petroleum, petroleum products or natural gas transmission line which traverses the subdivision.
- d. Subdividers are urged to avail themselves of the services provided by the various public utility companies in determining the proper locations for utility line easements.
- e. Utility service for residential development will be provided through the use of underground facilities in accordance with the standards and approval of the utility company having appropriate jurisdiction.
- f. No company intending to install any petroleum products or natural gas transmission line shall be allowed to construct the line on less than a fifty (50) foot right-of-way, such line to be installed in the center of the right-of-way. The Subdivider shall provide a fifty (50) foot right-of-way for all existing transmission lines within the subdivision.

Section 411 *Mobile Home Parks*

411.1 *Mobile Home Park Plan*

The mobile home park shall conform to the following requirements:

- a. The park shall be located on a well-drained site, property graded to insure rapid drainage and freedom from stagnant pools of water. Walks, driveways and retaining walls shall be constructed as not to interfere with drainage. Drainage shall be away from mobile home spaces, service buildings and recreational areas. Storm water shall not drain into sanitary sewers.
- b. Mobile home spaces for permanent mobile homes shall be provided consisting of a minimum of 5,400 square feet for each space which shall be at least fifty (50) feet wide and at least eighty (80) feet in length and clearly defined. Spaces for transient mobile homes may also be provided consisting of a minimum of 4,000 square feet for each space which shall be at least forty (40) feet wide and eighty (80) feet in length and clearly defined. Mobile homes shall be so parked on each space that there shall be at least twenty-five (25) feet clearance between mobile homes. No mobile home shall be located closer than one hundred (100) feet from a permanent building existing at the time the Plan for the mobile home park is approved and located on property owned by a person or entity other than the owner of the mobile home park, or closer than twenty-five (25) feet from any property line bounding the park, or closer than seventy-five (75) feet from the cartway areas of any public street or public highway, or closer than twenty-five (25) feet from a private driveway or private roadway.
- c. All mobile home spaces shall abut upon a driveway of not less than thirty-three (33) feet in width, with a surfaced macadam area of not less than eighteen (18) feet in width.
- d. Surfaced macadam walkways not less than four (4) feet wide shall be provided from the mobile home spaces to the service building.

- e. Each mobile home park containing dependent mobile home spaces shall provide service buildings to house toilet facilities, bathing facilities, laundry facilities, and other sanitary facilities as hereinafter more particularly prescribed.
- f. Each mobile home park, whether or not containing dependent mobile homes, shall provide a service building with laundry facilities as hereinafter more particularly prescribed.
- g. Safety and convenience shall be major considerations in the layout of driveways, walks and parking areas within the mobile home park and driveways shall be continuous insofar as possible.
- h. Two paved off street parking spaces shall be provided for each mobile home. Each such off street parking space shall not be less than nine (9) feet wide and not less than twenty (20) feet long.
- i. Each mobile home park shall maintain an area of usable open space of not less than ten (10) percent of its overall area.

411.2 *Electricity and Lighting*

- a. Every mobile home park shall be provided with electric power. An electric outlet supplying 220-230 volts shall be provided for every mobile home space. The outlets shall be weatherproof and in easy reach of parked mobile homes. All power lines and wiring shall be underground and shall be at least forty (40) inches underground for secondary lines. No above ground power lines or wiring shall be permitted. All electric wiring in the mobile home park shall be in accordance with the Township and Pennsylvania Codes or in the absence of local codes, then in accordance with the National Electrical Code. Adequate over-current protection shall be provided on all circuits. Service lines to each mobile space shall be weatherproof, insulated and not smaller than two (2) number two (#2) copper wires and one (1) number four (#4) copper wire, or aluminum wires of equal capacity.
- b. Street and yard lights sufficient in number and intensity to permit the same movement of vehicles and pedestrians shall be provided. Lights shall be at least equal to 7800 lumens each spaced at intervals of not more than seventy-five (75) feet or 3400 lumens each spaced at intervals of not more than fifty (50) feet, in either case located not less than twelve (12) feet nor more than fifteen (15) feet from the ground and shall be effectively related to buildings, walks, trees, steps and ramps. Lights shall be kept burning from sunset to sunrise.

411.3 *Water Supply*

- a. All Mobile home parks shall be connected with a public water supply approved by the Pennsylvania Department of Environmental Protection where such public water supply is available, and waters shall be supplied from such public water supply to each mobile home space by pipe.
- b. Where a public water supply is not available, a suitable private water supply shall be developed that meets standards prescribed by the Pennsylvania Department of Environmental Protection, as safe for drinking purposes. Water shall be piped to each mobile home space.
- c. Water distribution and storage facilities shall be adequate to supply a continuous year round frost free water supply of at least 150 gallons per day per mobile

home space, at a rate of 6 gallons per minutes, with a residual pressure of 20 pounds per square inch. Wells should be at least ten (10) feet deep and located at least two hundred (200) feet from any privy, septic tank or cesspool, and/or as approved by a health officer, and as required by local ordinance.

- d. Dependent mobile home spaces shall be provided with sanitary facilities in service buildings not less than twenty (25) feet or more than one hundred fifty (150) feet from any dependent mobile home, as outlined in Section 504.1 below. Such service buildings shall provide abundant hot water supply at all times for bathing, washing and laundry facilities.

411.4 *Sewage Disposal*

- a. A system of sanitary sewerage shall be provided in mobile home parks and all waste and drain lines discharging from buildings and mobile homes shall be connected thereto. Each mobile home space shall be provided with a trapped sewer below frost lines at least four (4) inches in diameter and sloped so as to provide a minimum flow velocity of not less than two (2) feet per second when flowing half full. The sewer shall be provided with suitable fittings, so that a water and gas tight connection can be made between the mobile home drain and the sewer connection. Such individual connections shall be so constructed that they can be closed when not linked to a mobile home and shall be trapped in such a manner as to maintain them in an odor-free condition. Sufficient cleanouts, handholes, and manholes shall be installed in sewer systems so as to maintain serviceable conditions. Sewer lines shall be located in a separate trench from water mains.
- b. All sewers shall discharge into a public sewage system where possible. In the absence of a public sewage system, adequate private sewage disposal and treatment facilities shall be installed to treat a minimum average of one hundred fifty (150) gallons per day per mobile home space of ultimate capacity of the park. The treatment facility shall be located so that it shall not create a health or odor nuisance to the park or adjacent property occupants, or discharge untreated effluents into any Commonwealth body of water or stream. No privies or cesspools shall be permitted in a mobile home park.
- c. All sewerage systems shall meet applicable local plumbing and sanitary codes, shall be approved by the health officer and/or other appropriate officials, and shall meet standards of the Pennsylvania Department of Environmental Protection.

411.5 *Design Standards*

All design standards set forth in these subdivision regulations shall apply to and govern mobile home parks except that whenever there is a conflict between the provisions of this Section 411 and the other provisions of these regulations, the stricter and more inclusive provisions shall apply.

Section 412 *Site Planning Guidelines*

The following advisory guidelines are intended to assist Subdividers and the Township in developing well-planned developments.

412.1 *Natural Features*

Seek to minimize grading changes and removal of mature trees. Seek to preserve the natural beauty of highly visible areas. Seek to preserve land along creeks, keeping natural vegetation in place as a filter against soil erosion and pollutants and to provide shade over the creek to maintain water temperatures. Seek to avoid development and removal of vegetation on steep hillsides.

412.2 *Circulation*

Seek to separate pedestrian circulation from major routes of vehicle traffic. Minimize the number of access points along major roads. Avoid parking spaces backing into through traffic routes. Ensure adequate capacity of driveways and drive-thru lanes to avoid traffic backing onto streets.

412.3 *Utilities*

Seek to place as many utility lines as possible underground.

412.4 *Signs*

Seek to minimize the lighting intensity of signs. Seek to avoid signs with overly bright, less attractive colors. Consider use of ground-mounted and attractive wooden signs.

412.5 *Lighting*

Efforts should be made to minimize the use of manmade lighting in cases where protection of public safety is not at issue. This includes avoidance of lighting directed skyward.

412.6 *Architecture*

When applicable, the Applicant shall provide evidence of the architecture proposed for the subject project. The Township shall recommend and approve appropriate architectural designs.

412.7 *Compatibility*

Seek to locate noisier and less compatible uses (such as loading docks) as far away from homes as possible. Seek to screen out views of less attractive activities from streets and homes.

412.8 *Historic Preservation*

Avoid demolition of historic buildings, and seek to maintain attractive architectural features of older buildings.

**ARTICLE V
IMPROVEMENT SPECIFICATIONS**

Section 501 *General Requirements*

Physical improvements to the property being subdivided shall be provided, constructed, and installed as shown on the Record Plan, in accordance with the requirements of these regulations, or other Township Ordinances or Regulations, whichever is more restrictive.

- 501.1 As a condition to approve a Final Plan by the Township Planning Commission and Township Supervisors, the Subdivider shall agree with the Township as to the installation of all improvements shown on the Plan and required by these or other Township Ordinances or Regulations. Before the Record Plan is endorsed by the Township Planning Commission and Township Supervisors, the Subdivider shall submit a completed original copy of the Subdivision Improvements Agreement.
- 501.2 All improvements installed by the Subdivider shall be constructed in accordance with the design specifications of the Township including any promulgated by a Township Authority. Where there are no applicable Township specifications, improvements shall be constructed in accordance with specifications furnished by the Township Engineer, County Engineer, Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection, Pennsylvania Department of Forests and Waters, or such other State agency as applicable. If there are no applicable Township or State regulations, the Township Planning Commission may authorize that specifications be prepared by the Township Engineer or an Engineering Consultant.
- 501.3 Supervision of the installation of the required improvements shall in all cases be the responsibility of the Township or of the appropriate state regulatory agency.

Section 502 *Required Improvements*

The following improvements, as shown on the Record Plan, shall be provided by the Subdivider in all subdivisions requiring approval and are recommended in all other subdivisions.

- 502.1 *Street Grading:* All streets shall be graded at full right-of-way width.
- 502.2 *Cartway Paving:* All streets intending to be dedicated to public use shall be paved to full cartway width (as shown on the Final Plan) and shall comply with the Township paving specifications attached hereto as Appendix 1. Where the proposed dedication increases the existing thirty-three (33) foot width of a Township road to forty-three (43) foot or more by means of a one-half (1/2) dedication, then the existing cartway shall be appropriately widened to meet the standard of this Ordinance along the front of the dedicated tract. The Township Supervisors may waive this requirement if the proposed development consists of three (3) or less isolated lots in the A-R zoned districts of the Township.
- 502.3 *Curbs:* Curbs shall be installed along both sides of all newly constructed or improved streets, in accordance with Township Ordinances and standards and in accordance with the Township curbing specifications attached hereto as Appendix 2. Where a Development improves one-half (1/2) of an existing Township road to upgrade to the requirements of this Ordinance, he shall be required to install curbing only on the side which is improved.
- 502.4 *Sidewalks:*
 - a. Sidewalks shall be a minimum width of four (4) feet and shall be installed on both sides of all streets, except:
 - 1. That no sidewalks shall be required in the following situations:
 - a. Along service streets:
 - b. Where the subdivision plus all adjacent and contiguous subdivisions contains five or less lots along the same side of

the particular street, and where no substantial pedestrian traffic can be anticipated because of the remoteness of the subdivision from population centers and places where large numbers of people congregate.

- c. That sidewalks, when otherwise required, need be installed on only one side of a marginal access street.

502.5 *Storm Sewers:*

- a. Storm Sewers: Storm sewers and related facilities shall be installed consistent with the design principles and requirements contained in Article IV of these regulations.

502.6 *Sanitary Sewage Disposal System (s):*

- a. Sanitary sewage disposal systems shall be provided consistent with the design standards and requirements contained in Article IV of these regulations.
- b. Whenever a Subdivider proposes that individual on-site sanitary sewage disposal systems shall be utilized within the subdivision, the Subdivider shall either install such facilities or shall require (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that such facilities shall be installed by the purchaser of such lot or parcel at the time that a principal building is constructed and in accordance with these regulations.
- c. In all other cases, the Subdivider shall provide a complete community or public sanitary sewage disposal system. The design and installation of such public system shall be subject to the approval of the Township Engineer and the Township Authority. The design and installation of such community distribution system shall be subject to the approval of the Pennsylvania Department of Environmental Protection and such system shall be further subject to satisfactory provision for the maintenance thereof.
- d. Where studies by the Township Planning Commission or a Township Authority indicate that construction or extension of sanitary trunk sewers to serve the property being subdivided appears probable within a reasonable short time (up to five years) the Township Planning Commission and the Township Supervisors shall require the installation and capping of sanitary sewer mains and house connections, in addition to the installation of temporary, individual, on-site sanitary sewage disposal systems. It shall, however, be the responsibility of the Township to supervise the design and installation of such capped sewers, and the acceptance of such responsibility shall be a prerequisite to the Township Supervisor's requirement of such installation.

502.7 *Water Supply:*

- a. Water supply system (s) shall be installed consistent with design principals and requirements contained in Article IV of these regulations.
- b. Where the Subdivider proposes that individual on-site water supply system shall be utilized within the subdivision, the Subdivider shall either install such facilities or shall require (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that the facilities shall be

installed by the purchaser of such lot or parcel at the time that a principal building is constructed and in accordance with these regulations.

- c. Wherever economically feasible, the subdivision shall be provided with a complete public or community water distribution system. The design and installation of such public system shall be subject to the approval of the Township Engineer. The design and installation of such community distribution system shall be subject to the approval the Pennsylvania Department of Environmental Protection and such system shall be further subject to satisfactory provision for the maintenance thereof.

502.8 *Fire Hydrants:*

Whenever a public or community water supply system is provided, fire hydrants suitable for the coupling of equipment serving the Township shall be installed within six hundred (600) feet of all existing and proposed structures, by way of accessible streets (as specified by the Middle Department Association of Fire Underwriters). Locations of hydrants shall be at locations approved by Fire Company officials serving the Township and by the Engineer of the Township.

502.9 *Monuments:*

- a. Monuments shall be accurately placed at the intersection of all lines forming angles and at changes in directions of lines in the boundary (perimeter) of the property being subdivided. The Township Engineer shall inspect the placement of such monuments, and it shall be the responsibility of the Subdivider, or his representative, to notify the Township Engineer after the monuments are placed and before they are covered.
- b. All monuments shall be placed by a registered professional engineer or surveyor so that the scored (by an indented cross or drill hole at not more than one-quarter (1/4) inch diameter in the top of the monument) point shall coincide exactly with point of intersection of the lines being monumented.
- c. Monuments shall be set with their tops level with the finished grade of the surrounding ground, except:
 - 1. Monuments which are placed within the lines of existing or proposed sidewalks shall be so located (preferably beneath the sidewalks) that their tops will not be affected by lateral movement of the sidewalks.
 - 2. Where monuments are located beneath a sidewalk, proper access shall be provided for their use.
- d. All streets shall be monumented at a range line, within the right-of-way lines of the street and five (5) feet distant therefrom and at the following locations:
 - 1. At least one monument at each intersection.
 - 2. At changes in direction of street lines, excluding curb arcs at intersections.
 - 3. At each end of each curved street line, excluding curb arcs at intersections.

4. At such places where topographical or other conditions make it impossible to sight between two otherwise required monuments, intermediate monuments shall be place.
 5. At such other places along the line of streets as may be determined by the Township Engineer to be necessary so that any street may be readily defined in the future.
- e. For subdivision in an agricultural-residential (A-R) zoned district, where the parcels are three (3) acres or more in size, a permanent stone or concrete perimeter monument shall be provided which shall result in one monument per parcel, but with a minimum of three (3).

502.10 *Street Signs:*

Street name signs and traffic flow control signs shall be installed at all street intersections. The design and placement of such signs shall be by the Township, the cost of which shall be borne by the Subdivider.

Section 503 *Recommended Improvements*

The following improvements, intended to enhance the sales value of the subdivision as well as to benefit the Township are recommended:

503.1 *Street Lights:* In accordance with the conditions to be agreed upon by the Subdivider, the Township, and the appropriate public utility, street lights are recommended to be installed in all subdivisions. However, whether or not street lights are initially installed, the developer shall be responsible for providing utility easements for future street lighting installation upon consultation with the public service utility company involved.

503.2 *Shade Trees:* Reasonable efforts should be made by the Subdivider to preserve existing shade trees and, in addition, deciduous hardwood trees with a minimum caliber of one and one-half (1 ½) inches should be provided in accordance with conditions to be agreed upon by the Township, and, if necessary, the appropriate public utility. Where provided, such trees should be planted between the street right-of-way and the building reserve (setback) line at least ten (10) feet from the public street right-of-way. No trees or shrubs shall be planted between the sidewalk, and the right-of-way line.

- a. Any tree planted in commercial or industrial areas shall have a minimum caliber of three (3) inches.
- b. A street tree-planting plan shall be furnished for approval by the Township as to kind, size, and location of trees.

503.3 *Markers:* Metal markers are recommended to be accurately placed at all lot corners.

Section 504 *Improvement Specifications-Mobile Home Parks*

504.1 *Service Buildings*

Each park having dependent mobile home spaces shall be provided with toilets, baths or showers, slop sinks, and other sanitation facilities which shall conform to the following requirements:

- a. Toilet facilities of men and women shall be either in separate buildings at least twenty (20) feet apart, or shall be separated, if in the same building, by a soundproof wall.
- b. Flush toilet shall be placed in conveniently located buildings not more than a distance of two hundred (200) feet from any dependent mobile home. The buildings shall be well lighted at all times, ventilated with screen openings, and constructed of moisture-proof materials, permitting satisfactory cleaning. The floors shall be concrete or similar material, slightly pitched to a floor drain. Toilets shall be enclosed in separate compartments with doors that have the minimum width of two (2) feet eight (8) inches.
- c. Toilet facilities for women shall consist of not less than one (1) flush toilet for every five (5) dependent mobile home spaces, one (1) shower or bath for every five (5) dependent mobile home spaces and one (1) lavatory with hot and cold running water for every five (5) dependent mobile home spaces. Each toilet and bathtub shall be in a private compartment. For independent mobile homes, toilet, shower and bathtub facilities shall be in compliance with the Pennsylvania State regulations pertaining thereto.
- d. Toilet facilities for men shall consist of not less than one (1) flush toilet for every five (5) dependent mobile home spaces, one (1) shower or bathtub for every five (5) dependent mobile home spaces and one (1) lavatory with hot and cold running water for every five (5) dependent mobile home spaces. Each toilet, shower and bathtub shall be in a private compartment. For independent mobile homes, toilet, shower and bathtub facilities shall be in compliance with the Pennsylvania State regulations pertaining thereto.
- e. An independent mobile home may be parked on a dependent mobile home space, but the requirements of subsections (a), (b), (c), and (d) immediately hereinabove specified shall not thereby be affected.
- f. A dependent mobile home may be parked on an independent mobile home space, but in such event, such space shall be regarded as being a dependent mobile home space for the purposes of determining compliance with the provisions of subsections (a), (b), (c), and (d) of this Section 504.
- g. Service buildings housing the toilet facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations, and plumbing and sanitation systems, and shall be located not closer than twenty five (25) feet nor farther than two hundred (200) feet from any dependent home space.
- h. Each service building shall contain at least one (1) slop sink located in a separate compartment.
- i. Each service building shall be well lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of such moisture-proof material including painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68 degrees Fahrenheit during the period from October 1 to May 1. The floors of the service building shall be of water impervious material and shall slope to a floor drain connected with the sewerage system.
- j. All service buildings, mobile homes, mobile home spaces and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any

condition that will be a menace to the health of any occupant or the public or constitute a nuisance.

504.2 *Laundry Facilities*

All mobile home parks shall maintain laundry facilities with the exceptions hereinafter set forth as follows:

- a. Each mobile home park shall contain laundry facilities in a separate building which shall be well-lighted at all times of the day and night, it shall be well ventilated with screened openings, shall be constructed of such moisture proof material including painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68 degrees Fahrenheit during the period of October 1 to May 1. The floors of the laundry building shall be of water impervious material and shall slope to a floor drain connected with the sewerage system.
- b. All laundry facilities shall be in conformity with and comply with all applicable Rules and Regulations of the Pennsylvania Department of Environmental Protection pertaining thereto, and shall contain one washtub, one automatic washer and one automatic dryer, together with adequate hot and cold running water, for each ten (10) dependent mobile home spaces, or fraction thereof, in the mobile home park.
- c. Outside drying space adjacent to the service building housing the laundry facility shall be provided. The outside drying space shall consist of a minimum of fifty (50) square feet for each dependent mobile home space in the mobile home park.
- d. Anything in this Section 504.2 to the contrary notwithstanding a mobile home park need not provide laundry facilities in a separate building nor adjacent drying space if such park contains no dependent mobile home spaces and if each and every independent mobile home in the park is equipped with an automatic washer in good working order and with an automatic dryer in good working order.

If the mobile home park operator desires to obtain, retain or continue a mobile home park license without providing laundry facilities in a separate building, such operator shall have the burden of establishing by competent evidence that there are no dependent mobile home spaces in the mobile home park and that each and every independent mobile home in the mobile home park is, in fact, equipped with an automatic washer in good working order and with an automatic dryer in good working order whenever requested by the Board of Supervisors of Maxatawny Township.

- e. For the purposes of this Section 504.2 only, an automatic washer and/or dryer shall be considered to be in good working order even if the same is temporarily disordered pending repairs.
- f. For the purposes of this Section 504.2 only, an independent mobile home space on which is located an independent mobile home not equipped with an automatic washer in good working order and with an automatic dryer in good working order, shall be considered a dependent mobile home space.

504.3 *Improvement Specifications*

All improvement specifications set forth in these Subdivision Regulations shall apply to and govern mobile home parks except that wherever there is a conflict between the foregoing provisions of this Section 504 and the other provisions of these Regulations, the stricter and more inclusive requirements shall govern.

Section 505 *Improvement Specifications in Flood Hazard Areas*

505.1 No streets shall be laid out in any flood hazard area unless no engineering alternative is practical.

505.2 In those situations where it is engineeringly impractical to place a street outside of a flood hazard area, the elevation of the street in the flood hazard area shall not be lower than two (2) feet below the projected level of a regulatory flood.

505.3 When the subdivision plan provides for the improvement of lots situated within a flood hazard area, the subdivider shall submit a plan and/or documents certified by a registered professional engineer that all structures to be erected in a flood hazard area shall be flood-proofed in the following manner:

- a. Have sufficient structural anchorage to prevent flotation and lateral movements.
- b. Have sufficient additional mass or weight to prevent flotation.
- c. Provide for the use of paints, membraces, or mortars embodied in construction to prevent the seepage of water through walls.
- d. Have sufficient reinforcement of walls to withstand water pressures of a regulatory flood.
- e. Make use of water resistant materials in walls and floors, which lie below the maximum height of a regulatory flood level.
- f. Have water supply and waste treatment systems which shall be constructed to prevent the entrance of flood waters into structures, including valves and controls to prevent the backup of sewerage and storm waters into structures.
- g. Have all electrical circuit breakers and fuse boxes installed and located in a manner, which will assure that they will automatically disconnect all flooded electrical equipment and circuits.
- h. Have all structures orientated and situated so as to offer a minimum obstruction of the floodwater flow of a regulatory flood.
- i. Where material is placed as a means of elevating a structure above the regulatory flood level, have the material used and placed in such a manner that the flood channel for a regulatory flood shall not be reduced by more than five (5) percent by volume.
- j. Have the banks of all such fill protected against flood velocity and wash by a masonry rip-rap or suitable substitute.

**ARTICLE VI
DEFINITIONS**

Section 601 *Tense, Gender and Number*

Words in the singular include the plural and those in the plural include the singular; words in the present tense include the future tense; words used in the masculine gender include the feminine and neuter.

Section 602 *General Terms*

The words “person”, “subdivider”, and “owner” include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual. The word “street” includes thoroughfare, avenue, boulevard, court, expressway, highway, lane, arterial, and road. The word “building” includes structures and shall be construed as if followed by the phrase “or part thereof.” The word “watercourse” includes channel, creek, ditch, drain, dry run, spring, and stream. The words “should” and “may” are permissive; the words “shall” and “will” are mandatory and directive.

Section 603 *Terms or Words not Defined*

Where terms or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

Section 604 *Specific Terms*

The following words used herein, unless otherwise expressly stated, shall have the following meanings:

Alley: See “Service Street”

Architect: A licensed architect in the Commonwealth of Pennsylvania.

Block: A tract of land, a lot, or groups of lots, bounded by streets, public parks, railroad right-of-way, water courses, boundary lines of the Township, unsubdivided land or by any combination of the above.

Building: Any combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended, or arranged for the housing, sheltering, enclosure, or structural support of persons, animals, or property of any kind.

Building Reserve Line: The line within a property defining the minimum required distance between any building to be erected and an adjacent right-of-way. Such line shall be measured at right angles from the front street right-of-way line which abuts the property upon which said building is located and shall be parallel to said right-of-way.

Cartway (Roadway): The portion of a street right-of-way paved or unpaved, intended for vehicular use.

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

County: The County of Berks, Commonwealth of Pennsylvania.

County Planning Commission: The Berks County Planning Commission.

Crosswalk (Interior Walk): A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or access a block to another street.

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

Developer: See “Subdivider”.

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

Easement: 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 lessee or owner of the property shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

Endorsement: The application of the reviewing and/or approving authority’s stamp and the signatures of the appropriate authority on the Record Plan.

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

Flood: A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Flood Frequency: The average frequency, statistically determined, for which it is expected that a specific flood level or discharge may be equaled or exceeded.

Flood Hazard Area: An area, which will be, or can be expected to be, inundated by a regulatory flood.

Independent Mobile Home: Independent Mobile Home means a mobile home that has a toilet and a bath or shower.

Independent Mobile Home Space: Independent Mobile Home Space means a mobile home space, which has power and water connections, designed to accommodate the toilet and bath or shower contained in an independent mobile home.

Landscape Architect: A licensed landscape architect in the Commonwealth of Pennsylvania.

Lot: A tract or parcel of land, regardless of size, intended for transfer of ownership, use, lease, or improvements or for development, regardless of how it is conveyed. Lot shall also mean parcel, plot, site, or any similar term.

Lot Area: The area contained within the property lines of a lot excluding space within all streets and within all permanent drainage easements, but including the areas of all other easements.

Marker: A metal pipe or pin of at least ½” in diameter (preferred ¾” or 7/8”) and at least 24” in length (preferred 30” to 36”).

Monument: A stone or concrete monument with a flat top at least 4” in diameter or square and at least 24” in length (preferred 30” to 36”). Stone monument shall contain an indented cross or ¼” drill hole. Concrete monuments shall contain a copper or brass dowel (plug). It is recommended that the bottom sides or radius be at least 2” greater than the top, to minimize movements caused by frost.

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pike, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, fence, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Official Plans: The Comprehensive Development Plan and/or Official Map and/or Topographical Survey and/or such other Plans, or portions thereof, as may have been adopted by the Township Supervisors pursuant to statute, for the area of the Township in which the subdivision is located.

Open Space Area: Open Space Area shall be that part of a mobile home park not included within the street areas, parking areas, lot areas or areas occupied by service buildings thereof.

Permanent Mobile Home: Permanent mobile home shall mean any mobile home, which will remain in a mobile home park for a period in excess of two months.

Planning Commission or Township Planning Commission: The Planning Commission of Maxatawny Township.

Reach: A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach describes the segment of the flood hazard area where flood heights are influenced by a manmade or natural obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would typically constitute a reach.

Record Plan: The linen copy of the Final Plan which contains the original endorsements of the Township Planning Commission, Township Supervisors, Township Engineer and which is intended to be recorded with the County Recorder of Deeds.

Regulatory Flood: A flood which is representative of large floods known to have occurred in the area and reasonably characteristic of what can be expected to occur in a particular stream. The regulatory flood has a frequency of one hundred (100) years determined from an analysis of floods on the particular stream and other streams in the same general region.

Regulatory Flood Protection Elevation: The elevation to which uses regulated by ordinance are required to be elevated or flood-proofed.

Resubdivision: Any replatting or resubdivision of land, limited to changes in lot lines on the approved Final Plan or Recorded Plan as specified in Article II, Section 211, of these regulations. Other plattings shall be considered as constituting a new subdivision of land. See "Subdivision."

Reverse Frontage Lot: A lot extending between and having frontage on two generally parallel streets, (excluding service streets), with vehicular access solely from one street.

Review: Whenever the County Planning Commission possesses such review jurisdiction, the action of review shall not limit the appropriate authorities of the Township in their ultimate and final decisions.

Right-of-Way: The total width of any land reserved or dedicated as a street, alley, crosswalk, or for other public or semi-public purposes.

Roadway: See "Cartway".

Sanitary Sewage Disposal, On-Site: Any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.

Sanitary Sewage Disposal, Community: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plant, generally serving a neighborhood area.

Sanitary Sewage Disposal, Public: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

Septic Tank: A covered watertight monolithic concrete settling tank in which raw sewage is biochemically changed into solid, liquid, and gaseous states to facilitate further treatment and final disposal.

Service Building: Service building shall mean a building housing both toilet facilities with a slop water closet, and with separate bath and shower accommodations.

Sight Distance: The required 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. Sight distance measurements shall be made from a point 4.5' above the centerline of the road surface to a point 0.5' above the centerline of road surface.

Soil Percolation Test: A field test conducted to determine the suitability of the soil for on-site sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

Street: A strip of land, including the entire right-of-way (not limited to the cartway), intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot. Streets are further classified as follows:

- (a) *Minor Street:* A street used primarily to provide access to abutting properties.
- (b) *Cul-de-Sac Street:* A minor street intersecting another street at one end and terminating at the other end by a permanent vehicular turn-around.
- (c) *Half (Partial) Street:* A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.
- (d) *Marginal Access Street:* A minor street, parallel and adjacent to a major street (but separated from it by a reserve strip) which provides access to abutting properties and controls intersections with the major street.
- (e) *Collector Street:* A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route and gives access to community facilities and/or other collector and major streets. (Streets in industrial, multi-family, and commercial subdivisions shall generally be considered collector streets.)
- (f) *Major Street:* A street serving a large volume of comparatively high-speed and long-distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.
- (g) *Service Street (alley):* A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.

Structure: Any material or a combination of materials which are constructed or erected, the use of which requires location on the ground, or attached to something located on the ground, including by way of illustration and not of limitation, buildings, factories, sheds, dwelling houses, garages, wharves, piers, and walls.

Subdivider: Any individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit (or agent authorized thereby) which undertakes the subdivision or development of land.

Subdivision:

(a) "Subdivision" is hereby defined as the division of a lot, tract or parcel of land or a part thereof, over any period of time, into two or more lots, tracts, or parcels of land, either by lots, or metes and bounds, including changes in street lines or lot lines for the purpose, immediate or future, of conveyance, transfer of ownership, lease, improvement or sale.

(b) A subdivision as defined above includes division of a parcel of land having frontage on an existing street into two or more parcels having frontage on the existing street.

(c) For the purpose of these regulations, division of land for agricultural purposes in parcels of more than ten (10) acres, and not involving any new street or easement of access shall not be deemed a subdivision.

(d) The term subdivision shall also include any development of a parcel of land (including industrial parks, mobile home pars, shopping centers, or a multi-family project) which fronts on existing streets or involves installation of new streets and/or service streets, even though the streets and/or service street might not be dedicated to public use and the parcel might not be divided immediately for purposes of mortgage, conveyance, transfer, or sale, or even though the owner does not transfer legal or equitable title.

(e) The term subdivision includes resubdivision.

(f) The term subdivision shall refer, as appropriate in these regulations, to the process of subdividing land or to the land proposed to be subdivided.

Surveyor: A licensed surveyor registered by the Commonwealth of Pennsylvania.

Tile Disposal Field: A system of open jointed or perforated pipes laid on the upper strata of the soil to distribute sewage effluent into the soil for absorption and evaporation.

Township: Maxatawny Township, Berks County, Pennsylvania.

Township Supervisors: The Supervisors of Maxatawny Township, Berks County, Pennsylvania.

Township Engineer: A duly registered professional engineer employed by the Township or engaged as a consultant thereto or his duly authorized representative.

Township Solicitor: The solicitor appointed by the Township's Supervisors or his duly authorized representative.

Township Zoning Officer: The agent of official designated by the Township Supervisors to administrate and enforce the Township Zoning Ordinance.

Transient Mobile Home: Transient Mobile Home shall mean any mobile home, which will remain in a mobile home park for a period of time not to exceed two months.

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

Water Distribution System, Community: A system for supplying and distributing water from a common source to two or more dwellings and/or buildings within a single neighborhood.

**ARTICLE VII
ADMINISTRATION, AMENDMENT, SEVERABILITY**

Section 701 *Revision and Amendment*

701.1 The Township Supervisors may, from time to time on their own motion revise, modify, or amend these regulations in order to increase their effectiveness or to expedite the approval of subdivision Plans.

701.2 Any revisions, modifications, or amendments to these regulations shall be made in accordance with the procedures established by law, after a public hearing on the proposed revisions, modifications or amendments, held pursuant to public notice in accordance with the provision of the Pennsylvania Municipalities Planning Code.

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

Section 702 *Modifications*

The provisions of these regulations are intended as minimum standards for the protection of the public health, safety, and welfare of the residents and inhabitants of the Township. The Township reserves the right in unusual situations, to modify or to extend them conditionally in individual cases as may be necessary in the public interest, provided, however, that such variation shall not have the effect of nullifying the intent and purpose of these regulations. The list of such modifications and the reason for them shall be entered in the minutes of the Township Planning Commission or Township Supervisors, and a copy of this entry shall be transmitted to the Township Secretary. Modifications shall be clearly defined and entered on the Record Plan and signed by the Chairman of the Township Board of Supervisors.

Section 703 *Appeals*

Any person aggrieved by action of the Township Planning Commission or Township Supervisors may appeal within thirty (30) days directly to the Court of Common Pleas of Berks County in accordance with and in a manner prescribed by the Pennsylvania Municipalities Planning Code.

Section 704 *Fees*

704.1 The Township Supervisors shall establish by resolution a collection procedure and Schedule of Fees to be paid by the Subdivider at the time of filing a Preliminary Plan.

704.2 The Fee Schedule shall be posted in the Township Office or in such other place as the Township Supervisors may designate. A copy of the Fee Schedule shall be given to the Subdivider upon request.

704.3 In the event the Subdivider is required to pay additional fees at the filing of the Final Plan, such fees shall be collected by the Township Secretary prior to distributing the Final Plan. There shall be no refund or credit of any portion of the fee should the Subdivider fail to apply for final approval within the required period of time or if the Final Plan covers only a section for which Preliminary Approval has been obtained.

704.4 No Final Plan shall be released unless all fees and charges have been paid in full.

Section 705 *Enforcement*

- 705.1 The Supervisors shall appoint one or more persons to enforce the provisions of this Ordinance.
- 705.2 The Township shall have the right to enter and inspect the actual construction site for any approved Subdivision or Land Development Plan and take such reasonable measures as it deems necessary to provide for the inspection of such projects, including the appointment of an engineer or other agent to act on behalf of the Township.
- 705.3 Any action inconsistent with the provisions of this Ordinance shall be subject to a cease and desist order and other appropriate measures by the Township's appointed official or Code Enforcement Officer as provided within the requirements of the Pennsylvania Municipalities Planning Code.

Section 706 *Penalties.*

- 706.1 Any person, partnership or corporation who or which has violated any provision of this Ordinance shall upon being found liable therefore in a proceeding commenced by the Township's Civil/Criminal Enforcement procedures in a manner determined pursuant to that Ordinance and shall request payment of monies/fines in addition to all court costs, including attorneys and engineering fees incurred by the municipality as a result thereof, unless a higher penalty is established under State law. This shall include, but not be limited to, any person, partnership or corporation that accomplishes any act listed under Section 104 of this Ordinance.
- 706.2 The description by metes and bounds alone shall not constitute a survey for purposes of instrument of transfer or other document used in the process of selling or transferring and shall not exempt the seller or transferor from such penalties or from the remedies provided herein.
- 706.3 If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil and/or summary procedure. Each day that a violation continues shall constitute a separate violation, as set forth in the Township's Civil/Criminal Enforcement Ordinance.

Section 707 *Keeping of Records*

The Township Planning Commission and the Township Supervisors shall keep a record of their findings, decisions, and recommendations relative to all subdivision Plans for review. Such records shall be made available to the public for review.

Section 708 *Responsibility*

The Subdivider shall be responsible for observing the procedures established in this Ordinance and for submitting all Plans and documents as may be required.

Section 709 *Conflicts*

- 709.1 Whenever there is a difference between the minimum standards specified herein and those included in other Township Ordinances or regulations the more stringent requirements shall apply.
- 709.2 All existing ordinances or regulations or parts thereof, which are contrary to the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 710 *Warning and Disclaimer of Liability*

- 710.1 The degree of flood protection required by the provisions of this Ordinance is reasonable for regulatory purposes and is based upon engineering and scientific studies and determinations. Larger floods may occur on rare occasions and structures erected, enlarged, or added to in accordance with the provisions of this Ordinance, may nevertheless, suffer damage or destruction. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. The provisions of this Ordinance shall not be construed to create liability on the part of the Township of Maxatawny or any officer or employee thereof for any flood damages that result from the reliance on the provisions of this Ordinance, or any administrative decision lawfully or reasonably made thereunder.
- 710.2 Any review of activity within the floodplain, Site Plan review, subdivision or land development approval, erosion control review, wetland delineation review, stormwater runoff review, review of activity on steep slopes, or any other review, approval or permit under this Ordinance by an officer, employee, Board, commission, solicitor, consultant or agency of the Township shall not constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, boards, solicitor (s), consultants or agencies of the practicality or safety of any structure, use or subdivision, and shall create no liability upon nor cause of action against such entity or person for any damage that may result pursuant thereto.
- 710.3 If the Zoning Officer or Codes Enforcement Officer mistakenly issues a permit under this Ordinance, the Township shall not be liable for any later lawful withdrawal of such permit.

Section 711 *Minimum Requirements*

Restrictions and regulations promulgated in this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Township of Maxatawny and shall not be deemed a limitation or repeal or abrogation on any powers vested in the Township.

Section 712 *Appeals to Courts*

Decisions of the Supervisors may be appealed in accordance with the Municipalities Planning Code, as amended, to the Berks County Court of Common Pleas. Likewise, the Board of Supervisors is not prohibited from filing a civil action in either law or equity, seeking injunctive relief for any violation of this Ordinance. Violations of this Ordinance shall be considered immediate and irreparable harm.

Section 713 *Professional Certification*

All Plans shall comply with the applicable Commonwealth of Pennsylvania professional certification laws, including the State Professional Engineers Registration Law, Engineer, Land Surveyor and Geologist Registration Law and the Landscape Architect's Registration Law.

**ARTICLE VIII
FLOOD PLAIN DISTRICTS**

Section 804 *Application Procedures and Requirements*

804.1 *Pre-Application Procedures*

- a. Prior to the preparation of any plans, it is suggested that prospective developers consult with the Pennsylvania Department of Environmental Protection concerning soil suitability when on-site sewage disposal facilities are proposed.
- b. 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.

804.2 *Preliminary Plan Requirements*

The following information shall be required as part of the Preliminary Plan and shall be prepared by a registered engineer or surveyor:

- a. Name of engineer, surveyor, or other qualified person responsible for providing the information required in this section.
- b. A map showing the location of the proposed subdivision and/or land development with respect to any designated flood plain district including information on the one hundred (100) year flood elevations.
- c. Where the subdivision and/or land development lies partially or completely within any designated flood plain districts or where such activities border on any designated flood plain district, the Preliminary Plan map shall include the following information:
 - 1. The location and elevation of proposed roads, utilities, and building sites, fills, flood or erosion protection facilities.
 - 2. The one hundred (100) year flood elevations.
 - 3. Areas subject to special deed restrictions.

All such maps shall show contours at intervals of two (2) or five (5) feet depending upon the slope of the land and identify accurately the boundaries of the designated flood plain districts.

804.3 *Final Plan Requirements*

The following information shall be required as part of the Final Plan and shall be prepared by a registered engineer or surveyor:

- a. All the information required for the submission of the Preliminary Plan incorporating any changes requested by the Township of Maxatawny.
- b. 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 district. All such maps shall show contours at intervals of two (2) feet and identify accurately the boundaries of the flood-prone areas.

Submission of the Final Plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Protection, 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 of the proposed alteration or relocation. The Department of Community and Economic Development, and the Federal Insurance Administrator shall also be notified whenever any such activity is proposed.

Section 805 *Design Standing and Improvements in Designated Flood Plain Districts*

805.1 *General*

- a. Where not prohibited by this or any other laws or ordinances, land located in any designated flood plain district may be platted for development with the provision that the development construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulation such development.
- b. Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any designated floodway district. Sites for these uses may be permitted outside the floodway district if the sites or dwelling units are elevated up to the Regulatory Flood Elevation. If fill is used to raise the elevation of a site, the fill area shall extend out laterally for a distance of a least fifteen (15) feet beyond the limits of the proposed structures.
- c. Building sites for structures or buildings other than for residential uses shall also not be permitted in any designated floodway district. Also, such sites for structures or buildings outside the floodway shall be protected as provided for in “b” above. However, the governing body may allow the subdivision and/or development of areas or sites for commercials 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 floodproofed at least up to that height.
- d. If the Township of Maxatawny determines that only a part of the proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.
- e. When a developer does not intend to develop the plat himself and the Township of Maxatawny 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 plat.

805.2 *Excavation and Grading*

Where any excavation or grading is proposed or where any existing trees, shrubs, or other vegetative cover will be removed, the developer shall consult the County Conservation District representative concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site so that a determination can be made as to the type and degree of development the site may accommodate. Before undertaking

any excavation or grading, the developer shall obtain a Grading and Excavating Permit if such is required by the municipality.

805.3 *Drainage Facilities*

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites.

Plans shall be subject to the approval of the Township of Maxatawny. The Township of Maxatawny 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.

805.4 *Streets*

The finished elevation of proposed streets shall not be more than one (1) foot below the Regulatory Flood Elevation. The Township of Maxatawny may require, where necessary, profiles and elevations of streets to determine compliance with the requirements. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

805.5 *Sewer Facilities*

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

- a. The Township of Maxatawny shall prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics or are proposed for location in designated flood plain districts. The Township of Maxatawny may require that the developer note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas.
- b. The Township of Maxatawny may prescribe adequate methods for waste disposal. If a sanitary sewer system is located on or near the proposed subdivision and/or land development, the Township of Maxatawny shall require the developer to provide sewage facilities to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.

805.6 *Water Facilities*

All water systems located in any designated flood plain districts, whether public or private, shall be floodproofed up to the Regulatory Flood Elevation. If there is an existing public water supply system on or near the subdivision, the Township of Maxatawny shall require the developer to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.

805.7 *Other Utilities and Facilities*

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

Section 806 *Definitions*

1. *Building* – a combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers used for human habitation.
2. *Designated flood plain district* – those flood plain districts specifically designated in the Township of Maxatawny. Zoning Ordinances as being inundated primarily by the one hundred (100) year flood. Included would be areas identified as the Floodway District (FW), the Flood-Fringe District (FF), and the General Flood District (FA).
3. *Developer* – any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or cause to be made a subdivision of land or a land development and the subdivision of land.
4. *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.
5. *Dwelling* – a building designed and constructed for residential purposes in which people live.
6. *One hundred (100) year flood* – a flood that, on the average, is likely to occur once every one hundred (100) years, (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year).
7. *Regulatory flood elevation* – the 100-year flood elevation plus a freeboard safety factor of one and one-half (1 ½) feet.
8. *Structure* – anything constructed or erected on the ground or attached to the ground, including but not limited to, buildings, factories, sheds, cabins, mobile homes, and other similar items.
9. *Subdivision* – the division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other division of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development: Provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

Section 900 *Severability*

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance, are hereby repealed insofar, but only insofar, as the same are inconsistent herewith

Section 1000 *Effective Date*

The Ordinance shall become effective five (5) days after the same shall have been approved by the Township Supervisors and approved by the Chairman of the Board of Township Supervisors.

ORDAINED and ENACTED as an Ordinance by the Board of Supervisors of the Township of Maxatawny, Berks County, Pennsylvania, in lawful session duly assembled this 9th day of May, 2007.

BOARD OF SUPERVISORS OF MAXATAWNY
TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

Carl E. Zettlemoyer, Chairman

Allen L. Leiby, Supervisors

Gayle P. Sanders, Supervisors

Attest:

K. Ray Stauffer, Secretary