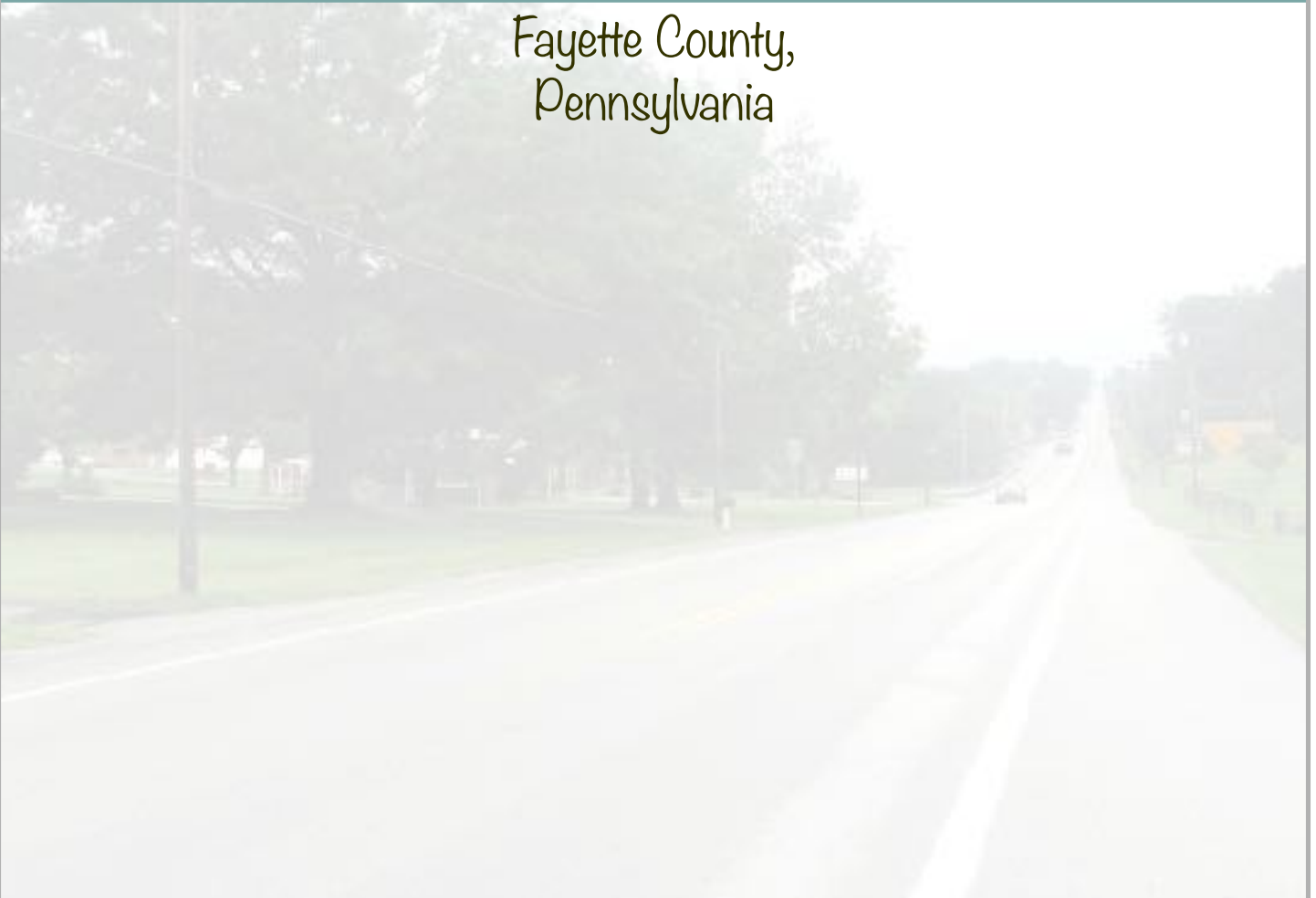


Menallen Township Subdivision and Land Development Ordinance

Fayette County,
Pennsylvania



Enacted November
2010

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§ 100. Short Title. This Ordinance shall be known and may be cited as the “Menallen Township Subdivision and Land Development Ordinance.”

§ 101. Enactment. This Ordinance has been enacted in conformance with the provisions of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

§ 102. Contents. This Ordinance contains regulations which include, but are not limited to, the following:

§ 102.1 Provisions for the submittal and processing of plats for subdivision and land developments, and the specifications for such plats, including provisions for tentative sketch, preliminary, and final plan processing and approvals, and for processing of final approval by phases of development.

§ 102.2 Provisions governing the standards by which streets shall be graded and improved, and walkways, curbs, gutters, streetlights, fire hydrants, water, sewage, storm drainage facilities, and other improvements shall be installed as conditions prior to formal approval of plats.

§ 103. Purposes. The following are the purposes of this Ordinance:

§ 103.1 To ensure that development within the Township will be orderly, efficient, integrated, and harmonious.

§ 103.2 To ensure that the layout and arrangement of subdivision or land developments shall conform to the Townships of Franklin, Jefferson, Menallen, and Perry Multi-Municipal Comprehensive Plan and to any regulations, maps, studies, and reports adopted in furtherance thereof.

§ 103.3 To ensure that streets in and bordering a subdivision or land development shall be coordinated, and be of such widths, grades, and in such locations as deemed necessary to accommodate prospective traffic and parking, and to facilitate fire and emergency services protection.

§ 103.4 To require adequate appropriately located easements or rights-of-way for utilities and storm drainage facilities.

§ 103.5 To ensure that any lands offered for dedication or otherwise reserved for use as public or common grounds shall be of suitable size, configuration, and topographical character for their designated uses.

- § 103.6 To ensure conformance of subdivision and land development proposals with the availability of municipal services and public facilities, and the coordination of inter-municipal programs where feasible.
- § 103.7 To preserve lands subject to inundation or flooding from subdivisions or land developments which would endanger life or property or further aggravate or increase existing flooding or inundation conditions.
- § 103.8 To encourage and promote flexibility, economy, and ingenuity in the layout and design of subdivision and land developments, including provisions authorizing the Township to modify the requirements of this Ordinance in accordance with concepts and practices consistent with the modern and evolving generally accepted principles of site planning and land development.
- § 103.9 To encourage alternative routes of travel for pedestrian and bicycle use in open space areas away from vehicular routes and to provide standards for development of these routes.
- § 103.10 To provide equitable handling of all subdivisions and land development proposals by providing uniform procedures and standards.
- § 103.11 To encourage subdivisions and land developments in accordance with principles and practices that conserve energy, both during and after construction and that encourage the use of alternative energy sources by the layout of the proposal and the siting of buildings.

§ 104. Authority.

§ 104.1 Authority of Menallen Township Supervisors. The Board of Supervisors of Menallen Township is vested by law with the control of the subdivision of land and land development within the municipal limits by the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended. The Supervisors shall retain the authority to approve all subdivision plans and land development plans as required herein.

§ 104.2 Authority of the Township Planning Commission. The Township Planning Commission is hereby designated by the Menallen Township Board of Supervisors as the agency that shall review and make recommendations on preliminary and final subdivision and land development plans as required herein, prior to action by the Board of Supervisors, and, when provided by ordinance, make other recommendations.

§ 104.3 Authority of the Plan Review Board. The Plan Review Board is hereby designated by the Board of Supervisors as an agency that shall review Sketch Plans as part of an informal process before the submission of any Preliminary Plan. Recommendations made by this Board to any potential applicant are non-binding but are strongly encouraged in order to facilitate an efficient Preliminary and Final Plan submission process and eliminate major concerns of both the Township and applicant.

- A) The Plan Review Board shall consist of the Township Zoning Officer, the Township Engineer, two (2) Planning Commission members, and one (1) representative from the Township Board of Supervisors
- B) The Zoning Officer, in his or her discretion, may request the Township Planning Commission or any other Township official or agency to review the application and make recommendations thereof.

§ 105. Subdivision and Land Development Control.

§ 105.1 Subdivision of a Lot or Construction, Opening, or Dedication of a Street. No subdivision or land development of any lot, tract, or parcel of land shall be made, and no street, alley, sanitary sewer, storm drain, water main, gas, oil or electric transmission line, or other improvements in connection therewith, shall be laid out, constructed, or dedicated for public use or travel, or for the common use of occupants of a building abutting thereon, except in strict accordance with this Ordinance.

§ 105.2 Sale of Lots, Issuance of Building Permits, or Erection of Buildings. No lot in a subdivision or land development may be sold, and no permit to erect or alter any building upon land in a subdivision or land development will be issued unless and until a subdivision and / or land development plan has received final approval, and where required, recorded, and until the required improvements in connection therewith have either been constructed or guaranteed for construction in the form of a bond, escrow, or other means suitable to the Township Supervisors and approved by the Township Engineer and Solicitor, in accordance with the laws of the Commonwealth of Pennsylvania.

§ 105.3 Condominiums. No provisions of this Ordinance shall be construed to prohibit ownership as permitted by the applicable enabling legislation of the Commonwealth of Pennsylvania.

§ 106. Applicability of Regulations

§ 106.1 Approval Required. Approval in accordance with this Ordinance shall be required for:

- A) Any land development, as defined by this Ordinance.
- B) Any subdivision, as defined by this Ordinance.

§ 106.2 Compliance Required. No lot in a subdivision or land development may be leased, transferred or sold and no permit to erect, alter, repair or occupy any building or use any land in any subdivision or land development may be issued until such subdivision or land development has been approved and properly recorded and until such public and/or private improvements as required by this Ordinance shall have been constructed or guaranteed.

§ 106.3 The description by metes and bounds in an instrument of transfer or other documents used for selling or transferring property shall not exempt the seller or transferor from complying with the requirements of this Ordinance.

§ 107. Interpretation. The provisions of this Ordinance shall be the minimum requirements to meet the above-stated purposes. Where the provisions of this Ordinance impose greater restrictions than those of any other statute, ordinance, or regulations, then the provisions of this Ordinance shall prevail. Where the provisions of any other statute, ordinance, or regulations impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance, or regulations shall take precedent.

§ 200. Interpretations. All words used in this Ordinance shall carry their customary definitions as provided in the most recent edition of Webster's Collegiate Dictionary, except where specifically defined herein. The word "person" includes a corporation, association, partnership, or individual. The words "shall" and "will" are mandatory; the word "may" is permissive. Words used in the present tense include the future tense. Words in the masculine gender shall include the feminine gender. The singular number shall include the plural, and the plural shall include the singular.

§ 201. Definitions. As used in this Ordinance the following terms shall have the meanings indicated:

ALLEY: A public or privately owned right-of-way, on which no new dwellings, stores, or other principal buildings are intended to front serving as the secondary means of access to two or more properties.

AMENITIES BOND: Surety, in a form acceptable to the Township that includes cash, a certified check, a letter of credit or a corporate performance bond from a Pennsylvania licensed surety company which guarantees the satisfactory completion of those private improvements in a subdivision or land development plan which are required by this Ordinance or are voluntarily proposed by the developer.

APPLICANT: A landowner or developer who has filed an application for a subdivision or land development, including his heirs, successors, and assigns.

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

APPOINTING AUTHORITY: The Board of Supervisors of Menallen Township.

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

ARCHITECT: An individual registered by the Commonwealth of Pennsylvania and certified by the American Institute of Architects (AIA) as a licensed architect.

BASE FLOOD: The flood that has a 1-percent probability of being equaled or exceeded in any given year (also referred to as the 50-year, 100-year, or 500- year floodplains).

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BEST MANAGEMENT PRACTICES: Methods, measures or practices and facilities to prevent or reduce surface runoff and/or water pollution, including but not limited to, structural and non-structural stormwater management practices and facilities and operation and maintenance procedures.

BLOCK: An area, divided into lots, and usually bounded by streets.

BOARD OF SUPERVISORS: The elected governing body of the Township; also referred to as the Supervisors.

BUFFER AREA: A strip of land adjacent to the boundary of a property or district, not less in width than is designated in this Ordinance, that is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material and within which no building or structure is permitted except a wall, fence or sign in compliance with this Ordinance.

BUILDING: Any structure having enclosed walls and a roof and requiring a permanent location on the land, including but not limited to, all mobile homes and trailers.

BUILDING CODE OFFICIAL: A construction code official, or the building code official's designee, who manages, supervises and administers the building code enforcement activities (relating to certification category specifications). Duties include but are not limited to management of building code enforcement activities; supervision of building inspectors or plan examiners; authorizing issuance of certificates of occupancy; issuance of building permits, violation notices and orders to vacate; and the initiation of prosecutions.

CANOPY TREE: Large, shade trees with deciduous foliage (leaves lasting only one growing season, bare in winter), generally reaching at least forty (40) feet in height at maturity.

CALIPER: Diameter measurement of a tree taken six (6) inches above the ground up to and including four (4) inches caliper size, and twelve (12) inches above the ground for larger sizes. Caliper of trees is a standard measurement used in the grading of nursery stock.

CARTWAY: That portion of the street right-of-way that is surfaced for vehicular use, excluding shoulders, sidewalks, and curbs.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street intersections, defined by lines of sight between points at a given distance from the intersections of centerlines of streets.

COMPREHENSIVE PLAN: the current, officially adopted comprehensive plan for the Township, including all other amendments thereto.

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

CONSERVATION SUBDIVISION: A residential development in a rural setting characterized by compact lots and common Open Space, and where the natural features of the land are maintained to the greatest extent possible.

CONSOLIDATION: The combination of two (2) or more lots, tracts or parcels of land into one (1) lot, tract or parcel for the purpose of sale, lease or development of a building or lot.

COUNTY: Fayette County, Pennsylvania.

COUNTY PLANNING COMMISSION: The Office of Planning, Zoning, and Community Development of Fayette County, Pennsylvania.

CROSSWALK: A publicly or privately owned right-of-way for pedestrian use extending from one curb to the opposite curb across a public or private street cartway.

CUL-DE-SAC: A street closed at one end with a vehicular turn around provided at the closed end.

CUT: The extraction of previously undisturbed earth material in the process of grading.

DBH or dbh: Diameter at breast height; a measure of trunk diameter in inches, taken at four and a half (4 ½) feet above the ground. The measured section should be unbranched and representative of the typical age of the tree species. Dbh measurement is applied to existing trees (compared to caliper used for nursery stock).

DEP: The Pennsylvania Department of Environmental Protection.

DETENTION: The prevention of, or to prevent, the discharge, directly or indirectly, of a given volume of stormwater runoff into surface waters by temporary storage.

DETENTION BASIN: An impoundment designed to collect and retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. Detention basins are designed to drain completely shortly after any given rainfall event and are dry until the next rainfall event.

DEVELOPABLE LAND: That land proposed for development that excludes there from all portions thereof:



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1. Dedicated or to be dedicated or devoted for use as public or private streets,
2. Dedicated or to be dedicated or devoted to use as public or private improvements, including but not limited to stormwater management facilities,
3. Defined by the Pennsylvania Department of Environmental Protection as wetlands,
4. Defined by appropriate Federal or State agencies as being within a 100-year floodplain and
5. Having a slope in excess of twenty-five percent (25%).

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

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

DEVELOPMENT AGREEMENT: A written agreement between the Developer and the Township setting forth the Developer's obligations pursuant to applicable Township ordinances.

DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT: Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

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

DOUBLE FRONTAGE LOT: A lot having two (2) or more of its non-adjointing property lines abutting a street or streets, usually having front and rear street frontage.

DRAINAGE: The removal of surface water or groundwater from the land by drains, grading or other means, such as retention or detention basins, including control of runoff to minimize erosion and sedimentation during

after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

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

DRAINAGE EASEMENT: A right granted by a landowner to a grantee allowing the use of a private land for stormwater management purposes.

DRIVEWAY: An impervious surface for vehicular access to a building, garage, parking facility or other vehicular facility, lot or parcel of land.

DRIVEWAY, PRIVATE: A private vehicular passageway providing access between a street and a private parking area or private garage

DWELLING: A building designed exclusively for residential purposes for one or more persons on a permanent basis. For the purposes of this Ordinance, the following are the definitions of the various types of dwelling units:

1. Single Family (Detached): A building designed for and occupied exclusively as a residence for only one family and not attached to any other building or dwelling units.
 2. Single Family (Attached): A dwelling unit having its own independent outside access, with no other dwelling units located directly and totally above or below it, and having party walls in common with at least one adjacent similar dwelling unit, and located in a building comprised of at least three dwelling units. This dwelling type shall include, but not be limited to, dwelling units commonly known as townhouses, rowhouses, patio homes, carriage homes, and villas. The units do not share any common egress or ingress.
 3. Condominium: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Pennsylvania Unit Property Act of 1963 or the Pennsylvania Uniform Condominium Act.
 4. Multi-Family: A detached residential building containing three or more dwelling units. Units are generally located entirely above or below one another. Units may share outside access and/or internal hallways, lobbies, and similar facilities. The dwelling units cannot be individually lotted, but instead share the lot or tract on which the building containing them is located. The development is usually under one operating unit, as rental or condominium development.
This dwelling
-

type includes garden apartments, flats, and multifamily conversions. It does not include townhouses or patio homes.

5. Duplex: A detached building containing two dwelling units, either one above the other or attached side-by-side. Separate ingress and egress is provided to each unit but there may be a shared front egress into a foyer or entryway.

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

EASEMENT: A public or private right of use over the property of another.

1. Conservation Easement: An easement precluding future or additional development of the land for the purpose of protecting or preserving natural features.
2. Utility Easement: A right-of-way granted for limited use of land for public or quasi-public purpose.

ENGINEER: A professional engineer licensed as such by the Commonwealth of Pennsylvania.

EROSION: The removal of surface materials by the action of natural elements.

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

EVERGREEN TREE: A woody plant capable of reaching a minimum mature height of twenty (20) feet; with foliage (needles) persistent for more than one full year, resulting in year-round (evergreen) foliage screening capacity.

FEE: The required charge, which shall be payable to the Township, established from time to time by resolution of the Commission collected to defray the costs of processing an application, reviewing an application or inspecting the installation of improvements.

FEMA: Federal Emergency Management Agency

FILL: Any act by which earth, sand, gravel, rock or any other material is placed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface, including the conditions resulting there from; the difference in elevation between a point on the original ground and a designated point of higher elevation on the finished grade; the material used to make a fill.

FINAL APPLICATION: The written and graphic materials specified by this Ordinance to be submitted to the Township in order to obtain final approval of a proposed subdivision or land development plan.

FINAL PLAT: The map or plan of a proposed subdivision or land development containing all the information required by this Ordinance for final plat approval and in a form acceptable for recording in the Office of the Fayette County Recorder of Deeds and the Menallen Township Board of Supervisors.

FLOOD: A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, or other waters of this Commonwealth.

FLOOD INSURANCE RATE MAP (FIRM): A map of the municipality on which FEMA has delineated both the special flood hazard areas and the flood risk premium zones applicable to the Township.

FLOOD PRONE AREA: Any land area susceptible to being inundated by floodwater from any source.

FLOODPLAIN: The lands adjoining a river or stream that have been, or may be expected to be, inundated by floodwaters in a 100-year frequency flood.

FLOODWAY: The channel of a watercourse and portions of the adjoining floodplains which are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100- year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

FRONT BUILDING LINE: A line parallel to the front lot line, at a distance measured perpendicular therefrom as prescribed in the Zoning Ordinance for a required yard. Where there is no required yard then the lot line shall be the front building line.

GRADE, NEW OR FINISHED: The resulting level of the ground after final grading where there is a cut, and after normal settlement where there is a fill.

GRADING AND DRAINAGE PLAN: A plan showing all existing ground features and proposed grading, including existing and proposed surface and subsurface draining facilities, described by grades, contours, and topography.

GROUND COVER: Low growing plant materials planted in a manner to provide continuous plant cover of the ground surface; lawn, ivy and other low plant materials are included. Nonplant ground cover may also include

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chips, gravel, and stone provided they are maintained as a continuous previous cover.

GROUNDWATER RECHARGE: The replenishment of existing natural underground water supplies from rain or overland flow.

HEDGEROW: A narrow linear vegetated area with a mix of woody trees and shrubs formed along farm fields and pastures.

IMPERVIOUS SURFACE: A surface that prevents the infiltration of water into the ground. Impervious surfaces include, but are not limited to, streets, sidewalks, pavements, driveway areas, or roofs. Any surface areas designed to be gravel or crushed stone shall be regarded as impervious surfaces.

IMPROVEMENTS: Those physical additions, installations and changes required to render land suitable for the use intended including, but not limited to, grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts and street shade trees.

INSPECTOR: The Municipal Engineer or his/her authorized representative assigned by the Township to make any or all necessary inspections of the work performed and materials furnished by the developer or the contractors selected to install the improvements required by this Ordinance.

LAND DEVELOPMENT: Any of the following activities:

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

1. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively; A single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
3. A subdivision of land in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.

“Land development” does not include development that involves:

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

LAND DEVELOPMENT PLAN: A plan which encompasses a proposed land development, which, in addition to a plat of a subdivision, if required, includes: all covenants relating to the use of the land; the proposed use, location and bulk of buildings and other structures; the intensity of use or density of development; streets, ways and parking facilities; common open space and public facilities, if any. The land development plan shall include all of the written and graphic information required by this Ordinance.

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

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

LOT AREA: The total horizontal area contained within the property lines of a lot, as defined in the deed or as shown on an approved subdivision plan. For the purposes of compliance with minimum lot area requirements, the following shall be excluded: Any area used for gas, oil, natural gas, electric, water or communications; or, any area within a street or other transportation right-of-way, existing or proposed; or, any area within a permanent drainage easement.

LOT, CORNER: A lot at the junction of and abutting two or more intersecting streets, where the interior angle of intersection is less than one hundred and thirty-five (135) degrees. A lot abutting a curved street or streets shall be considered a corner lot if the tangents to the curve at the points of intersection of the lot lines with the street intersect at an interior angle of less than one hundred and thirty-five (135) degrees. Each yard abutting a street

shall be considered a front yard. If a lot is adjacent to two intersecting streets, then a front yard shall be provided adjacent to each of those streets. Every corner lot shall include one rear yard, which shall be identified as the yard opposite the front yard as determined by the Zoning Officer.

LOT COVERAGE: The area of a lot or parcel that is covered by principal and / or accessory buildings or structures.

LOT, FLAG: A lot which has less than the minimum required lot width at the public street frontage, but which provides the minimum required lot width at a distance from the lot frontage, usually in excess of the minimum required setback, and which lot includes a strip of land in fee simple ownership for access to the public street to the buildable area of the lot which lies behind another property which fronts on the public street. Flag lots shall have a minimum frontage on a public street of fifty (50') feet.

LOT, FRONTAGE: That side of a lot abutting on the street right-of-way and regarded as the front of the lot.

DOUBLE FRONTAGE LOT: A lot whose front and rear yards abut public streets, one of which may be an alley.

LOT, INTERIOR: A lot where the side property lines do not abut a street.

LOT LINE: A property boundary line of any lot held in single or joint ownership that divides one lot from another or from a street or any other public or private space.

1. **Front Lot Line:** The dividing line between the street and the lot. The street lot line shall be the same as the legal right-of-way; where a future right-of-way width for a road or street has been established, that width shall determine the location of the street lot line.
2. **Rear Lot Line:** Any lot line which is parallel to or within forty-five (45) degrees of being parallel to a street lot line, except for a lot line that is itself a street lot line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line farthest from any street shall be considered a rear lot line. Where there is only one lot line other than street lot lines, it shall be considered the rear lot line.
3. **Side Lot Line** – Any lot boundary line that is not a street lot line or a rear lot line. In the case of a triangular lot those lot lines other than the street lot line shall be considered side lot lines.

1. Lot Depth: The mean distance from the right-of-way line of the lot to its opposite rear line measured in a direction parallel to the side lines of the lot. Lot depth for triangular lots shall be the mean distance from the street line to the point of intersection of the side yards.
2. Lot, Minimum Width: The minimum lot width at the building setback line.
3. Lot Width: The distance measured between side lot lines, at the required building setback line. In a case where there is only one side lot line, lot width shall be measured between such side lot line and the opposite rear lot lines or street line.

LOT OF RECORD: A lot that has been recorded in the Office of the Recorder of Deeds.

LOT, THROUGH: An interior lot in which the front line and rear line abut upon streets. Where a single lot under individual ownership extends from a street to a street, the widest street shall be deemed the street upon which the property fronts.

MAJOR SUBDIVISION: Any subdivision not classified as a minor subdivision, involving the subdivision of land into eight (8) or more parcels.

MATURE TREE: Any tree of eight (8) inches or more in dbh, whether standing alone, in tree masses, or woodlands. A mature tree shall be a healthy specimen and shall be a desirable species, as determined by the municipal consultant / arborist / forester.

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

MINOR SUBDIVISION: The subdivision of land into not more than eight (8) parcels located on an existing improved street that does not involve the installation of improvements as required by this Ordinance; extension of utilities; frontage on an arterial or collector street; adverse effect to the development of the remaining parcel; adverse effect to adjoining properties; and conflict with the Townships of Franklin, Jefferson, Perry, and Menallen Multi-Municipal Comprehensive Plan, the Menallen Township Zoning Ordinance, any portion of this Ordinance or other State, County or Township ordinances, laws, or regulations.

MOBILE HOME: A transportable, single-family dwelling intended for permanent occupancy contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing,

which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. These units do not qualify under the definition of a manufactured home in the National Manufactured Housing Construction and Safety Standards Act of 1974, as units categorized as mobile homes are primarily those units built before 1976, when HUD standards became effective.

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

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

MONUMENT: A concrete, stone, or other permanent object placed to designate boundary lines, corners of property and rights-of-way of streets and utilities, for the purpose of reference in land and property survey.

MUNICIPAL ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed to serve as the engineer for the Township.

MUNICIPAL SOLICITOR: The attorney appointed by the Board of Supervisors to serve as legal counsel for the Township.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES): The federal government's system for issuance of permits under the Clean Water Act, which is delegated to DEP in Pennsylvania.

ORDINANCE: All references to "this Ordinance" refer to the Menallen Township Subdivision and Land Development Ordinance.

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

PARCEL: A tract of land which is recorded in a plan of subdivision or any other tract of land described in a deed or legal instrument pursuant to the laws of the Commonwealth which is intended to be used as a unit for development or transfer of ownership.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC): Act of 1968, P.L. 805, No. 247 as reenacted and amended.

PERFORMANCE GUARANTEE: Any security which may be in lieu of a requirement that certain improvements be made before the Board of Supervisors approves a final subdivision or land development plan, including performance bonds, escrow agreements and other similar collateral or surety agreements.

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

PLAN REVIEW BOARD: An agency having the authority to approve land development construction plans and applications for the issuance of building and zoning permits.

PLANNING COMMISSION: Menallen Township Planning Commission.

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

PRELIMINARY APPLICATION: The written and graphic materials specified by this Ordinance to be submitted to the Township in order to obtain preliminary approval of a proposed subdivision or land development.

PRELIMINARY PLAT: The map or plan of a proposed subdivision or land development which contains all of the information required by this Ordinance for approval of a preliminary plat.

PRIVATE IMPROVEMENTS: All roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers, landscaping and other facilities to be owned, maintained or operated by a private entity such as an individual, partnership, corporation or homeowners' association and constructed in accordance with this Ordinance.

PROFESSIONAL CONSULTANTS: Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

PROPERTY: The land, building, all improvements thereon, and all easements, rights and appurtenances belonging thereto, which are subject to the provisions of this Ordinance.

PUBLIC GROUNDS: Includes:

1. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
2. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and,

3. Publicly owned or operated scenic and historic sites.

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

PUBLIC IMPROVEMENTS: All roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers, landscaping and other facilities to be dedicated to or maintained by the Township for which plans, specifications and construction shall comply with this Ordinance.

PUBLIC MEETING: A forum held pursuant to notice under 65 Pa. C.S. CH. 7, (relating to open meetings), known as the "Sunshine Act."

PUBLIC NOTICE: Public notices as defined and published pursuant to the Pennsylvania Township Code, Section 1601 (a) *et. seq.*, and the Pennsylvania Municipalities Planning Code.

RECORDED INSTRUMENT: A plat, declaration or other instrument duly recorded in the Office of the Recorder of Deeds of Fayette County in accordance with the provisions of this Ordinance.

RECORDER: The Recorder of Deeds of Fayette County.

RESUBDIVISION: Any subdivision or transfer of land, laid out on a plan which has been approved by the Board of Supervisors which changes or proposes to change property lines and/or public right-of-way not in strict accordance with approved plan.

RIGHT-OF-WAY: An easement for public or private use, usually granting the right to cross over the land of another and/or to install utilities such as sewer or water lines or communication systems.

RIGHT-OF-WAY, STREET: The total extent of land reserved or dedicated as a street, for public or private purposes.

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

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

SETBACK: The required unoccupied space between a structure and the property line of the lot on which it is located.

1. Front Yard Setback: Refers to the unoccupied space between the furthestmost projection of the front of a structure and the public right-of- way.
2. Side Yard Setback: Refers to the unoccupied space between the furthestmost projection of the side of a structure and the closest property line.
3. Rear Yard Setback: Refers to the unoccupied space between the furthestmost projection on the rear of a structure and the closest property line.

SEWAGE DISPOSAL SYSTEM, ONSITE: A system of piping, tanks, or other facilities serving a lot, collecting, and disposing of sewage in whole or in part into the soil.

SEWAGE DISPOSAL SYSTEM, PUBLIC: A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

SHOULDER: The portion of a roadway (cartway) between the curb or gutter and the travelway intended for emergency and parking use.

SIGHT DISTANCE: The extent of unobstructed vision, in a horizontal or vertical plane, along a street, as defined in Section 407.4 (D) of this Ordinance.

SITE: One (1) or more lots, tracts or parcels which are under single ownership and control and are proposed as a unit for development purposes.

SLOPE: The percent of rise or descent of the land surface calculated by dividing the number of feet of vertical rise/descent in elevation by the number of feet of horizontal distance, expressed as a percentage. Slope shall be calculated between contour intervals used to prepare the existing site topographic plan but in no case shall the vertical interval exceed four (4) feet. The percent of slope is determined from on-site topographic surveys prepared with a two-foot contour interval or topography taken from controlled aerial photography at two-foot intervals.

SOIL EROSION AND SEDIMENT CONTROL PLAN: A plan for controlling erosion and sediment during construction which shall provide for all steps, including scheduling, to assure erosion and sediment control during all phases of construction, including final stabilization.

SPECIAL FLOOD HAZARD AREA (SFHA): An area subject to inundation by the base flood, designated zones A, A1 – 30, AE, AH, AO, V, V1 – 30, or VE on the Flood Insurance Rate Map.

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

STREET, ARTERIAL: A public street intended for high volume traffic use. Arterial streets carry both regional through traffic and local traffic and collects/distributes traffic primarily from other arterial and collector streets. Arterial streets typically carry Average Weekday Daily Traffic (AWDT) volumes of greater than 8,000 vehicles per day.

STREET, COLLECTOR: A public street designed to provide access from local streets, as well as abutting lots, for distribution of traffic to arterial streets and other collector streets. Collector streets are intended to provide access for lower speed traffic and lower traffic volumes and typically carry AWDT volumes in the range of 3,000 to 7,999 vehicles per day.

STREET, LOCAL: A public street designed to provide low speed traffic access to abutting lots, with connections to collector streets and other local streets. Through traffic is discouraged. AWDT volumes are typically less than 3,000 vehicles per day.

STREET, PRIVATE: A street, including the entire private right-of-way, which is privately owned and maintained. A private street provides access to several lots or parcels which do not have access to a public street.

STREET, PUBLIC: A street including the entire public right-of-way, which has been dedicated to and accepted by the Township, the County or the Commonwealth for public use.

STREET, SERVICE: A short street or alley, whether public or private, designed only to provide secondary access to a structure or group of structures or to parking and loading facilities accessory to the structures and which is not intended for general traffic circulation.

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

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

for

which financial security was posted pursuant to Section 509 of this Ordinance) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SURVEYOR: A professional land surveyor licensed as such by the Commonwealth of Pennsylvania.

SWALE: A low-lying stretch of land which gathers, or carries, surface water runoff.

WATERCOURSE: A permanent stream, intermittent stream, river, brook, creek, channel or ditch which carries water, whether natural or man-made.

WOODLAND: A biological community dominated by trees and other woody plants covering a land area of ten thousand (10,000) square feet or greater. Woodlands can be characterized as containing at least one hundred (100) trees with at least fifty (50) percent of those trees having a two (2) -inch dbh or greater.

YARD: An open space at grade between the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

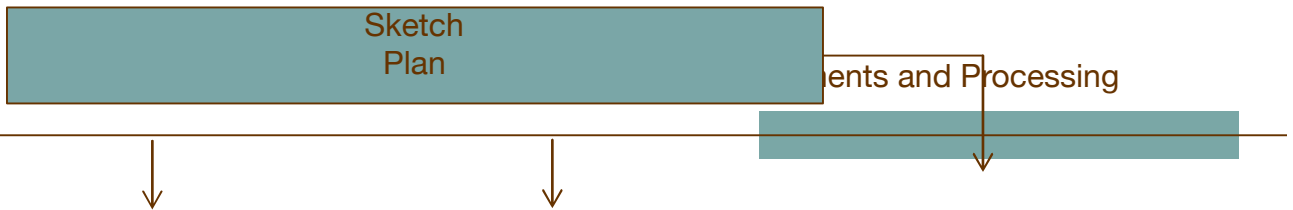
1. **Front Yard:** A yard extending along the full width of the front lot line and back to a line drawn parallel to the front lot line at a horizontal distance equal to the depth of the required front yard. On a corner lot, the Zoning Officer shall have the authority to determine which yard is the front yard, based upon the predominate pattern in the area.
2. **Rear Yard:** A yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a horizontal distance there from equal to the depth of the required rear yard.
3. **Side Yard:** An area between any building and side lot line, as defined herein, extending from the front yard to the rear yard, or on through lots, from one front lot line to the other lot line.

ZONING HEARING BOARD: A Board appointed by the Board of Supervisors of Menallen Township to examine and decide appeals for relief from strict conformance of application of the Menallen Township Zoning Ordinance and to hear testimony regarding the validity of any regulations upon development in the boroughs or regarding challenges to the decisions of the Zoning Officer.

ZONING MAP: The Menallen Township Zoning Map together with all amendments subsequently adopted.

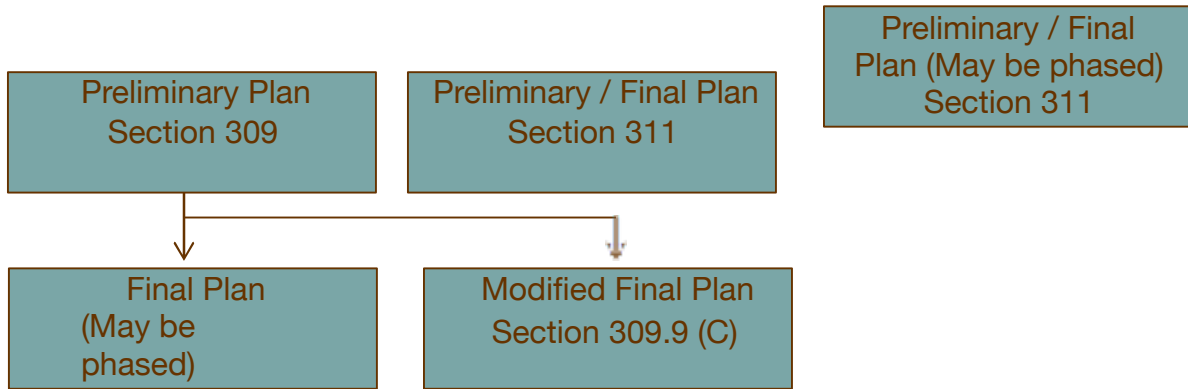
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ZONING OFFICER: The person appointed by the Board of Supervisors of Menallen Township having the powers and subject to the provisions set forth in the MPC, whose duty it shall be to administer the Menallen Township Zoning Ordinance and such other ordinances that may be assigned by the governing body.



§ 300. Applicability. The standards, requirements, and procedures contained in this Part shall govern the submission and processing of all applications for subdivision and / or land developments in the Township. Applications must also meet the requirements of the Menallen Township Zoning Ordinance and be generally consistent with the goals of the Townships of Jefferson, Franklin, Menallen, and Perry Multi-Municipal Comprehensive Plan, if any, and any other applicable Township ordinance or regulation.

§ 300.1 Subdivision and Land Development Process:



§ 301. General.

§ 301.1 Plans shall be submitted in the following order:

- A) Sketch plan, in accordance with Section 302 and 308 of this Part.
- B) Preliminary plan, in accordance with provisions of Section 303, 304, 305, 307, 309, 310, and 311 of this Part.
- C) Final plan, in accordance with the provisions of Sections 306, 307, 311, and 312 of this Part.

§ 301.2 Only one type of plan may be submitted at a time. No subsequent plans will be considered until a decision has been made on the previous plan submittal.

§ 302. Sketch Plan Requirements. A tentative sketch plan should be drawn legibly and to scale, although it need not be a carefully engineered drawing, and should show the following information:

§ 302.1 The entire tract boundary and total acreage drawn to a scale of not less than one inch equals two hundred feet (1' = 200')

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- § 302.2 Existing and proposed streets, lots, and buildings, with all lots numbered in a logical numerical system
- § 302.3 Significant physical features such as floodplains, steep slopes, woodlands, and existing structures
- § 302.4 Contour lines at five (5)- to ten (10)-foot intervals
- § 302.5 Approximate locations for stormwater control basins, if necessary
- § 302.6 Location plan showing the relationship of the subject tract to the surrounding road network and major physical features
- § 302.7 North point and graphic scale
- § 302.8 Name and address of the owner
- § 302.9 Name and address of the engineer, survey, and architect, as applicable
- § 302.10 When applicable, the proposed density, building coverage, impervious coverage, green space, and other design information needed to determine compliance with the Zoning Ordinance
- § 302.11 Any additional information which the applicant believes will help explain the proposal
- § 302.12 It is to the applicant's advantage to depict as much of the above- listed information as possible. Although the Planning Commission will discuss any plan presented, a lack of significant information may result in little useful guidance to the applicant.
- § 303. Preliminary Plan Requirements. All preliminary subdivision and / or land development plans shall comply with the following requirements:
- § 303.1 Drafting Standards.
- A) The scale of the plan be one of the following: one (1) inch equals ten (10) feet, twenty (20) feet, thirty (30) feet, forty (40) feet, fifty (50) feet, sixty (60) feet, or one hundred (100) feet. In determining the scale of the plan, the legibility of lines and lettering on the plan should be considered.
- B) Accuracy shall be to within two decimal places (hundredths).
- C) Bearings shall be shown in degrees, minutes, and seconds; distances shall be shown to one one-hundredths (1/100) of a foot.

- D) Sheet size shall be either eighteen (18) inches by thirty (30) inches or twenty-four (24) inches by thirty-six (36) inches with a two(2)-inch wide margin on the left edge of the plan for the purpose of binding in a record volume.
- E) All sheets shall be the same size, and be numbered relative to the total number of sheets (i.e., page 1 of 5, etc.).
- F) Where two or more sheets are needed to show the entire tract, a reduced scale key plan shall be provided sufficient to show their relationship.
- G) An applicant may use the metric system of measurement if agreed to in advance by the Board of Supervisors in cooperation with the Township Engineer. If the metric system is used:
 - (1) A conversion table to English equivalents shall be placed on the plan.
 - (2) Major dimensions shall be noted in both systems, with the English numbers shown in parentheses.

§ 303.2 Basic Information. Each preliminary plan shall provide:

- A) Name of the subdivision or land development
- B) Name and address of the property owner, subdivider, developer, or builder
- C) Name, address, and professional seal of the individual or firm which prepared the plan
- D) Date of preparation of the plan and a descriptive list of revisions to the plan, and the revision dates
- E) North point and graphic scale
- F) The entire tract boundary with bearings and distances and total tract acreage
- G) A list of the basic dimensional requirements and the name of the applicable zoning district
- H) The total number of lots in the subdivision and the total acreage. When applicable, the density and number of proposed units shall be shown.

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- I) Parcel number and block and unit number as assigned to the property by the Fayette County Tax Assessment Office.
- J) After the first submission, the file number assigned to review file by the Office of Planning, Zoning, and Community Development of Fayette County.

§ 304. Minor Preliminary Plans. This Section allows simplified plan submission and processing requirements for subdivisions and/or land developments which are minor in nature, and in accordance with the following criteria and requirements:

§ 304.1 Subdivision Qualification. Proposed subdivisions shall conform to the following criteria:

- A) Total number of lots is eight (8) or less
- B) Parent tract has frontage on an existing, improved public street
- C) No new road construction or widening of existing streets is required
- D) No subdivision or contiguous land under the same ownership has occurred during the five (5) year period prior to the current application
- E) Where a minor subdivision plan covers only a part of the owner's entire holding, a tentative sketch plan, as regulated by Section 302, herein, shall be submitted showing a proposed street and lot layout for the remaining area of the tract

§ 304.2 Land Development Qualification. Proposed land developments shall conform to the following criteria:

- A) Total land area of the tract is less than five (5) acres
- B) The tract has frontage on an exiting, improved public street
- C) No new road construction is required.
- D) Less than five (5) dwelling units are proposed if residential, or less than two thousand five hundred (2,500) square feet of gross leasable area is proposed if non-residential
- E) No land development of the same tract, under the same ownership, has occurred during the five (5) year period prior to the current application; nor has a subdivision occurred during the same five (5) year period which has the effect of creating a qualifying parcel or parcels from a larger, non-qualifying tract.

§ 304.3 Disqualification. The Board of Supervisors may require a major preliminary plan submission in place of a minor plan when conditions warrant it, at the advice of the Township Planning Commission or Engineer.

§ 304.4 Existing Features. In addition to complying with the requirements of Section 303 of this Part, minor preliminary plans shall provide the following information:

- A) Streets bordering or crossing the tract, showing names, right-of-way and cartway widths, and surface conditions
- B) Locations of other streets within two hundred (200) feet of the tract
- C) Approximate locations of sanitary and / or storm sewer lines
- D) Location of all watercourses and limits of any flood prone areas (data from Soil Survey and / or FEMA studies)
- E) Contours obtained from USGS maps for subdivisions; minimum five (5) foot intervals for land developments
- F) Location and description of existing building and other structures, labeled “To Remain” or “To Be Removed” as applicable, and location and description of existing buildings and other structures less than fifty (50) feet beyond the tract boundaries
- G) Outer limits of tree masses
- H) Locations of any natural or man-made features which may affect the develop-ability of the land, such as quarries, marshlands, etc. within the property and up to fifty (50) feet beyond the tract boundaries.
- I) Locations and description of major utilities, such as pipelines and electric transmission lines, both above and below ground, with a note describing additional setback or development restrictions required in their regard
- J) Areas subject to deed restrictions or easements

§ 304.5 Proposed Layout. The following information must be provided on a minor preliminary plan:

- A) Layout and dimensions of all lots, including the net lot area and the number of lots
- B) All building setback lines

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C) Location of areas reserved for future access, noted on the plan

§ 304.6 Approval. Approval by the Board of Supervisors of a minor preliminary plan shall also constitute its approval as a final plan, provided that the certifications required by Section 305.8, herein, are shown on the plan.

§ 305. Major Preliminary Plans. All proposals which do not qualify for submission as minor preliminary plans shall be submitted as major preliminary plans under the following regulations:

§ 305.1 Major preliminary plans shall comply with the requirements of Section 303 of this Part

§ 305.2 All survey work for plan preparation or other required design work shall be based upon municipal or regional sanitary sewer system datum. When such is not available, the USGS (U.S. Geologic Survey) datum shall be used. Local survey datum may be used only upon the approval of the Township Board of Supervisors.

§ 305.3 In addition, the following shall be shown on the plan:

- A) Zoning classification(s) of all lands abutting the proposal
- B) Names of all current owners of immediately adjacent lands and lands on the opposite side of all streets
- C) A statement showing:
 - (1) Number of acres under proposal
 - (2) Number of lots and / or dwelling units, or gross leasable area
 - (3) Linear feet of new streets
 - (4) Linear feet of streets to be widened
- D) Description of waivers, variances, or special exceptions and the date they were granted, if any
- E) Description of any deed restrictions or other covenants affecting development of the tract
- F) The requirements of any other Township ordinance which may affect the application
- G) Legend sufficient to indicate clearly between existing and proposed conditions

§ 305.4 Existing Features. Within the tract proposed for subdivision or land development, and within one hundred (100) feet of the tract (or greater or lesser distance as specified below), the following information shall be shown on the plan:

- A) Streets bordering or crossing the tract, showing names, rights-of-way, cartway widths, and surface conditions
- B) Other streets within four hundred (400) feet of the tract, showing names and right-of-way widths
- C) Location and size of sanitary and storm sewers, including invert elevations and direction of flow, within four hundred (400) feet of the tract. Location and type of sewage systems.
- D) Location and size of all lakes, ponds, watercourses, wetlands, and flood prone areas (flood data from FEMA studies and / or supporting hydrologic and hydraulic data for one-hundred year flood limits when provided independent of FEMA data)
- E) Contours at two (2) - foot intervals shall be provided for the tract and within fifty (50) feet of the perimeter. Contours shall be accurately drawn from field survey data or photogrammetric data. Contours from USGS maps shall be allowed only upon approval by the Township.
- F) Areas with slopes of fifteen (15) percent or greater, as determined from the contours shown on the plan or on any mapping available from the Office of Planning, Zoning, and Community Development of Fayette County.
- G) Mapped limits of soil types from the Fayette County Soil Survey and the limitations of each soil for the type of development proposed and for on-site sewage disposal, if applicable
- H) Location, size, character, and configuration of existing buildings, labeled “To Remain” or “To Be Removed” as applicable
- I) Location, size, species, and condition of trees six (6) inches in diameter or greater, when standing alone or in small groups
- J) Outer limits of tree masses and a general description of their types, size, and condition
- K) Locations and limits of rock outcroppings, quarries, springs, marshlands, ravines, and other natural or manmade physical features which may affect the location of proposed streets or

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buildings, both within the property and up to fifty (50) feet beyond the tract boundaries

- L) Location, size, and ownership of utilities, both above and below ground, with a note added to describe additional setback or developmental restrictions required in their regard
- M) Location of wells (water, oil, and / or natural gas, as applicable)
- N) Location of existing stormwater or erosion control facilities, including basins, pipes, diffusion devices, and velocity controls
- O) Location and description of existing buildings and other structures less than fifty (50) feet beyond the tract boundaries

§ 305.5 Proposed Subdivisions and/or Land Development Layout. The proposed road and lot layout shall show:

- A) The layout of proposed streets and alleys, including names, cartway and right-of-way widths, and other dimensional data consisting of centerline courses, distances, and curve data, curb lines and radii at intersections and street location tie-ins by courses and distances; ultimate rights-of-way for existing and proposed streets
- B) Layout and dimensions of all lots, including the net lot area
- C) All building setback lines
- D) Location, size, and configuration of all land to be used for common purposes, such as recreation and open space, with notations in regard to proposed use(s) and dedication, if applicable
- E) Proposed walkway locations
- F) Approximate locations, size and configurations of proposed buildings, along with the driveway locations

§ 305.6 Grading, Drainage, and Utilities. The following proposed information shall be shown on the plans or otherwise submitted in written form:

- A) When required by the Township, the plan shall indicate existing and finished grade contours at two (2) – foot intervals
- B) Finished floor elevations of proposed buildings
- C) Approximate limits of site disturbance, including a clear delineation of existing vegetation to be removed and to be preserved

- D) Stormwater and erosion and sedimentation control methods and facilities, including swales or pipes, inlets, catch basins, stormwater basins, diffusion devices, velocity controls, and supporting data
- E) Sewage disposal facilities including on-lot systems or sanitary sewer lines, manholes, pumping stations, location of perlocation tests, etc.
- F) Water supply lines, well location, and fire hydrants, where applicable

§ 305.7 Proposed Improvements.

- A) The plan shall contain a tentative cross section and centerline profile for each proposed or widened cartway shown on the preliminary plan, including the profile for proposed sanitary sewers, water mains, storm drains, etc., showing manholes, inlets, and catch basins. When a roadway will eventually be extended onto adjacent property, the roadway profile shall extend at least two hundred (200) feet onto the adjacent property. These plans may be submitted on separate sheets
- B) The plan shall show preliminary design of any bridges, culverts, or other structures or appurtenances which may be required
- C) A drainage computations report shall be submitted to cover all drainage facilities
- D) When required by the Township, a Soil Erosion Control Plan shall be prepared and submitted to the Township. This may be provided during the final phases of plan design

§ 305.8 Certifications. Upon preliminary plan approval, the preliminary plan must show:

- A) The signature and seal of the registered surveyor verifying that the plan represents a survey made by him; that the monuments exist or will be placed as located; and that the dimensional and geodetic details are correct
- B) The signature of the subdivider, developer, or builder certifying his / her adoption of the plan and any changes thereto
- C) The signatures of the Township Secretary, Chairman of the Board of Supervisors, Planning Commission Chairman, and Planning Commission Secretary certifying that the Board of Supervisors have approved the preliminary plan and changes thereto on the date shown

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- D) If the preliminary plan will also function as the final plan and be recorded, then the certifications shown in Section 306.2 (C) shall be used.

§ 306. Final Plan Requirements. In addition to the applicable items under Sections 303 and 305, all final subdivision and / or land development plans shall comply with the following requirements:

§ 306.1 Improvements Construction Plan.

- A) Drafting Standards. The same standards shall be required for an improvements construction plan, except that the horizontal scale of the plan and profile shall not exceed fifty (50) feet to the inch and the vertical scale of the plan shall not exceed five (5) feet to the inch, or comparable metric scales with a conversion table. The plan and the profile shall be drawn to the same scale

- B) Information to be Shown. The plan shall contain sufficient information to provide working plans for the construction of the proposed streets, or any portion thereof, including all appurtenances, sewers, utilities, as shown on the preliminary plan from one existing or approved street to another, or in the case of a cul-de-sac, to its turnaround. This information shall include:

- (1) Horizontal Plan. The horizontal plan shall show details of the horizontal layout as follows:

- (a) Information shown on the approved preliminary plan
- (b) The beginning and the end of proposed intermediate construction
- (c) Stations corresponding to those shown on the profiles
- (d) The curb elevation at tangent points of horizontal curves, at road or alley intersections, and at the projected intersections of the curb lines
- (e) The location and size of sanitary sewers and lateral connections and water mains with distances between manholes, gas, electric, and other utility pipes or conduits and of storm drains, inlets, and manholes. Elevations (tops and inverts) shall be shown on all storm drainage and sanitary sewer structures. All utilities shall be shown together on each utility drawing
- (f) The location, type, and size of curbs and all paving widths

- (g) The location and species of all proposed shade trees and the location and type of fire hydrants and street lights
- (2) Profiles. The profiles shall show details as follows:
- (a) Profiles and elevations of the ground along the centerlines of proposed streets and along the curb line and edge of pavement of existing streets. Finish grades shall be provided at least fifty (50) feet
 - (b) Profiles of sanitary sewers with a profile over the sewer of the existing and finished ground surface showing manhole locations beginning at the lowest manhole
 - (c) Profiles of storm drains showing catch basins, inlet, and manhole locations, swales, ditches, etc.
 - (d) Profiles of water mains
- (3) Cross Sections. The cross section for each classification of street shall comply with the Township's standards and specifications as minimum requirements. It shall show a typical cross section across the road with details of grading and construction as follows:
- (a) The ultimate right-of-way width and the location and width of the cartway
 - (b) The type, depth, and crown of paving
 - (c) The type and size of curb
 - (d) Grading of the sidewalk area should be carried to the full width of the ultimate right-of-way and slopes of cut or fill extended beyond the ultimate right-of-way
 - (e) The location, width, type, and depth of the sidewalks, when required
 - (f) The typical locations, size, and depths of sewers and utilities
- (4) Additional Information. The following additional information shall be submitted with the final plan:
- (a) All required local, state, and federal permits shall be submitted. These permits may include: Fayette County, PennDOT, or Township permits; PA DEP permits for

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drainage, stream alteration, dams, erosion and sedimentation control, wetlands, air pollution, or sanitary sewage facilities

- (b) The following statement shall be required on the final plan: "The Approved Improvement Construction Plan, a copy of which may be inspected at the office of the Township Secretary, has been made a part of the Approved Final Plan."
- (c) All final engineering calculations which support the proposed improvements such as drainage calculations, sanitary facility design calculations, or structural calculations

§ 306.2 Record Plan.

- A) Drafting Standards. The same standards shall be required for a record plan as for a preliminary plan, and in addition, for recording purposes, the plans shall be placed on sheet sizes of eighteen (18) inches by thirty (30) inches, or twenty-four (24) inches by thirty-six (36) inches. All lines shall be drawn to be legible if the plan is reduced to one-half size or microfilmed. Lettering shall be no smaller than one-tenth inch.
- B) Information to be Shown. The plan, which shall include all portions of an approved preliminary plan, shall show:
 - (1) Courses and distances sufficient for the legal description of all the lines shown on the plan. The error of closure shall not be greater than one (1) part in thirty thousand (30,000).
 - (2) The names of abutting owners and their property lines; names, locations, widths and other dimensions of all roads, including centerline courses, distances and curve data; descriptive data of street lines not parallel or concentric to a centerline, and location tie-ins by courses and distances to the nearest intersection of all existing, planned and approved streets, and alleys; easements, recreational areas and other public improvements, within the land to be subdivided or developed.
 - (3) All lots deeded to the ultimate right-of-way so that a single deed may be drawn to the appropriate body having jurisdiction for the dedication of streets by the subdivider, developer, or builder.

- (4) Evidence that the plans are in conformance with the Zoning Ordinance and other applicable Township ordinances and regulations. In any instance where such plans do not conform, evidence shall be presented that an exception waiver, or variance has been officially authorized.
 - (5) The location, material, and size of all monuments with reference to them.
 - (6) Building setback lines with distances from the ultimate right- of-way line.
 - (7) Restrictions in the deed affecting the subdivision of the property.
 - (8) The location of all floodplains, and steep slopes
 - (9) Offer of dedication of the ultimate right-of-way area of existing streets.
 - (a) When the ultimate right-of-way area of existing streets is offered for dedication, the following note shall be used: "All that area between the existing legal right-of-way line and the ultimate right-of-way line of is hereby offered for dedication to the governmental body having jurisdiction."
 - (b) When existing buildings are located within the ultimate right-of-way area, the following note may be added to the end of the ultimate right-of-way dedication note: "except that all the area under and immediately abutting existing buildings in the ultimate right-of-way is not offered for dedication but is hereby reserved for future road widening purposes."
 - (10) A list of all sheets that are included within the plan.
- C) Certifications. Before approval, all applicable certifications shall appear on the record plan. All certifications shall be properly signed and sealed.

§ 307. Land Development Plans. Land Development plans shall show the following information, either for a preliminary or final plan, in addition to the information required by Sections 303, 305, and 306 of this Part:

§ 307.1 All new covenants relating to use.

§ 307.2 Man-made features for the use of two or more prospective occupants.

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- § 307.3 The density and / or intensity of use.
- § 307.4 The total building coverage and the area of the total tract devoted to each use or group of uses, if applicable.
- § 307.5 The location and placement of accessory structures and facilities.
- § 307.6 All roads, driveways, parking facilities and pedestrian ways (including the total number of parking spaces).
- § 307.7 The locations, areas, and types of common open space and/or recreation facilities.
- § 307.8 A conceptual site utilization layout defining the general location of all proposed uses and activities.
- § 308. Tentative Sketch Plan Procedure. Applicants are encouraged to submit tentative sketch plans for subdivision and/or land developments, although this type of plan submission is optional.
- § 308.1 Tentative sketch plans should be presented to the Township Planning Commission for informal discussion by the Plan Review Board.
- § 308.2 The purpose of a tentative sketch plan submission is to provide informal advice and guidance to an applicant prior to preparation of preliminary plans, and therefore, it does not constitute a formal plan submission and is not subject to a time limit.
- § 308.3 The Plan Review Board may make non-binding suggestions and recommendations to the applicant during the meeting at which the plan is discussed. These need not be presented in writing to the applicant; however, they should be summarized in the minutes of the Township Planning Commission meeting at which the sketch plan is considered.
- § 308.4 If a proposal is large or complex, the Plan Review Board may defer completing its comments and recommendations until it has consulted its technical advisors. However, the Plan Review Board will try to expedite this informal review process.
- § 309. Preliminary Plan Submission and Review Procedure. Preliminary plans shall be submitted for all subdivisions and/or land developments subject to the following procedure and subject to the requirements of Sections 303, 304, 305, 310, and 311.
- § 309.1 Five (5) copies of the preliminary plan shall be submitted to the Township Secretary or Zoning Officer, in person by the applicant or

applicant's agent, at the Township Building during normal Township business hours.

§ 309.2 Plans must be accompanied by:

- A) Township filing fee.
- B) Office of Planning, Zoning, and Community Development of Fayette County review fee.
- C) Completed Township application and administrative forms.

§ 309.3 The Plan submission date will be stamped on the plan, following a cursory review of the plan, only if the plan shows basic compliance with the requirements of this Part.

§ 309.4 The Township Secretary shall distribute copies of the plan to the following for review and recommendations:

- A) Township Planning Commission.
- B) Board of Supervisors.
- C) Township Engineer.
- D) Office of Planning, Zoning, and Community Development of Fayette County, as well as the request for review and, if applicable, any requested or required fees.
- E) Township Solicitor, other Township boards or officials, sewer and/or water authorities, and/or other technical consultants as needed.

§ 309.5 The application for approval of the preliminary plan shall be placed on the agenda of the next regularly scheduled meeting of the Township Planning Commission following the plan submission date.

§ 309.6 The application for approval of the preliminary plan submitted to the Township Planning Commission should include consideration of the timely recommendations of the Township Engineer, Office of Planning, Zoning, and Community Development of Fayette County, and other technical advisors when requested.

§ 309.7 The Board of Supervisors shall have a ninety (90) - day time period to act on the plan unless the applicant has agreed in writing to an extension of the time period.

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- A) The 90-day time period shall be measured from the date of the next regularly scheduled Township Planning Commission meeting following the plan submission date.
- B) If the next regularly scheduled Township Planning Commission meeting occurs more than thirty (30) days following the plan submission date, then the ninety (90) - day time period shall be measured from the 30th day following the plan submission date.
- C) If an extension of the ninety (90) - day time period is applied, it shall be measured from the expiration of the original ninety (90) - day period. A time extension shall postpone the deadline and effects of the ninety (90) - day time period for the additional number of days agreed to in writing.

§ 309.8 The Board of Supervisors shall consider the preliminary plan application at one or more of its public meetings during the 90-day time period, and/or extension thereof if applicable, and shall render a decision on the plan following receipt of the recommendations of the Township Planning Commission, Township Engineer, Office of Planning, Zoning, and Community Development of Fayette County, and/or other technical advisors as requested.

- A) In accordance with the Pennsylvania Municipalities Planning Code, the Board of Supervisors shall not approve an application until the written recommendation of the Fayette County Office of Planning, Zoning, and Community Development of Fayette County's report of its recommendations is received, or until the expiration of thirty (30) days from the date the application was forwarded to the County.
- B) In accordance with the policies of the Office of Planning, Zoning, and Community Development of Fayette County, the thirty (30) day period shall begin from the date the application was received at the County.

§ 309.9 Procedure Following the Board's Decision. When the Board of Supervisors makes a decision on a preliminary plan, one of the following procedures will be followed, depending on the type of decision:

- A) Denial. If the Board denies approval of a preliminary plan in terms as filed by the applicant, then the written notification to the applicant shall specify the defects found in the application and describe the requirements that have not been met, and shall cite the provisions of the statute or ordinance relied upon.

B) Approval. If the Board approves a preliminary plan, in terms as filed by the applicant, then the Township Secretary will so certify thereon, and two (2) copies of the approved plan will be forwarded to the applicant. The applicant shall then submit five (5) paper copies and two (2) mylar or linen copies of the approved plan for Township seal and signature.

C) Approval Subject to Conditions.

(1) If the Board approves a preliminary plan subject to specific conditions, then those conditions shall be accepted in writing by the applicant, otherwise the plan shall be denied approval. Therefore, the written notification to the applicant shall:

(a) Specify the conditions of approval and request the applicant's written agreement to the conditions.

(b) State that the application will be denied if the applicant does not agree to the conditions, and specify the defects found in the application, describe the requirements that have not been met, and cite the provisions of the statute or ordinance relied upon for denial of the plan.

(2) Following submission of written agreement to the conditions specified by the Board, the applicant shall meet the requirements of Section 312 and shall submit five (5) paper copies and two (2) mylar or linen copies of the preliminary plan, which show compliance with the conditions, by plan revision or notation, for Township seal and signature. Two (2) signed copies will be returned to the applicant, along with a paper copy and mylar which must be recorded at the Recorder of Deeds.

§ 310. Effective Period of Approval. Approval will be effective for a period of five (5) years from the date of preliminary plan approval, unless extended in writing by the Board of Supervisors.

§ 310.1 No subsequent change or amendment in the zoning, subdivision, or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of approval within that five (5) -year period.

§ 310.2 In the case where preliminary and final plan approvals are concurrent, the five (5) - year period shall be measured from the date of that concurrent approval.

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§ 310.3 In a case of a preliminary plan calling for the installation of improvements beyond the five (5) - year period, a schedule shall be filed by the applicant with the preliminary plan delineating all proposed sections, as well as deadlines within which applications for final plan approval of each section are intended to be filed.

- A) Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plan approval, until final plan approval has been granted to the final section.
- B) Any modification in the aforesaid schedule shall be subject to approval of the Board of Supervisors at its discretion.
- C) Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as shown on the preliminary plan, unless a lesser percentage is approved by the Board of Supervisors at its discretion.
- D) For any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within the initial five (5) -year period, the protections of Section 310.1, above, shall also apply to each subsequent section for an additional term of three (3) years from the date of final plan approval of each section.

§ 311. Concurrent Preliminary/Final Plan Approval.

§ 311.1 The following may be granted concurrent preliminary and final plan approval when all required certifications are placed on the plan in accordance with Section 306.2 (C) of this Part:

- A) Minor preliminary plan.
- B) Major preliminary plans showing all information required for a final plan and for which no changes have been required by the Board of Supervisors, provided that any financial guarantees and/or development agreements have been completed to the satisfaction of the Board of Supervisors, upon recommendation of the Township Engineer and Solicitor.

§ 311.2 Following a concurrent approval, plans may be recorded in accordance with the procedures of Section 312.9 of this Part.

§ 312. Final Plan Procedure. Following preliminary plan approval, a final plan shall be submitted in accordance with the following procedure and subject to the requirements of Section 306 of this Part, except for those plans exempted in

compliance with Section 311 of this Part, “Concurrent Preliminary / Final Approval.”

§ 312.1 The final plan shall conform to the preliminary plan as approved by the Board of Supervisors, including all required modifications and conditions agreed to by the applicant.

§ 312.2 The final plan may be submitted in sections in accordance with Section 310.3 of this Part.

§ 312.3 Five (5) copies of the final plan shall be submitted to the Township Secretary, accompanied by the Township filing fee and required administrative forms.

§ 312.4 The plan submission date will be stamped on the plan and the application for final plan approval shall be placed on the agenda of the next regularly scheduled meeting of the Township Planning Commission following the plan submission date.

§ 312.5 Copies of the plan will be distributed to the following for review and comment:

- A) Township Engineer, Solicitor, Zoning Officer, and Planning Commission.
- B) Other Township boards or officials, sewer and / or water authorities, and / or other technical advisors as needed.

§ 312.6 The Board of Supervisors shall consider the final plan at one or more of its public meetings during the allotted ninety (90) - day time period, in accordance with Sections 309.7 and 309.8 of this Part.

§ 312.7 A final plan shall not be approved until the Board of Supervisors are assured that:

- A) The plan conforms to the approved preliminary plan.
- B) All engineering and other technical details have been resolved to the satisfaction of the Township Engineer, and other technical advisors when needed.
- C) All financial guarantees and legal agreements have been reviewed and found satisfactory by the Township solicitor. When requested by the applicant, the Menallen Township Board of Supervisors shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the applicant obtaining a satisfactory financial security. The final plan shall not be signed or

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recorded until the financial improvements agreement is executed. The resolution of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the Board of Supervisors.

- D) The plan complies in all respects with applicable Township ordinances or that appropriate variances or waivers have been granted for features that do not comply.
- E) All necessary permits have been obtained from the applicable regulatory agencies, authorities, or departments.

§ 312.8 When the final plan is approved, the applicant shall present five (5) paper and two (2) linen or mylar copies of the plan to be signed by the Chairman of the Board of Supervisors, the Township Secretary and the Chairman and Secretary of the Township Planning Commission, together with the date of the approval and official Township seal.

§ 312.9 Within ninety (90) days following final plan approval, the applicant shall record the final plan in the office of the Record of Deeds of Fayette County.

- A) In accordance with the Pennsylvania Municipalities Planning Code, whenever final plan approval is required by a municipality, the Recorder of Deeds shall not accept any plan for recording unless it contains the official approval of the municipal governing body and certification of review by the County Planning commission.
- B) Prior to recording, the applicant should present the municipally approved plan to the Office of Planning, Zoning, and Community Development of Fayette County for its stamp and seal, with one paper copy made available to the County Planning Commission for its files.

§ 313. Fee Schedule. All filing, inspection, and engineering fees shall be submitted to the Township.

§ 313.1 Plan Filing Fee. A filing fee shall accompany the preliminary plan. No application shall be accepted or acted upon unless payment is made to the Township. The Board of Supervisors shall create by resolution a schedule of fees to be paid to the applicant to defray the cost of administering and processing of plans. The schedule of fees may be changed from time to time by resolution of the Board of Supervisors.

- A) The applicant shall pay the appropriate fees as fixed from time to time by separate resolution of the Board of Supervisors for the following services:
- (1) Reviewing the engineering details of the plan
 - (2) Inspecting the layouts of the site for conformance to the survey and plan
 - (3) Reviewing the results of the soils tests
 - (4) Preparing the cost estimates of required improvements
 - (5) Inspecting required improvements during installation
 - (6) Final inspection on completion of installation of required improvements
- B) An applicant shall, by filing a plan, be then obligated to pay the fees herein provided. The engineering fees required to be paid shall be promptly submitted to the Township by the applicant upon the submission of bills thereof to the applicant from time to time by the Board of Supervisors.
- C) In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten (10) days of the billing date notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.
- D) In the event that the Township and the applicant cannot agree on the amount of review fees that are reasonable and necessary, then the fees shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the applicant or developers. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.

§ 400. Applicability. The Township Board of Supervisors and the Planning Commission will apply the following principles, standards, and requirements in evaluating plans for proposed subdivision and land developments. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, and morals and general welfare. Where literal compliance with the standards herein specified is clearly impractical, the applicant may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with objectives of this Ordinance.

§ 401. General. The following principles of subdivision and land development, general requirements, and minimum standards of design shall be observed by the applicant in all instances:

§ 401.1 All portions of a tract being subdivided shall be designated as lots, roads, public lands or other land uses.

§ 401.2 Whenever possible, applicants shall preserve scenic points, historic sites and other community assets and landmarks, as well as natural amenities such as mature trees and waterways.

§ 401.3 Subdivisions and land developments should be laid out so as to avoid excessive cut or fill.

§ 401.4 Applicants shall observe the ultimate rights-of-way for contiguous existing roads as prescribed in this Part. Additional portions of the corridors for such roads shall be offered to the government agency having jurisdiction at the time the subdivision or land development is consummated. Applicable building setback lines, as defined by the Township Zoning Ordinance of current adoption, shall be delineated as measured from the ultimate right-of-way lines.

§ 401.5 The standards of design in this Part will be used to judge the adequacy of subdivision and land development proposals. The standards included in these regulations are minimum design requirements. The Township reserves the right, in any case, to request that development features exceed these standards if conditions so warrant.

§ 401.6 The Township may modify or adjust the standards of this Part to permit reasonable utilization of property while securing substantial conformance with the objectives of the regulations.

§ 401.7 Floodplain land shall not be subdivided or developed except in accordance with the floodplain regulations set forth in the Township Zoning Ordinance.

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§ 401.8 Improvement construction requirements will be completed under specification of the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Protection, and other appropriate agencies. In the event of conflict, the specification contained in the Part shall govern.

§ 401.9 The developer or builder shall construct and install, at no expense to the Township, the roads, curbs, sidewalks, water mains, sanitary and storm sewers, street lights, fire hydrants, road and street signs, shade trees, monuments and other facilities and utilities specified in this Part. Construction and installation of such facilities and utilities shall conform to Menallen Township engineering standards, where applicable, and shall be subject to inspection by appropriate Township officials during the progress of the work; the subdivider shall pay for these inspections.

§ 401.10 Only one (1) residential structure (notwithstanding any permitted accessory structures) shall be permitted per one (1) lot, pursuant to the requirements regarding dwellings set forth in the Menallen Township Zoning Ordinance.

§ 402. Recommendation by Planning Commission.

§ 402.1 The standards of design in this Part shall be used to judge the adequacy of subdivision proposals. Whenever the literal application of these standards would cause undue hardship or be plainly unreasonable, the Township Planning Commission may recommend to the Township such reasonable modifications as will not be contrary to public interest.

§ 402.2 The standards included in these regulations are minimum design requirements.

§ 402.3 Developers and subdividers shall, if deemed necessary by the Township upon the recommendation of the Township Planning Commission, provide areas and easements for schools and other public buildings, parks, playgrounds, playfields, rights-of-way and easements for storm and sanitary sewer facilities in any area that cannot immediately be joined to the existing storm and sanitary sewer systems of the Township.

§ 403. Modification of Requirements. The Township may grant a modification of the requirements of this Part, through a waiver, if strict application of these requirements would be unreasonable, provided such modification will not be contrary to the public interest and that the purpose and intent of this Part is observed. All requests for a modification shall:

- § 403.1 Be in writing and part of an application for subdivision and/or land development;
- § 403.2 State the grounds and facts of unreasonableness or hardship on which the request is based;
- § 403.3 List the provision(s) of this Part involved; and
- § 403.4 State the minimum modification necessary.

§ 404. Natural Features.

§ 404.1 For the purpose of this section, the term “natural features” shall mean such vegetation, soils, surface streams, ponds and wetlands, planting, specimen plants, trees and topography which exist on the site proposed to be developed prior to any development activity.

§ 404.2 Preservation Required. Existing natural features such as trees, steep slopes, watercourses, and historic sites shall be preserved as a conservation measure except to the extent that their removal or modification is functionally related to the harmonious design of the subdivision or land development.

- A) All subdivisions and land developments shall be laid out in such a manner as to minimize the removal of healthy trees and shrubs on the site.
- B) In cases where natural features that exist and will be retained on site duplicate the Recommended Plant Materials of Appendix A, any and all of such requirements may be waived by the Township.

§ 404.3 Steep Slope Disturbance. The maximum percentage of lot area or site area of a residential subdivision or land development by the following slope categories which may be disturbed, graded, and stripped of vegetation during development and construction of the public and private improvements is as follows:

- A) If the slope category is between fifteen percent (15%) and twenty-four point nine percent (24.9%) slope, then thirty percent (30%) of the lot area or site area.
- B) If the slope category is greater than twenty-five percent (25%) slope, then fifteen percent (15%) of the lot area or site area.
- C) This restriction shall not apply to individual single-family lot development and recreation open space, but the restrictions shall apply to general development sites for uses, i.e., streets, utilities, etc.

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§ 404.4 Floodplain Areas.

- A) If any part of the site is located within a 100-year high- or moderate-risk floodplain, as defined herein, development shall be permitted only on portions of the site that are not in the floodplain, or that have been previously developed, or that are in a non-conveyance area of river or coastal floodplain without storm surge potential where compensatory storage is used in accordance with a FEMA-approved mitigation plan.
- B) Previously developed portions in the floodplain must be developed according to National Flood Insurance Program (NFIP) requirements. If development includes construction of any critical facility, as described above, the critical facility must be designed and built so as to be protected and operable during a 500-year event, as defined by FEMA.

§ 404.5 Wetlands.

- A) All subdivision and land development shall have determined the limits of the wetlands as defined by the “U.S. Federal Manual for Identifying and Delineating Jurisdictional Wetlands.” Such delineation shall be recorded on the record plan.
- B) When wetlands are present, a certification note shall be placed on the record plan and signed.
- C) A copy of the wetlands identification report shall be provided to the Township for their records.
- D) Wetlands shall conform to all applicable state laws and regulations.
- E) Buildings shall not be located in wetlands and must be set back at least fifty (50) feet from the edge of wetlands.
- F) The Township may waive the wetland requirements upon the advice of the Township Engineer and / or the Township Planning Commission.

§ 404.6 Mature Woodlands and Other Woodlands.

- A) It shall be incumbent upon the applicant to demonstrate that vegetation removal is avoided and minimized to the maximum degree possible by showing that no alternative layouts or alternative clearings or grading plan would reduce the loss of mature trees, tree masses or woodlands. This alternatives analysis shall consist of alternative layout sketches and accompanying written rationale.

- B) If greater than twenty-five percent (25%) of the existing trees on a site with a trunk diameter of six (6) inches DBH or greater are destroyed because of street alignment, building, placement parking area location, grading or otherwise, then replacement of those trees over the twenty-five-percent (25%) threshold shall be required as follows:
- (1) The replacement trees may be selected from the recommended lists in Appendix A. Unless otherwise specified by the Township, preference shall be given to replacement trees identical to those removed or other native species.
 - (2) Such new trees shall be planted in addition to the trees required under Appendix A. If requested by the applicant, and at the discretion of the Township, a number of trees as determined by the Township may be planted on lands owned by the Township in lieu of the development site.
 - (3) The replacement trees shall be shown:
 - (a) On a landscape plan with a separate plant schedule for replacement trees; and/or
 - (b) If applicable, on a schedule of trees to be contributed to the Township.
 - (4) A maximum of twenty percent (20%) of the required trees may be replaced as shrubs at a ratio of ten (10) shrubs per required tree. Refer to Appendix A for sizes and types of trees and shrubs recommended.
 - (5) Replacement trees shall not be all the same species or size. The range of size classes for replacement shall be variable and non-uniform. No more than ten percent (10%) of understory trees shall be less than three (3) caliper inches, and no less than ten percent (10%) shall be larger than three and one-half (3 ½) caliper inches. No more than ten percent (10%) of canopy trees shall be less than four (4) caliper inches, and no less than ten percent (10%) shall be larger than four and one half (4 ½) caliper inches.
 - (6) An alternative plan for mitigating disturbed woodlands may be submitted for approval at the discretion of the Township Planning Commission.

§ 404.7 Protection of Topsoil. Topsoil must be removed from the areas of construction and stored separately. No topsoil should be used as fill. All disturbed areas of the site shall be stabilized as follows:

- A) Slopes ten percent (10%) or less: by seeding or planting.

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- B) Slopes ten percent (10%) to twenty percent (20%): by sodding or planting
- C) Slopes twenty percent (20%) to twenty-five percent (25%): by planting of groundcover.
- D) Slopes exceeding twenty-five (25%): by utilization of riprap.

§ 405. Street System

§ 405.1 Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the Township and shall be coordinated with existing or proposed streets in adjoining subdivisions or land developments

§ 405.2 Proposed streets shall further conform to such applicable State road and highway plans as have been prepared, adopted, or filed as prescribed by law

§ 405.3 Streets shall be related to the topography so as to produce usable lots and acceptable grades

§ 405.4 Access shall be given to all lots and portions of the tract in the subdivision or land development and to adjacent unsubdivided territory unless the topography clearly indicates that such connection is not feasible. Streets giving such access shall be improved to the limits of the subdivision or land development and shall be improved to Township specifications. Reserve strips and land-locked areas shall not be created

§ 405.5 Streets shall be laid out to preserve the integrity of their design. Local access streets shall be laid out to discourage their use by through traffic, and where possible, arterial streets shall be designed for use by through traffic

§ 405.6 Where the proposed subdivision or land development contains or is adjacent to an existing or proposed arterial street or a highway designated as a limited access highway by the appropriate highway authorities, provisions shall be made for marginal access streets at a distance acceptable for the appropriate use of the land between the arterial street or limited access highway and the marginal access streets. The Township may also require rear service areas, double frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with primary streets and separation of local and through traffic

§ 405.7 Half or partial streets will not be permitted in new subdivisions or land development except where essential to reasonable subdivision or development of a tract in conformance with the other

requirements and standards of this Ordinance and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured

- § 405.8 Wherever a tract to be subdivided to be subdivided or developed borders an existing half or partial street, the entire street shall be shown on the plan
- § 405.9 Dead-end streets shall be prohibited, except as stubs (with adequate turning capability) to permit future street extension into adjoining tracts, or when designed as cul-de-sacs
- § 405.10 New reserve strips, including those controlling access to streets, shall be forbidden
- § 405.11 Where adjoining areas are not subdivided, the arrangement of streets in a proposed subdivision or land development shall be made to provide for the proper projection of streets into the unsubdivided land
- § 405.12 No street shall be laid out or opened which extends to or crosses any boundary between the Township and any other municipality except with the specific approval of the Township and upon such conditions as they may impose. If the street is proposed to serve a commercial area, an industrial area, or a residential area of fifty (50) dwelling units or more located in another municipality, the street shall not be approved unless the area is also served by a street in the other municipality and unless the relevant traffic facilities of the Township are adequate to handle the anticipated volume
- § 405.13 It is the policy of this Township that all subdivided lands shall have immediate access to a public street. Because of unique property configuration and location, this Township recognizes the need for limited exceptions to the foregoing general policy
- § 405.14 No subdivision will be approved on a private street or road if more than two (2) lots will front on such private street or road
- § 405.15 All streets shall have a uniform width through their respective lengths except where otherwise required by the Township.
- § 405.16 In any instance where a private road is approved, an appropriate agreement for maintenance responsibilities must be submitted in writing at the time of plan approval to the Township.
- § 406. Requirements for New Streets and Extensions of Existing Streets. All new streets and extensions and widening of existing streets:

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§ 406.1 Shall be offered for dedication to the Township; state roads shall first be offered to the State, County roads shall first be offered to the County;

§ 406.2 Shall provide appropriate access between abutting tracts of land for immediate or future use;

§ 406.3 Shall create a road hierarchy among interior subdivision and land development streets and exterior streets to insure proper through- traffic flow, local access, and internal traffic distribution and flow;

§ 406.4 Shall be related closely to existing topography to assure reasonable grades, alignment and drainage, appropriate access to lots, and to minimize regarding and removal of vegetation;

§ 406.5 Shall be designed to continue existing streets at equal or greater right-of-way and cartway width, as recommended by the Township Engineer and Planning Commission.

§ 407. Street Design

§ 407.1 Street Classifications

- A) Functional classifications for all roads in the Township shall fall into one of the categories outlined in Part II: Definitions and Terms, of this Ordinance. They shall be one of the following: arterial, collector, or local.
- B) The design of a street system shall include the classification of streets based on their functions and projected traffic as determined by the Township Engineer.
- C) Each street shall be designed for its entire length to meet the standards for its classification.
- D) The classification of each street shall be based upon the projection of traffic volumes ten (10) years after its completion. Traffic volumes shall be calculated in accordance with trip generation rates published in the most recent edition of the Institute of Transportation Engineer's (ITE) "Trip Generation Manual" or alternate source acceptable the Township Engineer and shall consider all traffic likely to use each street.

§ 407.2 Right-of-Way Widths.

- A) Minimum widths for each type of public street shall be as follows:

Table 4-1: Minimum Street Widths		
Type of Street	Right-of-Way Width	Cartway Width
Arterial	70 ' – 80'	48'
Collector	60'	20'
Local Access	50'	18'

- B) Where a proposed subdivision abuts or contains an existing public street or road having a right-of-way width less than would be required if said street or road were created under this Ordinance, sufficient additional width for right-of-way shall be provided and dedicated to the meet the foregoing standards.
- C) Additional right-of-way and cartway widths may be required by Township to promote public safety and convenience when special conditions require it and to provide parking space in areas of intensive use.

§ 407.3 Cul-de-sac Streets.

- A) Cul-de-sac streets will not be recommended for approval, when in the opinion of the Planning Commission, a through street is more practicable.
- B) The geometry for a cul-de-sac or turn around shall have a radius of no less than forty (40) feet at the property line and no less than thirty (30) feet at the face of curb or edge of pavement line. Other types of turn-arounds may be considered for private roadways.
- C) Grades for cul-de-sac turnarounds shall not exceed six (6) percent measured along face of curb or edge of pavement.
- D) Commercial and industrial cul-de-sacs shall be reviewed for adequacy by the Township Engineer. These recommendations will be given to the Township who shall have final authority over this matter.



- E) Unless future extension is clearly impracticable or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the overage created by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owners fronting on the cul-de-sac turnaround.
- F) Developments with a single point of ingress/egress shall provide a secondary point of access for emergency vehicle use if the length of road, measured along the centerline from the point of beginning of the ingress/egress to the front of the most remote lot, exceeds the maximum allowable length as may be permitted. Such emergency vehicle access easement shall be an eighteen (18) foot wide easement, which shall contain a fourteen (14) foot wide graded and compacted travelway, centered in the easement. The grade or slope of the emergency vehicle access travelway shall not exceed ten (10) percent at any point along the centerline in the travelway. A typical section of the proposed emergency vehicle access easement and travelway shall be included in the land development submission.
- (1) Multi-phased developments, with an approved concept development plan or preliminary plat showing more than one (1) ultimate point of access, shall not be required to meet this requirement for individual phases, sections or plats, on ultimately planned through roads.
- G) A road which permanently ends with a cul-de-sac or turnaround (not including dead end roads which end at a temporary turn-around) shall not exceed the lengths set forth below in Table 4-2: Cul-de-Sac Length Requirements. Measurement of the length shall be taken along the centerline from the road's intersection with an existing or proposed through road to the center of the cul-de-sac or turn-around.

Table 4-2: Cul-de-Sac Length Requirements	
Development Type	Allowable Maximum Length
Commercial, retail, industrial, office	1,500 feet
Any other non-residential	3,500 feet
Multi-family residential	1,000 feet
Single family residential	
<i>Attached</i>	
Townhouse	1,500 feet
<i>Detached</i>	
Zoned 1 unit per acre or greater density	2,500 feet
Zoned less than 1 unit or lot per acre	3,500 feet

- H) Length criteria as contained within this section shall not be applicable for divided roadways with medians and the above criteria shall apply beyond the point where the divided section ends.
- I) The Township encourages the use of landscaped islands within cul- de-sacs.

§ 407.4 Street Alignment.

- A) Whenever street lines are deflected by more than five (5) degrees, connection shall be made by horizontal curves.
- B) The minimum radius at the centerline for horizontal curves on collector and arterial streets shall be three hundred (300) feet,

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and for local streets the minimum radius shall be one hundred (100) feet.

- C) On local access streets, the minimum tangent between reverse curves shall be at least one hundred (100) feet; on collector and arterial streets, the minimum tangent shall be at least two hundred-fifty (250) feet.
- D) Minimum vertical sight distance measured four (4) feet above grade shall be three hundred (300) feet for collector and arterial streets and one hundred (100) feet for local access streets.

§ 407.5 Street Grades.

- A) Street grades shall be as depicted herein in Table 4-3: Street Grades, as follows:

Street Classification	Minimum Grade	Maximum Grade	Vertical Curve
Collector and Arterial Streets	1%	7%	In changes of grade exceeding 1%
Local Streets	1%	10%	In changes of grade exceeding 1%

§ 407.6 Street Intersections.

- A) Local streets shall not intersect with collector or arterial streets on the same side at intervals of less than eight hundred (800) feet as measured from centerline to centerline.
- B) The distance between centerlines of streets opening onto the opposite side of a proposed or existing street shall be not less than one hundred fifty (150) feet unless the streets are directly opposite each other.
- C) Intersections of more than two (2) streets at one (1) point shall be avoided. Where this proves impossible, such intersections

shall be designed with extreme care for both pedestrian and vehicular safety.

- D) Streets shall be all laid out to intersect as nearly as possible at right angles. Local streets shall not intersect collector or arterial streets at an angle of less than seventy-five (75) degrees. The intersection of two (2) local streets shall not be at an angle of less than sixty (60) degrees.
- E) Minimum curve radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curve radius at an intersection of a local street and a collector or arterial street shall be at least twenty-five (25) feet.
- F) Intersections shall be designed with a flat grade wherever practical. Where the grade of any street at the approach to an intersection exceeds seven (7) percent, a leveling area shall be provided having a grade of not greater than four (4) percent for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.
- G) No fences, hedges, shrubbery, walls, planting, or other obstructions, except for trees and grass shall be located within the right-of-way. A clear-sight triangle of seventy-five (75) feet shall be provided and maintained at all intersections, as measured in all directions from the point of intersection.

§ 407.7 Sight Distance at Intersections. All intersections with Township roads must have a minimum sight distance as described below in Tables 4-4 and 4-5 and corresponding to PennDOT regulations Title 67 Section 441.h, as re-enacted and amended. The present regulations are as follows and should be adhered to:

Table 4-4: Sight Distances At Intersections For Passenger Cars and Single Unit Trucks Exiting from Street onto Two Lane Roads		
Posted Speed (mph)	Safe Sight Distance (Left)	Safe Sight Distance (Right)
25	250'	195'
25	250'	195'
35	440'	350'
45	635'	570'
55	845'	875'

Table 4-5: Safe Sight Distances At Intersections For Buses And Combinations From Streets Onto Two Lane Roads		
Posted Speed (mph)	Safe Sight Distance (Left)	Safe Sight Distance (Right)
25	400'	300'
25	400'	300'
35	675'	625'
45	1225'	1225'
55	2050'	2050'

§ 407.8 Pavement Design.

- A) All streets and roadways shall be designed to conform to the requirements of the applicable Pennsylvania Department of Transportation standards and this manual, except as specifically modified in writing by the Planning Commission or the Township Engineer.
- B) Where this Ordinance and the standards of PENNDOT may differ, the more restrictive requirements shall apply.
- C) Construction plans and profiles require review and recommendation by the Township Engineer.

§ 408. Curbs.

§ 408.1 The Township may require curbs for any road if deemed necessary for stormwater control by the Township Engineer.

The Township may waive the curbing requirement if satisfactory justification is provided by the developer to do so.

- A) Curbs may also be required in any subdivision in which the lot areas or lot widths exceed the above minimum, when the centerline street grade of any street exceeds three (3) percent.
In

such cases, curbs or other drainage controls shall be installed to properly control surface drainage and protect the streets from erosion.

- B) Where curbs are not required, roadways may be designed with a shoulder section. Shoulder sections shall have stabilized shoulders that may be a paved, gravel, or sodded grass surface. Shoulders shall meet PennDOT slope requirements.

§ 408.2 Concrete curbs shall be twenty-four (24) inches deep, six (6) inches wide at the top and six (6) inches wide at the base. The curbing shall have an eight (8)-inch face and a one- inch reveal at the depressed curb for drives. Curbing shall be constructed in ten (10)- foot lengths and an expansion joint with an approved filler shall be constructed at least every twenty (20) feet.

§ 408.3 All concrete used for curb construction shall be certified to develop a compressive strength of at least four thousand (4,000) PSI at twenty-eight (28) days. Certification of the mix shall be provided to the Township upon request. All edges shall be finished with an edging tool. Slipform curb machines may be used only when approved by the Township.

§ 409. Street Names and Signs.

§ 409.1 All new streets shall be designated with a name which is approved by the Township and which may not be confused with an existing street name.

§ 409.2 If a new street is a continuation of or is aligned with an existing or platted street, it shall bear the same name as the existing or platted street.

§ 409.3 Any subdivider or developer shall be required to provide and to install street name, regulatory, and warning signs of the type approved by the Township on such streets and in such places as the Township shall designate. Street name signs approved by the Township shall be required at all intersections.

§ 410. Driveways.

§ 410.1 The requirements for driveways shall be the standards of the Pennsylvania Department of Transportation regarding access to and occupancy of highways by driveways and local roads (Pennsylvania Code, Title 67, Chapter 441, as amended). Driveway access to State highways shall be subject to the permit process of that Department.

- § 410.2 Proposals whose anticipated traffic volumes will require low, medium, or high volume driveways shall be submitted to the Township Planning Commission in tentative sketch form, for their evaluation of the general suitability of the location's classifications and design of driveways proposed.
- § 410.3 Proposals with five (5) or more minimum use driveways along any one street or road shall also be submitted as in Section 409.1 above.
- § 410.4 Following evaluation by the Township Planning Commission, the applicant may submit plans to the State or Township for formal approval and issuance of permits.
- § 410.5 No driveway location, classification, or design shall be considered finally approved until permits have been granted by the State and/or Township and preliminary plan approval has been granted by the Township for the subdivision and/or land development which the driveway(s) will serve.
- § 410.6 Driveways shall be designed to accommodate the type and volume of traffic anticipated to be generated and shall be constructed to provide a sound, all-weather driving surface, reasonably smooth and free from mud, dust, or standing water.
- § 410.7 Driveway crossings shall be designed in compliance with the engineering standards of Menallen Township.
- § 411. Additional Driveway Standards. The following standards shall apply to driveways which intersect public or private streets, in order to facilitate safe and efficient access between streets and driveways.
- § 411.1 Location.
- A) Driveways shall be so located as to provide adequate sight distance at intersections with streets in accordance with the criteria set forth in Section 407.7 above.
 - B) Driveways shall be located in a manner which will not cause the following:
 - (1) Interference to the traveling public;
 - (2) A hazard to the free movement of normal highway traffic; or
 - (3) Areas of traffic congestion on the highway.

- C) Driveways shall be located, designed, and constructed in such a manner as not to interfere with or be inconsistent with the design, maintenance, and drainage of the highway. Driveway culverts shall be utilized as necessary to convey highway ditch drainage under driveways.

§ 411.2 Distance from Street Intersections. Driveways shall be located as far from street intersections as is reasonable possible, but not less than the following distances from center line to center line:

- A) Individual residential lots: fifty (50) feet.
- B) Multifamily residential and non-residential: one hundred (100) feet.

§ 411.3 Choice of Streets. When streets of different classes are involved, the driveway shall provide access to the street of lesser classification unless the Supervisors for reasons of sight distance, incompatibility of traffic, grading, drainage, or other major reasons waive this requirement.

§ 411.4 Number of Driveways.

- A) Properties with frontages of one hundred (100) feet or less shall be limited to one (1) curb cut.
- B) Not more than two (2) curb cuts may be permitted for any single property, tract, or lot, for each street frontage.
- C) More than two (2) curb cuts per street frontage may be permitted only if anticipated traffic volumes warrant more than two (2), and when supported by a traffic study prepared by a qualified traffic engineer.

§ 411.5 Drainage. Provisions for drainage and stormwater runoff shall comply with engineering standards for Menallen Township.

§ 411.6 Stopping Areas. Regardless of the driveway classification, all driveways shall be provided with a stopping area within which the grade shall not exceed five (5) percent. The stopping area shall be measured as follows:

- A) The length of stopping area shall be a minimum of twenty (20) feet, or the length of the longest vehicles anticipated to use the driveway, whichever is greater.
- B) Stopping areas shall be measured from the edge of paving or curb line for all roads.

§ 411.7 Clear Sight Triangles. Clear sight triangles shall be provided where driveways intersect streets in accordance with PennDOT standards. The dimensional standards shall be determined by the classification of street that the driveway intersects.

§ 412. Parking Areas and Related Internal Driveways. Parking areas and related internal driveways shall be governed by the following:

§ 412.1 Off-street parking facilities shall be provided in compliance with the parking requirements of the Menallen Township Zoning Ordinance, Section 4.8, *et. seq.*, and the regulations contained therein.

§ 412.2 Angled or perpendicular parking shall not be permitted along public or private streets, except where specifically permitted by this or other ordinances.

§ 412.3 Parking shall not be permitted along driveways which serve as the main entrance(s) or exit(s) to parking areas with a capacity of one hundred fifty (150) cars or more.

§ 412.4 Parking areas shall not be located closer than twenty (20) feet from any tract boundary line, nor less than twenty (20) feet from any ultimate right-of-way line. These areas shall be landscaped in accordance with the requirements of Section 4.6 (f), (g), and (h), *et. seq.*, of the Menallen Township Zoning Ordinance.

§ 412.5 Dead-ended parking areas shall be discouraged when the required parking capacity can be accommodated in a layout that permits more convenient vehicular movements. However, extraneous through-traffic flow should be avoided.

- A) Up to fifty (50) parking spaces may also be located in a dead-ended parking area if there is no more desirable feasible alternative, and sufficient back-up area is provided for the end stalls.
- B) More than fifty (50) parking spaces may be located on a dead-ended parking area only if a turnaround area is provided at the closed end, suitable for passenger car turning. The turnaround area may be circular, “r” or “Y” shaped, or other configuration acceptable to the Township.

§ 412.6 The following requirements apply to driveways within sites proposed for developments:

- A) A smooth transition shall be provided between the driveway section required for access to a public street and the driveway(s) required for internal site circulation. Main access driveways (entrance-exit),

and service drives handling large trucks shall be a minimum paved width of thirty (30) feet with one lane in each direction.

- B) Access driveways which are clearly secondary in importance may be reduced to twenty-six (26) feet in paved width.

§ 413. Rear Lotting. Rear or “flag” lots, as defined herein, may be permitted by the Supervisors under certain circumstances, in accordance with the following standards and criteria:

§ 413.1 Purpose of Rear Lotting.

- A) To preserve existing farmland and/or rural appearance and character by locating new development remote from existing road frontage, especially when new development can be screened from view by intervening topographic features such as hills and/or wooded areas.
- B) To permit reasonable subdivision of land which is physically constrained by unusual configuration of the tract or limited road frontage, and which could not be subdivided in a desirable manner using conventional streets and lotting patterns.
- C) To permit an alternative to the use of local access streets where such streets cannot be justified in terms of the number of lots served, volumes of traffic generated, and/or the need to extend, supplement, or otherwise support or reinforce an established road pattern or traffic circulation plan for the area surrounding the proposed subdivision.

§ 413.2 Parts of a Rear Lot. Rear lots shall be comprised of two parts, the access strip and the body of the lot, in compliance with the following standards:

- A) The access strip shall be a minimum of fifty (50) feet wide for its entire length, including that portion which abuts a public street right-of-way for access.
- B) When necessary or desirable for grading, drainage, or preservation of natural features, such as trees, the access strip shall be widened beyond the fifty (50)-foot minimum as necessary.
- C) The access strip shall be a fee simple part of the rear lot, and shall not be a separate parcel of easement.
- D) The body of a rear lot shall comply with all the minimum dimensional requirements of the zoning district in which it is

located. The area of the access strip shall not be counted toward the minimum lot area requirement.

§ 413.3 Review Factors. In reviewing applications for rear lots, the following factors will be considered by the Supervisors, Township Planning Commission and Engineer.

- A) The amount of road frontage and configuration of the property being subdivided.
- B) The sizes and number of lots proposed, including both the total number of lots and the number of rear lots.
- C) The type and character of road that the tract abuts.
- D) The topography of the parcel of being subdivided, with an emphasis on trees and slopes.
- E) The character of the surrounding area in two respects:
 - (1) Its physical characteristics and whether or not the subdivision site is distinguishable from it.
 - (2) Its planned future character; that is whether it is in or abutting a growth area, or in an area planned for agricultural or other rural uses.
- F) The development status of the surrounding sites.
- G) The visual character preferred for the tract; that is, whether it is better to see many houses abutting the road, or to “hide” some in rear areas to reduce the perceivable density of development.
- H) Whether rear lots would set an undesirable precedent for nearby sites.
- I) The economic impact of required road construction as compared to the use of access strips.
- J) The visual and physical impacts of road construction as compared to the use of access strips.

§ 413.4 Design Standards for Rear Lots.

- A) The length of the access strip shall be kept to a minimum.
 - (1) As a guide, the preferred length is approximately equal to the depth of one lot that complies with the minimum lot width and area requirements of the district in which it is located.

- (2) No access strip should exceed three (3) times the lot depth described in Section 413.4 (A) (1) above, unless the primary purpose of the additional length is to preserve farmland or other land for preservation of agriculture or rural character, by locating new development remote from road frontage.
- B) The location of the access strip should be logically relative to the body of the rear lot, surrounding property configurations, and natural features of the land and it shall intersect the public street at a safe, visible location.
- C) Turns greater than sixty (60) degrees should be avoided in access strips.
 - (1) It may be necessary to widen the access strip at such sharp turns to accommodate grading, drainage, or tree preservation.
 - (2) For access strips that may become roads, the Supervisors may require turns to be designed to accommodate horizontal curves required for roads.
- D) Driveways serving access strips shall comply with the Township's Engineering Standards for drainage and cartway, from the edge of road pavement to a distance of fifty (50) feet beyond the ultimate right-of-way line of the road.
- E) When two access strips abut, they should share a common access point and driveway from the edge of pavement to a distance of fifty (50) feet beyond the ultimate right-of-way line of the road, from which point either one common driveway or two (2) individual driveways may continue. The shared portion shall be a minimum of eighteen (18) feet wide.
- F) When more than two (2) access strips would abut one another, one common driveway shall be required, with appropriate cross- easements, to serve the multiple access strips. Such a common driveway shall be constructed in compliance with the Township's Engineering Standards.

§ 413.5 Provisions for Future Roads. The Township may permit the use of rear lots where one or more access strips are intended to serve as rights-of-way for one (1) or more roads that will serve future subdivision. The following regulations shall apply:

- A) Legal guarantees shall be provided to assure future use of any access strip proposed for future use as a road, subject to approval of the Township Solicitor.
- B) The road shall be constructed or financially guaranteed at the applicant's expense.
- C) Access strips legally and financially guaranteed for future use as roads may comprise the legal and physical access to otherwise landlocked residual parcels only if the access is irrevocably guaranteed.
- D) An overall tentative sketch plan shall be submitted as part of the proposed subdivision, to show how the rear subdivision and reservation of access strips for future roads forms a logical and appropriate first phase in subdivision of the entire tract, and/or how it will allow interconnection with adjacent tracts.
- E) When the road is constructed, any access strips that are no longer needed shall revert to the owners of the abutting lots, in accordance with the terms agreed to as part of the original preliminary plan approval that created the access strips.

§ 414. Blocks. The length, width and shape of blocks shall be guided by the following:

§ 414.1 Minimum dimensional requirements of the Zoning Ordinance.

§ 414.2 Respect for existing natural features that may constrain subdivision or land development.

§ 414.3 Need to provide efficient, convenient, and safe pedestrian and vehicular circulation.

§ 414.4 Suitability of subdivision, pattern, and building sites created by the blocks.

§ 414.5 Blocks shall have a minimum length of three hundred (300) feet and a maximum length of twelve (12) times the minimum allowable lot width, to a maximum of two thousand two hundred (2,200) feet. Wherever practicable, blocks along arterials and collector streets shall be not less than one thousand (1,000) feet in length.

§ 414.6 In the design of blocks longer than one thousand (1,000) feet in length, special consideration shall be given to the requirements of fire protection, pedestrian access, and utility service. The Township reserves the right to require easements as necessary for these purposes.

§ 415. Lots.

§ 415.1 Lots shall meet or exceed the minimum area and width requirements of the Zoning Ordinance.

§ 415.2 Deep, narrow lots are to be avoided, except that lots for attached dwelling units may receive special consideration. The burden of proof to demonstrate to the Township that such a configuration cannot be avoided will be upon the applicant.

§ 415.3 Wide, shallow lots are to be avoided. The burden of proof to demonstrate to the Township that such a configuration cannot be avoided will be upon the applicant.

§ 415.4 Every lot shall contain a building envelope suitable for the type(s) of development proposed.

§ 415.5 Lot lines shall be drawn parallel, concentric, at right angles, or radial to the right-of-way line whenever feasible and not otherwise justifiable by existing, permanent, natural, or man-made features.

§ 415.6 The width of a lot at the building line shall be that width in feet specified for the applicable zoning district as provided for in the Zoning Ordinance.

§ 416. Sidewalk Location, Design, and Construction.

§ 416.1 Where Required.

A) Sidewalks shall be provided along at least one (1) side of all streets and along common driveways and parking areas. Wherever practicable, sidewalks shall be provided along both sides. The Planning Commission may waive the requirement for sidewalks under one (1) or more of the following conditions:

- (1) Where proposed residential lot width will be one hundred (100) feet or greater.
- (2) The sidewalk(s) would not be an extension of an existing network which provides neighborhood or village circulation.
- (3) An alternative pedestrian circulation concept can be shown to be more desirable, especially when using open space areas, provided that appropriate walks are provided between the open space walkways and the pedestrian origins and destinations.

- (4) The rural character, density of the area and/or small size of the proposal precludes the purposeful use of sidewalks. However, regardless of the small size of a land development or subdivision proposal, sidewalks shall be required wherever they fill a gap in an existing network.
- B) In developments with common areas, sidewalks should be located appropriately to serve as access between parking areas and buildings and in common areas to serve as internal site circulation. In addition, sidewalks shall be required where deemed necessary by the Supervisors to provide access to off-site destinations.
- C) Handicap ramps shall be provided at all intersections and at other locations required by the Township.

§ 416.2 Sidewalks shall not be less than four (4) feet in width, although the Supervisors may require additional width in commercial, industrial, office, or higher density residential areas where higher volumes of pedestrian traffic are anticipated.

§ 416.3 Sidewalks shall be located between the curb and the right-of-way line five (5) feet from the face of the curb. This distance may be less only when the near edge of the sidewalk is within 6 inches of the right-of-way line. The grade and paving of the sidewalks shall be continuous across driveways except in certain cases where heavy traffic volume dictates special treatment. The Township may reduce the offset distance when existing conditions require such a change.

§ 416.4 Sidewalks shall be constructed so as to discharge drainage to the street, the grade of which shall not be less than one-inch per foot. The finish grade between the outside of the sidewalk to the curb line (edge of the cartway) shall never exceed the total vertical elevation change of one foot.

- A) All concrete sidewalks shall be constructed on a base of four (4) inches of crushed stone with a width of forty-eight (48) inches to insure proper drainage. The concrete shall be placed so that there is a separate expansion joint every five (5) feet. One-half inch pre- molded expansion joints shall be placed between the adjacent curb and sidewalk.
- B) All concrete sidewalks shall have a minimum thickness of four (4) inches except under drives where they shall have a minimum thickness of six (6) inches for residential drives and 8 inches for commercial and industrial drives.

C) The concrete apron for the driveway shall be reinforced with wire six (6) by six (6) inches, No.9 wire (minimum). Two layers of this wire shall be utilized with a minimum of two (2)-inch spacing between layers. The wire shall not be installed so that it is closer than one-half inch from the top or bottom surfaces of the driveway.

§ 416.5 Additional sidewalks shall be required where deemed necessary by the Supervisors to provide access to schools, churches, parks, community facilities, and commercial or employment centers, and to provide necessary pedestrian circulation within land development and/or subdivisions where otherwise required sidewalks would not be sufficient for public safety and convenience. Such additional sidewalks may be constructed of alternative materials, in compliance with the Menallen Township engineering standards.

§ 416.6 Sidewalks shall be designed to facilitate access and use by the handicapped, as approved by the Township Engineer.

§ 416.7 Snow removal on sidewalks shall be the sole responsibility of the property owner.

§ 417. Rights-of-Way and Easements. Rights-of-way or easements required for roadway construction and maintenance, sanitary sewer systems, storm drainage systems, water systems, and any other utilities and for any other specific purposes shall be required by the Township as needed, with the location and width in each case to be determined by the Township.

§ 417.1 The building setback shall be at least ten (10) feet from the near side of all existing and proposed easements. The total setback from the property line shall not be less than that required by the applicable zoning district.

§ 417.2 The owner of any lot upon written request by the Township, and at the owner's sole expense, shall remove unauthorized items which have been placed, planted, set, or put (with or without prior knowledge of this regulation) within the area of any easement.

§ 417.3 To the fullest extent possible, easements shall be adjacent to rear and side lot lines.

§ 417.4 Minimum Easement Widths.

A) Drainage easements shall be required along natural water courses with a minimum width of fifty (50) feet. Such easements may be used for storm drainage systems, sanitary sewer lines, and open

space. Where conditions warrant, such as in floodplains, additional width may be required.

- B) A minimum easement width of fifteen (15) feet shall be required for all storm drainage systems and sanitary sewer systems which are located outside of the public right-of-way and wherever storm drainage is collected in swales and ditches. An additional five (5) feet of easement width shall be required for each additional utility that is placed within the easement area.

§ 417.5 Easements required to be obtained by developers shall provide for the maintenance, repair, and replacement of the facilities including the right of passage for such work. The Township shall have the right of review and correction of all easements obtained by developers from other property owners that shall be turned over to the Township.

§ 417.6 No right-of-way nor easement for any purpose shall be recited or described in any deed unless the same has been shown on the approved plan. Any error found in a deed shall be immediately corrected and recorded in the Office of the Recorder of Deeds for Fayette County, at the sole expense of the developer.

§ 417.7 Utility companies are encouraged to use common easements wherever possible.

§ 418. Utilities.

§ 418.1 All underground facilities shall be installed the full width of the right-of-way prior to the paving of the streets. The location of all underground facilities within the right-of-way shall be approved by the Township.

§ 418.2 All water, sewer, and gas mains shall be installed underground. All electric, telephone, and other communication services, both main and service lines, shall be installed underground except where it is demonstrated to the satisfaction of the Township Supervisors that underground installations herein required are not feasible because of physical conditions of the land involved.

§ 418.3 All electric and communication mains and services located within the public right-of-way shall be installed at least three (3) feet deep.

§ 418.4 The provisions in this Part shall not be constructed as to limit or interfere with the construction, installation, operation, and maintenance of public utility structures or facilities that may hereafter be located within public easements or rights-of-way designated for such purposes.

§ 419. Sanitary Sewers and On-Lot Disposal.

§ 419.1 Wherever practicable, sanitary sewers shall be installed and connected to the local municipal authority system. In areas not presently served by public sanitary sewers, the Township may require, in addition to the installation of temporary individual on-lot sewage disposal facilities, the installation of a capped sanitary sewer system which would include house connections, if studies by the Township indicate that extension of the public sanitary sewer mains or laterals to the property being subdivided appears probable or necessary to protect public health.

A) All sanitary sewer systems shall be designed and constructed in accordance with the requirements of the local municipal authority and the DEP.

B) Planning Approvals.

(1) The developer must obtain approval from DEP for all public sewer connections in excess of one equivalent dwelling unit (EDU). The developer shall update the Township Sewage Facilities Plan through the use of revisions as required by Chapter 71 of the Pennsylvania Code.

(2) When required by DEP, the developer shall obtain a water quality permit for the proposed sanitary sewer system or extension.

§ 419.2 If public sewage disposal is not available, and the sewage treatment is on a project or individual lot basis, such private facilities must be installed by the developer or builder under the direct supervision of the applicable DEP representative.

A) The developer or builder shall obtain approval from DEP through the use of the Planning Module for Land Development for all developments which consist of more than one EDU.

B) Proof of sewerability of every lot or parcel shall be provided before final plan approval of any subdivision or development unless waived by the Township. Where plan approval is not required by the Township, then a sewage permit shall be required before issuance of a building permit.

C) The Township-designated representative or sewage enforcement officer (SEO) shall require percolation tests, soil tests, and other data to determine the size and extent of the facilities. ~~Such tests shall be conducted for each lot to be developed.~~ During installation

of such facilities, and before final coverage, the applicable inspector shall make inspections and check to assure that all requirements and specifications have been met. They shall be granted free access to the development area at all times during this construction period.

- D) A septic tank shall be required and shall be provided with a cover to facilitate cleaning. Abandoned wells shall not be used as cesspools or any type of sewage disposal.
- E) The on-lot sewage systems shall be designed and constructed in accordance with any other Township regulations or ordinance, and DEP requirements.
- F) In no instance shall a septic tank tile field or other effluent disseminating system be located nearer to a drilled well than one hundred (100) feet.

§ 420. Water Supply.

§ 420.1 Public and Community Water Systems.

- A) All systems shall be designed and constructed in accordance with the requirements established by the Township.
- B) All water mains and lines as indicated on the approved plans shall be installed from each lot to the municipal or community supply.
- C) All water mains and lines shall at least be six (6) inches in diameter.
- D) Fire hydrants shall be located at accessible points throughout the subdivision or land development when public water supply is available, and shall be located within seven hundred and fifty (750) feet of all existing and proposed structures as measured along roadways. As part of the capped water system, the fire hydrant line shall be built to the location of the hydrant and capped.
- E) For major subdivisions and/or other land developments not connected to a public or community water supply system, the Planning Commission may require that adequate provision be made for fire protection.

- (1) To assure adequate quantities of water, all water distribution systems shall meet, at a minimum, the requirements of the National Fire Protection Association as more fully described in the Association's publication entitled, Fire Protection

Handbook, Thirteenth Edition 1969, Section 13 – Water Supplies and Services.

- (2) The responsible local fire companies shall be consulted to determine the appropriate type of fire hydrant and the proper placement of same.

§ 420.2 On-Lot Water Systems.

- A) Where no public or community water supply is available, wells shall be constructed for each lot or land development.
- B) All wells shall be designed and constructed in accordance with the requirements of all other Township regulations or ordinances and DEP regulations.

§ 420.3 Capped Water Systems.

- A) In areas not presently served by municipal or community water supply, the Township may require, in addition to individual wells, the installation of a capped water system, if studies by the Township indicate that a municipal or community water supply appears probable or necessary to protect public health. Such systems shall include all service connections to the lots or parcels.
- B) All systems shall be designed and constructed in accordance with the requirements for public and community water systems, Section 420.1 of this Part.
- C) A circular area with a radius of one hundred (100) feet shall be shown around each well to denote clear space in which no on-lot sewage system is to be located.

§ 421. Erosion and Sediment Control.

§ 421.1 No changes shall be made in the contour of the land, no grading, excavation, removal, or destruction of the topsoil, trees, or other vegetative cover of the land shall commence until such time that a plan for minimizing erosion and sedimentation has been approved by the Township or it is determined that such plan is not necessary.

§ 421.2 All erosion control facilities shall be designed and constructed in accordance with the regulations of the Township, Fayette County, and DEP.

§ 421.3 An NPDES stormwater permit is required for construction sites over 5 acres in accordance with DEP regulations, 25 Pa. Code, Chapter 92, before final plan approval is granted by the Township. The



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Township may require erosion and sedimentation control approval, per PA DEP standards, be obtained from the Fayette County Conservation District for construction sites under five (5) acres. When final plan approval is not required by the Board, a building permit shall not be issued until such erosion and sedimentation control approvals mentioned in Sections 422.1 and 422.2 above, have been obtained or the Township should determine that such erosion and sedimentation control will not be necessary.

§ 422. Bridges and Culverts.

§ 422.1 All bridges and culverts shall be designed to meet current PennDOT standards to support the expected load and to carry expected flows. They shall be constructed to the full width of the right-of way.

§ 422.2 Approvals or waivers shall be obtained from DEP for all bridges, culverts, and storm drainage pipes unless the Township has determined that such application would not be necessary.

§ 422.3 Extensions, construction, or reconstruction of bridges, culverts, and pipes which are a part of the County or State roadway system shall require their approval before final plan approval by the Township.

§ 423. Survey Monuments.

§ 423.1 Survey monuments shall be placed on the right-of-way lines at corners, angle points, beginning and end of curves, at all corners and changes in directions of the boundary of the tract under development and at other points as required by the Township. All monuments, existing and proposed, shall be shown on the record plans. The monuments shall be placed after all roadway improvements have been completed.

§ 423.2 One of the following types of permanent reference monuments shall be installed by the developer or property owner at all locations mentioned above:

- A) Concrete monuments with minimum dimensions of twenty (20) inches by four (4) inches square with forty-five (45) degree beveled edges.
- B) Solid steel pins which minimum dimensions of 5/8-inch in diameter and twenty-four (24) inches in length.

§ 423.3 Bench Marks. All survey work for plan preparation and other required design shall be based upon the sewer system datum or upon U.S.G.S. datum, at the discretion of the Township.

§ 423.4 Lot Stakeout. All lot corners and other changes in direction shall be marked with metal pins upon completion of all lot grading. All markers shall be permanently located and shall be at least a 5/8- inch metal pin with a minimum length of twenty-four (24) inches, located in the ground to the finished grade.

§ 424. Signs.

§ 424.1 The developer or property owner shall provide and install all street signs, speed limit signs, and all other regulatory signs required by the Township. All signs shall meet the requirements of PennDOT

§ 425. Street Lighting.

§ 425.1 Street lights shall be installed when required by the Township.

§ 425.2 The developer or property owner shall provide a street lighting plan that shall be approved by the utility company and the Township before final plan approval.

§ 426. Landscaping.

§ 426.1 The locations, dimensions, and spacing of required plantings should be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as wind, soil, moisture and sunlight.

§ 426.2 Plantings should be selected and located where they will not create or contribute to conditions hazardous to the public's safety. Such locations include but shall not be limited to public street rights-of- way; sidewalks; underground and above ground utilities; and sight triangle areas required for unobstructed view at street intersections. A clear sight triangle shall be maintained at all points where private vehicular accessways intersect public streets.

§ 426.3 All plant material used shall, at the time of planting, meet the minimum size requirements as stated in Appendix A.

§ 426.4 Street Trees.

A) Street trees shall be planted for any subdivision or land development where suitable street trees as defined in Appendix A do not exist, when determined appropriate by the Menallen Township Planning Commission.

B) Spacing. The number of street trees required shall be determined based on twenty-five (25) feet on center for each side of the street, except along primary streets where they may be up to fifty (50) feet on center spacing. Informal groupings of

more closely spaced plants which reflect the natural character of the site are encouraged. Required street trees which are not planted on the property shall be placed at the direction of the Township.

C) Setback. Street trees shall be planted a minimum distance of five (5) feet outside and parallel to the right-of-way line, unless otherwise approved by the Township. Trees located at intersections shall respect the sight triangle.

(1) In no instance shall street trees encroach upon the right-of-way.

§ 426.5 Drainage Area and Detention Basin Landscaping. Whenever a detention or retention basin is provided, such basin shall conform to the following landscaping requirements:

A) The basin shall be so designed that the plantings in and adjacent to it shall not have a negative effect on the hydrological function of the basin.

B) All continuously flowing natural watercourses shall be maintained in their natural state except that the removal of debris and correction of severe erosion shall be required.

C) Intermittent streams shall be maintained essentially at their existing alignments and gradients except that they may be improved by minor regrading, subject to the approval of the Township Engineer, and shall either be planted and stabilized in vegetative cover or provided with erosion preventive improvements such as riverstone or riprap.

D) Drainage ways and detention and retention basins should be compatible with the adjacent land use. Creative grading and innovative basin forms shall be utilized wherever physically possible. Where basins adjoin existing woodlands, it is recommended that plantings be selected to blend with the natural surroundings.

E) All drainage areas and basin floors must meet the erosion and sedimentation requirements of Section 421: Erosion and Sediment Control, et. seq.

F) Basin Floors.

(1) Floors dry most of the year shall be landscaped in one or combination of the following:

(a) Seeded or sodded lawn.

(b) Seeded in low-maintenance wildflowers and meadow grasses.

(c) All-season groundcover.

(2) Basin floors, portions of a floor or channels which are wet most of the year shall be landscaped in one or a combination of the following:

(a) Wet habitat grasses and ground covers.

(b) Seeded in wildflower mix suitable for wet areas.

§ 426.6 There shall be a minimum of one shade tree for each fifty (50) linear feet of basin perimeter. To promote diversity, up to fifty percent (50%) of the shade trees may be substituted with an option of two

(2) flowering trees, one (1) evergreen tree or ten (10) shrubs for every shade tree. Plantings shall be at least ten (10) feet from the toe of the berm.

§ 426.7 All service, utility, delivery, loading and outdoor storage and trash disposal areas shall be screened from all residential districts, public streets, parking lots and pedestrian walkways. Screening shall be by the use of fences, walls, berms or a combination of these. Screening shall be installed and maintained at a height that effectively blocks the view but shall not be less than six (6) feet. The screening shall have exterior plantings at minimum intervals of ten

(10) feet. See Appendix A for recommended plant types.

§ 426.8 In Major Subdivisions (Minor Subdivisions shall be exempt), in addition to the landscape requirements outlined herein, each individual building lot or dwelling unit shall provide the following unless an equivalent number of existing trees or shrubs are present on the lot:

A) Each single-family detached dwelling shall have a minimum of three (3) deciduous or evergreen trees or the equivalent number of shrubs as listed in Appendix A.

B) Each multifamily dwelling unit shall have one (1) deciduous or evergreen tree or the equivalent number of shrubs as listed in Appendix A.

C) Each building lot in all other districts shall provide one deciduous or evergreen tree or the equivalent number of shrubs as listed in Appendix A per five thousand (5,000) square feet of gross floor area of building.

§ 427. Lot Grading for Subdivisions and Land Developments.

§ 427.1 Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of stormwater in pools. Minimum two (2) percent slopes away from structures shall be required.

§ 427.2 Lot grading shall be of such design as to carry surface waters to the nearest practicable street, storm drain, or natural

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Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than one (1) percent or more than four (4) percent. The swales shall be sodded, planted, or lined as required. A grading and draining plan shall be required for all subdivisions and land developments, except minor subdivisions.

§ 427.3 No final grading shall be permitted with a cut face steeper in slopes than two (2) horizontal to one (1) vertical except under one (1) or more of the following conditions:

- A) The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than two (2) horizontal to one (1) vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control to that effect is submitted to the Township Engineer and approved by him. The statement shall state that the sites has been inspected and that the deviation from the slope specified hereinbefore will not result in injury to persons or damage to property.
- B) A concrete or stone masonry wall constructed according to sound engineering standards for which plans are submitted to the Township Engineer for review and approval is provided.

§ 427.4 No final grading shall be permitted which creates any exposed surface steeper in slope than two (2) horizontal to one (1) vertical except under one (1) or more of the following conditions:

- A) The fill is located so that settlement, sliding or erosion will not result in property damage or be hazardous to adjoining properties, streets, alleys, or buildings
- B) A written statement from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, is submitted to and approved by the Township Engineer.
- C) A wall is constructed to support the face of the fill.

§ 427.5 The top or bottom edge of slope shall be a minimum of three (3) feet from property or right-of-way lines of streets or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property, or shall meet the current International Building Code standards (IBC). All property lines, where walls or slopes are steeper than one (1) horizontal to one (1) vertical and five (5) feet or more in height, shall be protected by a protective fence no less than three (3) feet in height approved by the Township Engineer.

§ 427.6 All lots shall be free of any debris or nuisances whatsoever.

Part IV - Design

§ 428. Stormwater Management and Drainage.

§ 428.1 Applicants shall follow the requirements set forth in Appendix B: Stormwater Management Standards.



§ 500. General Requirements. All of the required improvements specified in this Ordinance shall be constructed and installed by the developer at no expense to the Township and in accordance with all applicable Township, County and State regulations. The final plat shall not be approved until final detailed design of the improvements is approved and the improvements are installed or security to the Township is provided.

§ 501. Streets. Streets shall be brought to the grades and dimensions drawn on plans, profiles, and cross-sections submitted by the applicant and approved by the Township Engineer. The applicant must install the required utilities and provide, where necessary, adequate subsurface drainage for the streets. The street shall be designed and constructed to the standards set forth in Part IV of this Ordinance.

§ 502. Sewers.

§ 502.1 Public Sewer Systems. When the subdivision or land development is to be provided with a complete sanitary sewer system connected to a public sanitary sewer system, a statement of approval from the engineer of the sewerage system to which it will be connected shall be submitted to the Township. Where required, Pennsylvania Department of Environmental Protection (PA DEP) Planning Module approval shall also be obtained for final plan approval.

§ 502.2 Private Sewer Systems. When a complete private sanitary sewer system using a treatment plant is to be provided, a statement shall be submitted to the Township from the PA DEP certifying that a permit has been issued by the appropriate agency approving the proposed facilities. Adequate security for the maintenance of such plant shall be furnished to the Township.

§ 502.3 On-lot Sewage Disposal. In subdivisions where public sewers are not available and a complete private sanitary sewer system is not required, on-lot sewage disposal systems shall be provided as approved by the PA DEP, and the Township or authority or other public body responsible for the collection, conveyance, and treatment of sanitary sewage.

§ 502.4 Capped Sewer System. Where the sanitary sewer system is not yet accessible, but is planned for extension to the subdivision or development, the applicant shall install new sewer lines, including lateral connections, in order to provide service to each lot. The sewer mains shall be suitably capped at the limits of the subdivision and laterals shall be capped at the street right-of-way line when not extended to houses or other structures. When laterals are extended to houses or other structures, the internal plumbing system shall be constructed to accommodate them as

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well as any septic system required. If any planned construction of extensions to the existing sanitary sewer system is under contract or scheduled to occur within six (6) months of the application date, the applicant may reduce the size of any required septic system drain fields or septic tank by fifty (50) percent.

§ 503. Water.

§ 503.1 Provision of Water System. The subdivision or land development shall be provided with a complete water main supply system which shall be connected to a municipal water supply or with a community water supply approved by the engineer of the applicable water utility company and the PA DEP with satisfactory provision for the maintenance thereof; except that, when such municipal or community water supply system is not available, each lot in a subdivision shall be capable of being provided with an individual water supply system in accordance with minimum standards approved by the PA DEP.

§ 503.2 Public Water Systems. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Township that water to the subdivision is to be supplied by a certified public utility, or by a municipal corporation, authority, or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable.

§ 503.3 Plans. The plans for installation of the mains of a water supply system shall be prepared for the subdivision or land development with the cooperation of the applicable water supply agency and approved by its engineer. A statement of approval from the engineer of the water supply agency to which the subdivision or land development will be connected shall be submitted to the Township. Upon the completion of the water supply system, one (1) copy of each of the plans for such system shall be filed with the Township.

§ 503.4 Fire Hydrants. Fire hydrants shall be provided as part of any public water supply system. The Township and / or County Fire Marshall shall be consulted to determine the location of any proposed fire hydrants.

§ 504. Stormwater Facilities. Every subdivision or land development which will affect stormwater runoff characteristics shall include facilities for the management

of runoff, in accordance with the standards set forth in Section 428 Stormwater Management and Drainage, et. seq. of this Ordinance.

§ 505. Utilities.

§ 505.1 Easements for utilities shall have a minimum width of twenty (20) feet.

§ 505.2 To the fullest extent possible, easements for public utilities shall be centered on or adjacent to rear or side lot lines.

§ 505.3 Telephone, electric, television cable and such other utilities shall be installed underground and shall be provided within the street right- of-way or easements to be dedicated for such utilities and in accordance with plans approved by the Township and the applicable utility company. Underground installation of the utility distribution and service lines shall be completed prior to the street paving and gutter, curbing and sidewalk installation.

§ 506. Monuments and Markers.

§ 506.1 Monuments and markers shall follow the requirements set forth in Section 423: Survey Monuments.

§ 507. Other Improvements.

§ 507.1 Shade trees shall be provided as specified in Section 426: Landscaping of this Ordinance.

§ 507.2 Street name signs conforming to Ordinance specifications shall be provided and installed by the developer at all street intersections as specified in Section 409: Street Names and Signs, of this Ordinance.

§ 507.3 Other improvements to promote public safety and health as requested by the Township as a condition of approval.

§ 508. Maintenance of Improvements.

§ 508.1 The applicant shall be required to maintain all public improvements and provide for snow removal on streets to be dedicated, where surety has been provided, until acceptance of said improvements by the Township or other appropriate agency.

§ 508.2 The applicant may be required to file a maintenance bond with the Township, prior to the formal acceptance of public improvements, in an amount of not less than ten percent (10%) of the cost of said improvements or in an amount considered adequate by the Township Engineer and in a form satisfactory to the Township Solicitor. Said maintenance bond is intended to assure the satisfactory condition of the required public improvements for a

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period of one (1) year after the date of formal acceptance by the Township.

§ 509. Financial Security. In lieu of the completion of any improvements required for final plan approval, financial security in an amount sufficient to cover the costs of any improvements or common amenities shall be provided to the Township in accordance with this Section.

§ 509.1 The acceptable types of guarantees are as follows:

- A) Performance bond with an acceptable surety and form satisfactory to the Township,
- B) Certified check payable to the Township,
- C) Deposit of cash or other acceptable security in a bank account payable only upon order of the Township,
- D) Escrow agreement, between the applicant, the Township, and a bank; said agreement shall provide for the payment of all or a portion of the proceeds from the sale of lots into an escrow account until sufficient funds are deposited to cover the cost of the improvements remaining to be installed; and
- E) Any other form of guarantee acceptable to the Township; e.g., Federal or Commonwealth chartered lending institution irrevocable letters of credit.

§ 509.2 The amount of the financial security to be posted for the completion of the required improvements shall be equal to one hundred and ten (110) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer.

§ 509.3 The amount of financial security required shall be based upon an estimate of the costs of completion of the required improvements submitted by an applicant or developer and prepared by a professional engineer licensed as such in the Commonwealth of Pennsylvania and certified by such engineer to be a fair and reasonable estimate of such cost. The Menallen Township Board of Supervisors, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause.

§ 509.4 Such financial security shall provide for and secure to the public the completion of all subdivision improvements for which such security is being posted on or before ninety (90) days following the date fixed in the subdivision plan or subdivision agreement for completion of such improvements.

§ 509.5 If the applicant requires more than one year from the date of posting of the financial security to complete the required improvements, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost of the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. After this adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals one hundred and ten (110) percent of the cost of completion.

§ 509.6 In the case where development is projected over a period of years, the Township may authorize submission of final plats by sections or stages of development in accordance with Section 310.3, Effective Period of Approval, of this Ordinance and subject to such requirements or guarantees as to improvements in future sections or stages of development.

§ 509.7 If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from Menallen Township, financial security to assure proper completion and maintenance there of shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section.

§ 510. Release from Liability.

§ 510.1 As the work of installing the required improvements proceeds, the party posting the financial security may request the Township to release, or authorize the release from time to time, such portions of the financial security necessary for payment to the contractor(s) performing the work. Any such request shall be in writing addressed to the Menallen Township Board of Supervisors and subject to the provisions for release as established in Section 509 and Section 510 of the MPC.

§ 510.2 The portion of the financial security unencumbered by the post-completion security of Section 510.4 herein shall be released only upon completion of installation of the required improvements in accordance with the approved improvement construction plan. Strict compliance with procedures established by Section 510 of the MPC, shall be followed with respect to the release of financial security posted by the subdivider, owner, developer, or builder. If

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the Township fails to comply with the time limitations of Section 510 of the MPC, all improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to the financial security.

§ 510.3 If the required improvements are not completely installed within the period fixed or extended by the Township, the Township shall declare the financial security in default to collect the amount payable thereunder. Upon receipt of such amount, the Township shall install such improvements as were covered by the security and are commensurate with the extent of building development which has taken place in the subdivision or land development, not exceeding in cost, however, the amount collected upon the security. Strict compliance with procedures established by Section 511 of the MPC shall be followed.

§ 510.4 The developer shall be responsible for maintenance of all subdivision or land development improvements until such improvements are offered for dedication and accepted by the Township, and ten (10) percent of the performance guarantee shall be held back until a maintenance guarantee has been posted as provided for in Section 509, Financial Security.

§ 511. Inspection of Work and Materials.

§ 511.1 The Township Engineer shall be notified at least five (5) business days in advance of the commencement of any construction or installation operation, in order that provision may be made for inspection by the Township. Construction and installation operations shall also be subject to inspection by Township officials during the progress of the work. The applicant shall pay for all inspections.

A) The Township Engineer shall, thereupon, file a report, in writing, with the Township and with the Township Planning Commission and shall promptly mail a copy of the same to the applicant by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Engineer of the aforesaid authorization from the Township; said report shall be detailed and shall indicate approval or rejection of said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such non-approval or rejection.

§ 511.2 All required road improvements shall be constructed in accordance with the applicable provisions of the latest edition of PennDOT Publication 408, including the latest revisions and other applicable

regulations. All other required improvements shall be constructed in accordance with approved specifications.

- A) The specifications will be furnished to the applicant by the Township. If any of the specifications are unavailable at the Township building, the Township Engineer shall provide the applicable specifications.
- B) During, or after, construction of any required improvement, should the Township require a sample of materials, said sample shall be furnished by the appropriate contractor, in form specified by the Township Engineer.

§ 511.3 Delivery Slips. Copies of all delivery slips for materials used in the construction of any storm sewers, sanitary sewers, roads, curbs, sidewalks, or any other facility within a Township right-of-way or easement shall be supplied to the Township.

§ 512. Off-Site Improvements. Certain improvements beyond the geographical boundaries of a site to be subdivided and/or developed, including but not limited to road improvements, may be required to be constructed where it can clearly be demonstrated that such improvements have been made necessary solely through the additional burden imposed by the subdivision and/or development of the site. The Township Solicitor shall render final judgment in any instances where a dispute arises as to the direct cause relationship for the improvement(s).

§ 512.1 The subdivider or developer may be required to cover costs which must be incurred by the Township or other governmental jurisdiction in order to make these improvements feasible. The legal and financial arrangements to cover costs of the off-site improvements shall be the same as those prescribed in Section 509, Financial Security.

§ 600. Waiver of Application Requirements for Certain Applications.

§ 600.1 The requirements of this Ordinance are minimum standards for the protection and promotion of the public health, safety, and welfare. The regulations preserve public order and establish interactions among citizens in a way that prevents a conflict of rights. The regulations contained herein ensure the uninterrupted enjoyment of rights by all of the citizenry by guiding development and growth, and permit the Township to minimize such problems as may presently exist or which may be foreseen.

§ 600.2 Modifications or waivers should only be granted when literal compliance would be unreasonable, cause undue hardship, or when an alternative standard is demonstrated to provide equal or better results and if the modification or waiver would not be contrary to the public interest.

§ 600.3 Minor Subdivisions.

- A) In subdivisions which exceed the number of lots specified in the definition of minor subdivision in this Ordinance but which meet all other aspects of the definition of minor subdivision, and where all adjoining property is recorded in a plan of subdivision, the Planning Commission may exempt the applicant from complying with some of the requirements of Section 304 of this Ordinance regarding application content. Applicants desiring to obtain a waiver of certain application requirements under the provisions of this Section shall submit a written request when submitting an application for preliminary approval.
- B) The Planning Commission may grant a waiver if any of the application requirements of Section 304 of this Ordinance, if warranted, provided that such waiver is not contrary to the public interest and such waiver is not in conflict with the requirements of any other applicable Fayette County or Commonwealth of Pennsylvania law or regulation.

§ 600.4 Land Developments.

- A) In the case of a land development which proposes the change of use of an existing building, an addition to an existing building, or the construction of a single non-residential building on which new construction is less than one thousand (1,000) square feet of gross floor area, the requirement to submit separate applications for preliminary and final approval may be waived by the Menallen Township Planning Commission, provided all of the applicable information required by Section 307 of this Ordinance



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is provided in the application for approval of the land development. If such waiver is granted, the procedure for granting combined preliminary and final approval of the land development shall follow the procedure for granting final approval of a land development as specified in Part III of this Ordinance.

§ 601. Modifications.

§ 601.1 The Township may grant a modification of the requirements of one (1) or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.

§ 601.2 All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this Ordinance involved and the minimum modification necessary.

§ 601.3 The request for modification shall be referred to the Township Planning Commission for advisory comments.

§ 601.4 The Township Board of Supervisors shall keep a written record of all action on all requests for modifications.

§ 602. Mediation Option.

§ 602.1 The Township may offer the mediation option as an aid in reaching decisions on applications for approval of subdivisions or land developments and as an alternative to appeals from such decisions. Mediation shall supplement, not replace, those procedures once they have been formally initiated. Nothing in this section shall be interpreted as expanding or limiting the Township's police powers or as modifying any principle of substantive law.

§ 602.2 Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Board of Supervisors shall assure that, in each case, the mediating parties, assisted by the mediator, as appropriate, develop terms and conditions for:

- A) Funding mediation.
- B) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision and land development procedures and demonstrated skills in mediation.
- C) Completing mediation, including time limits for such completion.
- D) Suspending time limits otherwise authorized in this Ordinance, provided there is written consent by the mediating parties, or by the Board of Supervisors if either is not a party to the mediation.
- E) Identifying all parties and affording them the opportunity to participate.
- F) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
- G) Assuring that mediation solutions are in writing and signed by the parties, and become subject to review and approval by the Board of Supervisors pursuant to the procedures for approval contained in this Ordinance.
 - (1) No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.
 - (2) Any person aggrieved by a decision of the Board of Supervisors concerning application for approval of a subdivision or land development may appeal the decision in accordance with the procedures specified in Article X-A of the MPC.

§ 603. Reconsideration. Any applicant aggrieved by a finding, decision, or recommendation of the Board of Supervisors may request and receive opportunity to appear, present additional relevant information, and request consideration of the original finding, decision, or recommendation.

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§ 604. Records. The Township shall keep a public record of its findings, decisions, and recommendations relative to all subdivision and land development plans filed with it for review.

§ 605. Fees

§ 605.1 The Township Board of Supervisors shall establish, by resolution, a collection procedure and Schedule of Fees to be paid by the applicant at the time of filing a preliminary and final plan.

§ 605.2 The Schedule of Fees shall be available in the municipal office, upon request.

§ 605.3 In the event the applicant 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 applicant fail to apply for final approval within the required period of time or if the Final Plan covers only a section of the subdivision or land development for which Preliminary Approval has been obtained.

§ 605.4 No Final Plan shall be signed and sealed by the Township until all fees and charges have been paid in full.

§ 606. Penalties and Remedies

§ 606.1 No person, partnership or corporation shall subdivide any lot, tract or parcel of land, lay out, construct, open or dedicate any street, sanitary sewer, storm sewer or water main or other improvements for public use or travel or for the common use of occupants for buildings abutting thereon, sell, lease, transfer or agree or enter into an agreement to sell any land in a subdivision or erect any building in a subdivision until:

- A) A Record Plan of such subdivision shall have been approved and properly recorded, and
- B) Improvements have been either constructed or guaranteed and all the provisions of this Ordinance have been met.

§ 606.2 Any person, partnership or corporation who or which has violated any provision of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by a district justice.

§ 606.3 If the violator neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to applicable rules of civil procedures. Each day that a violation continues shall constitute a separate violation, unless the district justice in determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of each violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

§ 606.4 All judgments, costs, and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the Township. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

§ 606.5 In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct, or abate violations, to prevent unlawful construction, to recover damages, to prevent illegal occupancy of a building, structure, or premises and to set aside and invalidate any unlawful conveyances of land.

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

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

- A) The owner of record at the time of such violation.
 - B) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - C) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
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D) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

§ 606.9 Nothing herein shall prevent the Township from taking such other action as is necessary to prevent or remedy any violation.

§ 607. Responsibility. The applicant shall be responsible for observing the procedures established in this Ordinance and for submitting all plans and documents as may be required.

§ 608. Amendment Procedure. The Board of Supervisors may, from time to time, amend, supplement, change, modify, or repeal this Ordinance by proceeding in accordance with the regulations of this Part. The Board of Supervisors shall, by resolution adopted at a regular or special meeting, fix the time and place of a public hearing on the proposed amendment and cause public notice thereof to be given as follows:

§ 608.1 By publishing a notice thereof once each week for two successive weeks in a newspaper of general circulation in the Township. The first notice shall not be more than thirty (30) days or less than seven (7) days from the date of the hearing.

§ 608.2 The notice shall state the time and place of the hearing, the general nature of the proposed amendment and that full opportunity to be heard will be given to any citizen and all parties in interest attending such hearing.

§ 608.3 Whenever a proposed amendment affects a particular property, there shall be posted upon said property or premises at such place or places as the Board of Supervisors may direct, notice of said proposed amendment.

§ 609. Referral to Planning Commissions. All proposed amendments shall be referred to the Menallen Township Planning Commission and the Fayette County Department of Planning, Zoning, and Community Development at least thirty (30) days prior to the public hearing, for review and recommendation. All comments received shall be advisory.

§ 610. Validity. Should any section of this Ordinance be declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole or any other Part thereof.

§ 611. Conflicts

§ 611.1 Whenever there is a difference between the minimum standards specified herein and those included in other official Township regulations the more stringent requirements shall apply and are not hereby repealed.

§ 611.2 All existing ordinances or parts of ordinances which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

§ 700. Purpose and Intent. The purpose of this Part is to set forth the requirements and standards for those individuals wishing to utilize the Conservation Subdivision option available to property owners located in the Country Woodlands (CW) Residential District, the Suburban Residential (SR) District, and the Mixed Use (MX) Corridor District. In addition, these standards aim:

§ 700.1 To further the objectives set forth in the Townships of Franklin, Jefferson, Menallen, and Perry Multi-Municipal Comprehensive Plan and the purpose statements and community development objectives set forth in Article I of this Ordinance;

§ 700.2 To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, stream, floodplains and wetlands, by setting them aside and protecting them from development;

§ 700.3 To provide greater flexibility in the design and efficiency of siting services and infrastructure, including the opportunity to reduce the length of roads, utility lines, and the amount of paving and grading required for residential development;

§ 700.4 To reduce erosion and sedimentation by encouraging the retention of existing vegetation and minimizing development on steep slopes;

§ 700.5 To preserve scenic views and elements of Menallen Township’s natural resources and character and to minimize perceived density by minimizing views of new development from existing arterial roadways; and

§ 700.6 To allow for a diversity of lot sizes and building densities that will accommodate a variety of age and income groups and residential preferences.

§ 701. Design Review Standards for Common Open Space.

§ 701.1 Prioritized List of Resources to be Conserved. The location of proposed Common Open Space shall follow the standards set forth in Section 704 and shall reflect the Common Open Space and trail corridor recommendations of the Multi-Municipal Comprehensive Plan. The applicant shall demonstrate, to the satisfaction of the Township, that the following resources are incorporated into the Common Open Space.

A) The following primary resources shall be included in the Common Open Space. Lands containing primary resources are called Primary Conservation Areas (PCA). All PCAs shall be included in the Common Open Space.

(1) Lands within the 100-year floodplain (including the floodway),

(2) Wetlands

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- (3) Prohibitive steep slopes in excess of twenty-five (25) percent
- B) The following secondary resources, listed in order of priority, shall be included in the Common Open Space to the fullest extent practicable. Lands containing secondary resources that are included in the Common Open Space are called Secondary Conservation Areas (SCA).
- (1) Significant habitat and species listed as endangered, threatened, or of special concern, such as those listed in the Pennsylvania Natural Diversity Inventory and County and local Natural Areas Inventories.
 - (2) Precautionary steep slopes fifteen (15) to twenty-five (25) percent, particularly those adjoining watercourses and ponds, due to the potential for soil disturbance, leading to erosion that is detrimental to water quality.
 - (3) Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands, and wildlife habitats.
 - (4) Hedgerows, groups of trees, specimen trees, and other unique or significant vegetation features.
 - (5) Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
 - (6) Class I, II, and III agricultural soils as defined by USDA Natural Resources Conservation Service.
 - (7) Historic structures and sites.
 - (8) Visually prominent topographic features such as knolls, hilltops and ridges, and scenic views as seen from public roads (particularly those with historic features). Significant views from within the site outward shall also be considered.
 - (9) Existing or proposed trails connecting the tract to other locations in the Township (see also Section 704).

§ 702. Sketch Plan Submission and Review.

§ 702.1 Applicants for subdivision or land development approval who are utilizing the Conservation Subdivision options offered under the Country Woodlands, Suburban Residential, and Mixed Use Corridor zoning district designations are strongly encouraged to submit a



Sketch Plan to Menallen Township Planning Commission for review prior to the submission of a formal application. The provision of a Sketch Plan is particularly critical for conservation subdivisions that designate Common Open Space in accordance with the Four-Step Design Process described in Section 704, et. seq., herein, and the Greenway design review standards in Section 705, et., seq., herein.

- A) Submission of a Sketch Plan does not constitute formal filing of a plan with the Township or Planning Commission, and shall not commence the statutory review period as required by the MPC.

§ 702.2 Sketch Plan Review Standards. The Menallen Township Planning Commission review shall informally advise the applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this Ordinance, and may suggest possible plan modifications that would increase its degree of conformance. Their review shall include, but is not limited to:

- A) The location of all areas proposed for land disturbance (streets, foundations, yards, water supply, sewage disposal systems, stormwater management areas, including associated grading) with respect to features of natural or cultural significance as identified on the applicant's Existing Resources and Site Analysis (ER / SA) Plan, as described in Section 704.2 herein.
- B) The potential for street connections with existing streets, other proposed streets, or in potential developments on adjoining parcels; the location of proposed access points along the existing road network;
- C) Building layout;
- D) When Common Open Space is provided:
 - (1) The potential for Common Open Space connections with existing or potential Common Open Space on adjoining parcels;
 - (2) The relationship of buildings to Common Open Space;
 - (3) Pedestrian access to Common Open Space;
- E) The compatibility of the proposal with respect to the objectives and policy recommendations of the Townships of Franklin, Jefferson, Menallen, and Perry Multi-Municipal Comprehensive Plan;

- F) General consistency with the requirements of the Menallen

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§ 702.3 The Planning Commission shall submit its written comments to the applicant and the Board of Supervisors; provided, however, that failure of the Planning Commission to submit comments in writing shall not be deemed to be an approval of any application or to vest any rights in the applicant.

§ 703. Site Visit.

§ 703.1 After preparing the ER / SA Plan and Site Context Map (see Section 704.1 and Section 704.2), the applicant is strongly encouraged to arrange for a site visit with the Township Planning Commission and other Township officials, and shall provide sufficient copies of the ER / SA Plan to distribute to all Township officials during the site visit. Applicants, their site designers, and the landowner are strongly encouraged to accompany the Township Planning Commission. The purpose of the site visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of the Common Open Space land (if applicable) and potential locations for buildings and street alignments.

§ 703.2 The site visit shall be advertised in accordance with public notice standards as defined in this Ordinance.

§ 703.3 Comments made by Township officials and / or their staff or consultants are only suggestions. No formal recommendations will be offered and no official decisions will be made during the site visit.

§ 704. Preliminary Plan Content Requirements

In addition to all requirements for Plan Submission detailed in Part III: Plan Submission Requirements and Processing Procedures of this Ordinance, applicants wishing to utilize the Subdivision Conservation option shall also submit the following documents as part of their Preliminary Plan.

§ 704.1 Site Context Map. A map showing the location of the proposed subdivision or land development within its neighborhood context shall be submitted, per the following requirements:

- A) For sites under one hundred (100) acres, such maps shall be at a scale not less than one inch (1') for every two hundred feet (200'), and shall show the relationship of the subject property to natural and man-made features existing within one thousand (1,000) feet of the site. For sites over one hundred (100) acres, the scale shall be one inch (1') for every four hundred feet (400'), and shall show

the above relationships within two thousand (2,000) feet of the site.

- B) The features to be shown on a Site Context Map may be superimposed over an aerial photograph and shall include:
- (1) Topography (from the most current USGS maps)
 - (2) Streams and water courses, drainage basins and sub-basins
 - (3) Wetlands (from the most current maps published by the U.S. Fish and Wildlife Service or the USDA Natural Resources Conservation Service)
 - (4) Woodlands over one half (1/2) acre in area (from aerial photography)
 - (5) Ridge lines
 - (6) Public roads, trails, utility easements, pipelines, and rights-of- way
 - (7) Public land and land protected under conservation easements (if applicable)
 - (8) Zoning district boundaries and classifications
 - (9) Existing property lines
 - (10) Names of owners of all properties and the names of all subdivisions

§ 704.2 Existing Resources and Site Analysis Plan (ER/SA Plan). For all subdivisions utilizing the Conservation Subdivision option, an ER / SA Plan shall be prepared to provide the applicant and the Township with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred (500) feet of the site. Conditions beyond the parcel boundaries may be described based on existing published data available from governmental agencies and from aerial photographs. The following information shall be shown:

- A) Existing Natural Features
- (1) A vertical aerial photograph at a scale that matches the scale of the ER / SA Plan, with property lines shown.

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- (2) Topography shall be shown using contour line intervals not more than two (2) feet, determined by photogrammetry, for land with average natural slope of ten (10) percent or less, and at intervals no more than five (5) feet for land with average slope exceeding ten (10) percent. Ten (10) foot intervals interpolated from USGS published maps are permissible beyond the parcel boundaries. Slopes between fifteen (15) and twenty-five (25) percent and exceeding twenty-five (25) percent shall be clearly indicated. Slope shall be measured over three (3) or more two (2) foot contour intervals. Topography shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official USGS benchmarks. Datum to which contour elevations refer shall be noted.
- (3) The location and delineation of wetlands, ponds, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains.
- (4) Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland, specimen trees, the actual canopy line of existing trees and woodlands.
- (5) Soil series, types, and phases, as mapped by USDA Natural Resources Conservation Service in the published soil survey for Fayette County, and accompanying data tabulated for each relating to its suitability for construction (and in unsewered areas, for septic suitability). The following soil types shall be specifically identified:
 - (a) Alluvial soils
 - (b) Seasonal high water table soils
 - (c) Hydric soils
 - (d) Class I and II agricultural soils
 - (e) Soil hydrologic group (i.e., Group A, B, C, or D)
- (6) Ridge lines and watershed boundaries.
- (7) Geologic formations, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.

- (8) Any portion of the tract identified as a Pennsylvania Natural Diversity Inventory (PNDI) site or that is included on a county or local Natural Areas Inventory.
- (9) A view shed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands. Significant scenic views from the property shall also be delineated.

B) Existing Man-Made Features, including:

- (1) Location, dimensions, and use of existing buildings, driveways, and any other man-made features on the site.
- (2) Location, names, widths, centerline courses, paving widths, identification numbers, and rights-of-way, of existing streets and alleys.
- (3) Locations of trails that have been in public use (pedestrian, equestrian, bicycle) or are proposed on any County Recreation or Greenway Plan.
- (4) Location and size of existing utilities.
- (5) Any easements, deed restrictions, rights-of-way, or any other encumbrances upon the land, including location, size, and ownership.
- (6) Site features or conditions such as hazardous waste, dumps, underground tanks, active and abandoned wells, quarries, landfills, sand mounds, and artificial land conditions.
- (7) Locations of historically significant sites or structures on the tract, including but not limited to foundations, cellar holes, stone walls, earthworks, and burial sites. Any portion of the site located within a designated Historic District, and historical resources identified in the Comprehensive Plan.

C) Planned or Proposed Features. Streets, trails, utility corridors and other public infrastructure planned or proposed in local, regional, or county plans or Official Maps shall be delineated.

§ 704.3 Four-Step Design Process for Conservation Subdivisions.

Preliminary Plans for conservation subdivisions shall include documentation of the Four-Step Design Process set forth herein, used in determining the layout of the Common Open Space, dwelling units, streets, stormwater management facilities, and lot lines. When requested by the Planning Commission, the applicant

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shall submit four (4) separate sheets indicating the delineation of each step of the design process.

A) Residential subdivisions proposed under the Conservation Subdivision Option and containing Common Open Space shall follow the Four-Step Design Process described below. Applicants are required to document the design process in accordance with the standards set forth herein.

(1) Step 1: Delineation of Common Open Space, including Stormwater and Wastewater Management Areas. General locations for Common Open Space, including stormwater and wastewater management areas, shall be delineated according to the following procedure:

(a) Using the ER / SA Plan as a base map, Primary and Secondary Conservation Area shall be delineated consistent with the Map of Potential Conservation Lands.

(b) Common Open Space shall include all Primary Conservation Areas plus enough Secondary Conservation Area to meet or exceed the minimum acreage requirement for Common Open Space set forth in the Zoning Ordinance.

(i) The applicant shall prioritize natural and cultural resources in terms of their highest to least suitability for inclusion in the proposed Common Open Space.

(ii) The locations and boundaries of Primary Conservation Areas shall follow the actual boundaries of floodplains, wetlands, and steep slopes over twenty-five (25) percent.

(iii) The locations and boundaries of Secondary Conservation Areas shall be based on the priorities established above, practical considerations given to the tract's configuration, its context in relation to resources on adjoining properties, and the applicant's subdivision objectives. Secondary resources with the highest significance shall be included in the Common Open Space. The applicant shall also be guided by any written recommendations provided by the Township regarding the delineation of Secondary Conservation Areas, following a site visit and / or pre-submission (Sketch Plan) meeting.



- (iv) Common Open Space shall be delineated in a manner clearly indicating Common Open Space boundaries as well as the types of resources included within them.
- (c) Preferred locations for stormwater and wastewater management facilities shall be identified using the ER / SA Plan as a base map.
 - (i) The design of these facilities should strive to use the natural capacity and features of the site to facilitate the management of stormwater and wastewater generated by the proposal.
 - (ii) Opportunities to use these facilities as a buffer between the proposed Common Open Space and development areas are encouraged.
 - (iii) Stormwater management facilities should be located in areas identified as groundwater recharge areas.
 - (iv) Wastewater facilities shall comply with the requirements of the Zoning Ordinance and the Township Sewage Facilities Plan Update.
 - (v) These facilities located within the Common Open Space may be counted toward the minimum Common Open Space requirement only if they meet the requirements of the Township's Act 537 Plan.
- (d) Development areas may constitute the remaining lands of the tract outside the Common Open Space, where dwellings, streets, and lots are to be delineated in accordance with Steps 2, 3, and 4 below.
- (2) Step 2: Locations for Dwelling Units. Dwelling units shall be tentatively located, using the proposed Common Open Space from Step 1 as reference and orientation as well as other relevant data on the ER / SA Plan. Dwelling units shall be sited to:
 - (a) Fit the street's natural topography;
 - (b) Be served by adequate water and sewerage facilities;

- (c) Provide views of and access to adjoining Common Open Space;
- (d) Avoid encroaching upon Common Open Space in a manner visually intrusive to users of such areas; and
- (e) Be located at least one hundred (100) feet from Primary Conservation Areas and fifty (50) feet from Secondary Conservation Areas.

(3) Step 3: Alignment of Streets and Trails.

- (a) Once dwelling units have been located, applicants shall delineate a street system that provides a safe pattern of vehicular and pedestrian access to each dwelling unit. Streets and trails shall conform to the tract's natural topography and provide for a safe pattern of circulation to, from, and within the tract.
- (b) Streets and driveways crossing wetlands and traversing slopes over fifteen (15) percent shall be avoided to the greatest extent practicable.
- (c) Street connections are encouraged in order to minimize the number of new cul-de-sacs and to facilitate easy access to and from homes in different parts of the tract and on adjoining parcels. Three-way intersections shall be preferred over four-way intersections.
- (d) Lots shall generally be accessed from interior streets rather than from roads bordering the tract.
- (e) A tentative network of trails shall be shown, where appropriate, providing access to natural and cultural features in the Common Open Space. Potential trail connections to adjacent parcels shall also be shown in areas where a County or Township trail network is envisioned.
- (f) Common greens, shaped by the street system, shall meet the requirements set forth herein.

(4) Step 4: Design of Lot Lines.

- (a) Lot lines shall follow the configuration of dwelling locations and streets in a logical and flexible manner.

- (b) Lot lines are not required (if it is a condominium form of home ownership).

§ 704.4 Preliminary Community Association Document.

- A) A Community Association Document, also known as a Homeowner's Association Document or a Condominium Association Document, shall be provided for all subdivision and land development applications which propose lands or facilities to be used in common by all residents of that subdivision or land development and not deeded to the Township. Such document shall be in compliance with the Pennsylvania Uniform Planned Community Act or the Pennsylvania Uniform Condominium Act, as the case may be.
- B) The elements of the Community Association Document shall include, without limitation, the following:
 - (1) A description of all lands and facilities to be owned by the Community Association. This description shall include a map of the proposal indicating the precise location of those lands and facilities.
 - (2) Statements setting forth the powers, duties, and responsibilities of the Community Association, including the services to be provided.
 - (3) A declaration of covenants, conditions, and restrictions, giving perpetual easement to the lands and facilities owned by the Community Association. The declaration shall be a legal document, which also provides for automatic membership for all owners in the subdivision or land development and shall describe the mechanism by which owners participate in the Association, including voting, elections, and meetings. Furthermore, it shall give power to the Association to own and maintain the common property and to make and enforce rules.
 - (4) Statements prescribing the process by which Community Association decisions are reached and setting forth the authority to act.
 - (5) Statements requiring each owner within the subdivision or land development to become a member of the Community Association.
 - (6) Statements setting cross covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement.

- (7) Statements that the Community Association Document shall be provided to all prospective lot buyers / owners at the time of the agreement of sale and shall be referenced on the deed for each lot.
 - (8) Requirements for all owners to provide a pro rata share of the cost of the operations of the Community Association.
 - (9) A process of collection and enforcement to obtain funds from owners who fail to comply.
 - (10) A process for transition of control of the Community Association from the developer to the unit owners.
 - (11) Statements describing how the lands and facilities of the Community Association will be insured, including limit of liability.
- C) Disclosure of the Community Association Document shall be provided to all prospective lot buyers at the time of agreement of sale and shall be referenced on all deeds for all lots within the subdivision.

§ 704.5 Preliminary Common Open Space Land Ownership and Management Plan.

- A) Using the Preliminary Plan as a base map, the boundaries, acreage, and proposed ownership of all proposed Common Open Space shall be shown, including a plan containing the following information:
- (a) Proposed ownership, use restrictions, limitations on buildings and improvements;
 - (b) Necessary regular and periodic operation and maintenance tasks and responsibilities for the various forms of Common Open Spaces (i.e., lawns, playing fields, meadow, pasture, cropland, woodlands, and other Greenway elements) including mowing, control of invasive species, etc.
 - (c) Estimate of staffing needs, insurance requirements, and associated costs, and defining the means for funding the maintenance of the Common Open Space on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating, maintenance, and capital reserve costs.
 - (d) Such management plans shall be consistent with the requirements of Section 3.2.04, *et. seq.*, and 3.3.04, *et. seq.*, as applicable, of the Menallen Township Zoning Ordinance.

§ 705. Final Plan Requirements.

§ 705.1 Final ER / SA Plan. A Plan as stipulated in Section 704.2 herein, consistent with the terms of Preliminary Plan approval and modified as necessary to reflect the proposal for final approval.

§ 705.2 Final Title Plan. Showing the information in final form required above for the Preliminary Plan process.

§ 705.3 Final Community Association Document. Agreement or documentation in final form of the information required for the Preliminary Community Association Document. See Section 704.4 herein.

§ 705.4 Final Common Open Space Ownership and Management Plan. Using the Final Plan as a base map, the boundaries, acreage, and proposed ownership of all Common Open Space shall be shown. A narrative report shall also be prepared indicating how and by whom such Common Open Space will be managed, and demonstrating the applicant's compliance with Section 3.2.04, et. seq., and 3.3.04, et. seq., as applicable, of the Menallen Township Zoning Ordinance.

§ 705.5 Deed Descriptions. Prior to Final Plan approval, the applicant shall submit to the Township deed descriptions, prepared by a registered land surveyor, for:

- A) Any areas reserved for Common Open Space;
- B) Any lots on which deed restrictions or easements are a condition for final plan approval

§ 705.6 Final Conservation Easement or Deed Restriction Documents. Documentation in final form of any easements or deed restrictions, per requirements set forth in Section 704.5 herein.

§ 705.7 Additional Approvals, Certificates, and Documents.

- A) All offers of realty or structures and all declarations, easements, and covenants governing the reservation and maintenance of undedicated Common Open Space shall be in a form satisfactory to the Board of Supervisors.



§ 800. Applicability. The purpose of this Part is to provide for minimum requirements and minimum design standards for the construction and installation of individual mobile homes located within a mobile home park to ensure that mobile homes are safe for occupancy. Mobile home parks may be erected on any lot where the use is permitted; provided there is compliance with this Part and all zoning requirements and other applicable regulations of Menallen Township.

§ 801. Procedures. A mobile home park or expansion of a mobile home shall be considered a land development as defined by this Ordinance and the application for the development of a mobile home park shall be processed in accord with all the procedures established by this Ordinance for major subdivisions and land developments in addition to the requirements of this Part.

§ 802. Minimum Park Size. A mobile home park shall have a total contiguous land area of not less than ten (10) acres. It may or may comprise more than one
(1) parcel.

§ 803. Lot Size and Density.

§ 803.1 Mobile home parks shall be permitted in accord with Part III: Plan Submission Requirements and Processing Procedures of this Ordinance and designed in accord with Parts IV: Design Standards and V: Required Improvements of this Ordinance and Section 5.43: Mobile Home Parks of the Township Zoning Ordinance and shall comply with the additional requirements in this Part.

§ 803.2 Each mobile home site shall have a minimum area of six thousand (6,000) square feet for exclusive use of the occupants of the mobile home placed upon the lot. Minimum lot width shall be forty
(40) feet for single unit mobile homes and seventy feet (70) for double mobile home units.

§ 803.3 Each mobile home lot shall be defined by metes and bounds on a survey and shall be shown as such on the development plan, and markers shall be installed at each corner of every lot.

§ 804. Location

§ 804.1 A mobile home park shall not be located within a one hundred (100) year floodplain area as defined by the Federal Flood Insurance Program.

§ 804.2 The site of any proposed mobile home park shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or

rodents, and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

§ 804.3 Mobile home sites shall not be located where the average natural slope of the area of the site intended for development exceeds twelve percent (12%).

§ 805. Mobile Home Sites

§ 805.1 Each mobile home lot shall be improved to provide a permanent foundation for the placement and tie-down of the mobile home, thereby securing the structure against uplift, sliding, rotation, and overturning. Mobile homes shall not be considered placed on a permanent foundation unless wheels have been removed and the home is resting on concrete piers to the frost level, a foundation of poured concrete, block construction or a concrete slab.

§ 805.2 The mobile home site shall not heave, shift, or settle unevenly under the weight of the mobile home, due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.

§ 805.3 The mobile home site shall be provided with anchors and tie-downs, such as cast-in-place concrete “deadmen,” eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home. Anchors and tie-downs shall be placed at least at each corner of the mobile home site, and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds.

§ 805.4 All mobile homes shall be enclosed from the bottom of the mobile home to the ground or paving using industry approved fire resistant skirting material.

§ 806. Soil and Ground Cover

§ 806.1 All areas of a mobile home park disturbed during the development process and not covered by improvements shall be stabilized and protected with such vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. Such vegetation shall be maintained by the park owner in such condition as to provide continued soil protection. Section 427: Lot Grading for Subdivision and Land Developments, of this Ordinance shall apply to all mobile home parks.

§ 807. Stormwater/Drainage

§ 807.1 Mobile home parks shall be designed to insure that all surface water is drained in a safe and efficient manner away from mobile home sites. The requirements of Section 428: Stormwater Management and Drainage and Appendix B of this Ordinance shall apply to all mobile home parks.

§ 808. Setbacks, Buffer Strips and Screening

§ 808.1 All mobile homes shall be placed centrally on the lot.

§ 808.2 All mobile homes shall be located not less than seventy-five (75) feet from any existing public road right-of-way and not less than fifty (50) feet from other park property lines.

§ 808.3 Accessory structures, including tool sheds, trash receptacles, patios, porches, garages and bike racks, may be erected within required setback areas, provided that no part of any accessory structure shall be located less than five (5) feet from any side lot line and front and rear setbacks are maintained as required for the mobile home.

§ 808.4 All mobile home parks shall be required to provide screening such as fences, or plant materials along the property boundary line separating the park and any adjacent use. Plantings shall provide an effective screen to a height of six (6) feet at the time of planting and an effective screen to a height of eight (8) feet within five (5) years. These buffer strips shall be properly maintained at all times.

§ 809. Streets, Parking and Access

§ 809.1 Mobile home park streets shall be provided, designed and constructed in accord with Section 405: Street System, and other applicable standards of this Ordinance. The Township shall not accept any mobile home park street for dedication.

§ 809.2 To provide for emergency vehicle access, parking shall not be permitted on roads or drives within the mobile home park, but shall be restricted to designated parking areas either at each mobile home site or at a common location. Off-street parking for two (2) motor vehicles shall be provided at each mobile home lot and off-street, common parking areas for additional vehicles of park occupants and guests shall be provided at a rate not less than one (1) space per three (3) mobile home lots. These spaces shall be improved to a grade not greater than eight percent (8%) and shall

be paved with a minimum six (6) inches depth of select material approved by the Township Engineer.

§ 809.3 There shall generally be at least two (2) points of ingress and/or egress in each mobile home park from any one (1) public right-of-way (emergency accesses excepted) and all driveways to individual units along a public right-of-way shall front on an interior access drive. Accesses shall be separated by at least one hundred-fifty (150) feet where they intersect with a public street.

§ 810. Lot Frontage

§ 810.1 Mobile home sites and parking spaces shall have direct access to and frontage on the interior park street system. Mobile home sites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the mobile home park and providing access to other parcels or developments.

§ 811. Illumination

§ 811.1 All mobile home parks shall be furnished with lighting units at the discretion of the Zoning Officer, so spaced and equipped with luminaries placed at such mounting heights, as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night.

§ 812. Utilities

§ 812.1 Mobile home parks shall be served by a central water supply and a central sewage disposal system and connections shall be made to each mobile home lot and any other wastewater producing facilities in the mobile home park. No well or sewage disposal system shall be located on an individual mobile home lot.

§ 812.2 All mobile home lots in proposed mobile home parks shall be provided with underground electric, telephone and T.V. cable (if available) service. These service systems shall be installed and maintained in accordance with local service company specifications regulating such systems.

§ 812.3 Any central fuel supply systems and/or central fuel storage facilities shall be installed in accord with generally accepted design and construction practice and in accord with all applicable state and federal regulations.

§ 813. Refuse Disposal

§ 813.1 The storage, collection, and disposal of refuse in the mobile home park shall be so managed as to create no health hazards or air pollution. All refuse shall be stored in fly-tight, watertight, rodent- proof containers, which shall be located not more than one hundred and fifty (150) feet away from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Protection. Rubbish shall be collected and disposed of at a facility approved by the Pennsylvania Department of Environmental Protection as frequently as may be necessary to ensure the containers do not overflow.

§ 814. Recreation Area

§ 814.1 A common recreational area of land, consisting of ten (10%) percent of the total area of the park shall be maintained within the park for the common use of park residents only. This area shall generally be suitable for active recreation and shall be of suitable configuration, with less than three (3%) percent slope and free of hazards to permit recreational use. Fifty (50%) percent of this area shall be designed, equipped and properly maintained for active recreational use in the mobile home park. Plans for development of the recreational area and facilities shall be submitted by the applicant for approval by the Township.

§ 815. Non-Residential Uses

§ 815.1 No part of any park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well- being of park residents and for the management and maintenance of the park.

§ 816. Individual Mobile Homes

§ 816.1 The installation of individual mobile homes not located in a mobile home park shall not require a mobile home park permit. However, a building permit shall be required for the installation of such homes, in accord with applicable Township ordinances and regulations. Individual mobile homes shall comply with all other applicable Township ordinances and regulations that govern single- family homes.

§ 817. Administration

§ 817.1 Permits and License

- A) No mobile home park shall be constructed, opened, altered, or expanded without the approval of the Township pursuant to the procedures and standards of this Ordinance.
- B) In addition to the initial approval, an annual license shall be required for all mobile home parks.
 - (1) Upon approval of the entire Final Plan and payment of the required fees, the Township Zoning Officer shall issue a mobile home park license to the owner, which shall be valid for a period of one (1) year thereafter. Fees for the annual license shall be established by resolution of the Planning Commission.
- C) There shall be a building at every mobile home park in which the office of the person in charge of the park is located. It shall be the responsibility of the permittee to maintain in such office a copy of the license for the park, the mobile home park register, and one (1) set of the plans for the park, all of which shall be on display to the public.
- D) A mobile home park license shall be valid for a one-year period and may be renewed on an annual basis following an inspection by the Township Zoning Officer, to determine continued compliance with this Ordinance and any conditions of approval.
- E) Any mobile home park license is subject to revocation for the violation of any provision of this Ordinance, any condition of license approval, or any other Ordinance of the Township, or of any laws of the Commonwealth of Pennsylvania. If the Township determines a violation exists, the Township shall notify the license holder of said violation and the license holder shall thereafter correct the said violation as directed by the Zoning Officer. If the license holder fails to correct the violation as required by the Township, the Township shall take action in accord with enforcement provisions of this Ordinance.

§ 817.2 Responsibilities of License Holder

- A) It is the duty of the license holder and of the individual in charge of any mobile home park to:
- (1) Keep a register of the names and addresses of all occupants, which shall be open at all times to inspection by officers of the Township.
 - (2) Maintain the mobile home park in a clean, orderly, and sanitary condition at all times.
 - (3) See that the provisions of this Ordinance are complied with and report promptly to the proper authorities any violations of this Ordinance, or of any other law, that may come to their attention.

§ 817.3 Compliance of Existing Mobile Home Park

- A) The regulations of this Ordinance shall apply to all extensions or enlargements of existing mobile home parks, including cases where the number of mobile home lots is increased even though the total land of the park is not increased. These regulations shall apply in addition to any State requirements.
- B) All new and replacement homes shall at a minimum comply with Section 803: Lot Size and Density and Section 805: Mobile Home Sites.
- C) Licenses shall be required for existing parks. Within six (6) months of the enactment of this Ordinance, every owner or operator of a mobile home park in the Township, shall, by letter, apply for a license to operate said park. Such application shall include a statement of the number of mobile homes presently placed in such park and shall be accompanied by a map showing rights-of-way, boundaries of the tract, acreage contained therein, the layout of streets and lots and existing community facilities. A license to operate for one year shall be issued and regularly renewed regardless of non-conformities, so long as the total number of mobile home lots is not increased and provisions regarding replacement homes are followed.

§ 818. Inspections

- § 818.1 The Township Zoning Officer is hereby designated as inspector for this Ordinance. Additional inspectors may be designated at the discretion of the Township.
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APPENDICES



§ A. Recommended Plant Materials. The following are recommended plant materials which are provided as guidance to the landowner or applicant. All trees listed may be used in rear and side yard buffers. Trees marked with an asterisk (*) have characteristics making them suitable for use as street trees or in buffers along streets. Appendix A (1) and (2) includes those tree species considered to be well adapted to southwestern Pennsylvania and Menallen Township. Appendix A (3) and (4) list other acceptable evergreen and deciduous tree species. Canopy trees: minimum three-and-one-half (3 ½) inch caliper. Small understory trees: minimum two-and-one-half (2 ½) inches in caliper or eight (8) feet in height. Appendix A (5) provides a list of native trees and shrubs. Indigenous to the region, they are hardy and well-adapted to the climate and soils. Any locally grown shrubs with a minimum height of three feet that are free of insects, pests and disease, in conformity with the standards of the American Association of Nurserymen and which are either native or well-adapted to southeastern Pennsylvania may be planted in buffers or other landscape areas. All are commercially available, some as several varieties. The use of native plant materials is encouraged to promote the preservation of native landscape diversity. Native plant materials means: Deciduous shade trees: minimum one-and-one-half-inch caliper; shrubs and small trees: shrubs, thirty-six (36) -inch minimum height; small trees, minimum eight (8) -foot height and two (2) to two and one half (2 ½) inches in caliper, or evergreen trees: minimum height, eight (8) feet. This approach maintains the natural character unique to this region and protects the associated wildlife habitat. These native materials are especially suitable in buffer plantings. The Township will permit other planting types than those specified on the following lists if the species are hardy to the area, are not subject to blight or disease, and are of the same general character and growth habit as those listed below or subject to the approval of the Township Engineer or other designated professional.

Appendix A (1): Canopy Trees	
Scientific Name	Common Name
* <i>Acer rubrum</i>	Red maple
<i>Acer saccharum</i>	Sugar maple
<i>Betula nigra</i>	River birch
* <i>Celtis occidentalis</i>	Hackberry
<i>Cladrastis lutea</i>	Yellow wood
* <i>Corylus colurna</i>	Turkish filbert
<i>Fagus grandifolia</i>	American beech
* <i>Fraxinus americana</i>	White ash
* <i>Fraxinus pennsylvanica</i> var. <i>lanceolata</i>	Green ash "Marshall's seedless"
* <i>Ginkgo biloba</i> (male only)	Ginkgo
* <i>Gleditsia triacanthos</i> var. <i>inermis</i>	Thornless honey locust
<i>Gymnocladus dioicus</i>	Kentucky coffee tree
* <i>Koelrueteria paniculata</i>	Goldenrain tree
* <i>Liquidambar styraciflua</i>	Sweetgum
* <i>Liriodendron tulipifera</i>	Tulip tree
<i>Nyssa sylvatica</i>	Black gum
<i>Ostrya virginiana</i>	Hop hornbeam
* <i>Phellodendron amurense</i>	Amur corktree
* <i>Platanus acerifolia</i> cv.	Bloodgood London plane-tree

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Appendix A (1): Canopy Trees	
Scientific Name	Common Name
Bloodgood	
* <i>Quercus acutissima</i>	Sawtooth oak
* <i>Quercus alba</i>	White oak
* <i>Quercus bicolor</i>	Swamp white oak
* <i>Quercus coccinea</i>	Scarlet oak
* <i>Quercus macrocarpa</i>	Bur oak
* <i>Quercus palustris</i>	Pin oak
* <i>Quercus phellos</i>	Willow oak
* <i>Quercus rober</i>	English oak
<i>Quercus rubra (borealis)</i>	Red oak
* <i>Sophora japonica</i>	Japanese pagodatree
<i>Taxodium distichum</i>	Baldcypress
* <i>Tilia cordata</i>	Littleleaf linden
* <i>Tilia x euchlora</i>	Crimean linden
* <i>Ulmus americana libertas</i>	American liberty elm
* <i>Ulmus parviflora</i>	Chinese lacebark elm
* <i>Zelkova serrata</i>	Japanese zelkova

Appendix A (2): Small Understory Trees	
Scientific Name	Common Name
* <i>Acer campestre</i>	Hedge maple
* <i>Acer ginnala</i>	Amur maple
<i>Amelanchier canadensis</i>	Shadblow serviceberry
<i>Amelanchier laevis</i>	
<i>Carpinus betulus</i>	European hornbeam
<i>Carpinus caroliniana</i>	American hornbeam
<i>Chionanthus virginicus</i>	White fringetree
<i>Cornus florida</i>	Flowering dogwood
<i>Cornus kousa</i>	Kousa dogwood
<i>Cornus mas</i>	Cornelian cherry
<i>Cotinus coggygria</i>	Smoke tree
* <i>Crataegus phaenopyrum</i>	Washington hawthorn
* <i>Crataegus toba</i>	Toba hawthorn
* <i>Crataegus viridis</i> cv. winter king	Winter king hawthorn
* <i>Eucommia ulmoides</i>	Hardy rubber tree
<i>Magnolia soulangeana</i>	Saucer magnolia
<i>Magnolia stellata</i>	Star magnolia
<i>Magnolia virginiana</i>	Sweetbay magnolia
* <i>Malus floribunda</i>	Japanese flowering crabapple
* <i>Malus</i> cv. Donald Wyman	Donald Wyman crabapple

Appendix A (2): Small Understory Trees	
Scientific Name	Common Name
*Malus cv. Centurian	Centurian crab apple
Metasequoia glyptostroboides	Dawn redwood
Oxydendrum arboreum	Sourwood
*Prunus sargentii	Sargent cherry
*Prunus yedoensis	Yoshino cherry
Styrax japonica	Japanese snowbell tree
*Syringa reticulata	Lilac

Appendix A (3): Evergreen Trees	
Scientific Name	Common Name
<i>Cedrus atlantica</i>	Atlas cedar
<i>Chamaecyparis obtusa</i>	Hinoki cedar
<i>Chamaecyparis pisifera</i>	Sawara false cypress
<i>Ilex opaca</i>	American holly
<i>Picea abies</i>	Norway spruce
<i>Picea omorika</i>	Siberian spruce
<i>Picea orientalis</i>	Oriental spruce
<i>Pinus bungeana</i>	Lace Bark pine
<i>Pinus strobus</i>	White pine
<i>Pinus thunbergii</i>	Japanese black pine
<i>Pseudotsuga menziesii</i>	Douglas fir
<i>Taxus cuspidata</i> var. <i>capitata</i>	Japanese yew
<i>Thuja occidentalis</i> cv. <i>nigra</i>	Dark green arborvitae
<i>Tsuga canadensis</i>	Canadian hemlock
<i>Tsuga caroliniana</i>	Carolina hemlock

Appendix A (4): Deciduous Shade Trees	
Scientific Name	Common Name
<i>Acer rubrum</i>	Red maple
<i>Acer saccharum</i>	Sugar maple
<i>Carya ovata</i>	Shagbark hickory
<i>Fagus grandifolia</i>	American beech
<i>Fraxinus americana</i>	White ash
<i>Fraxinus pennsylvanica</i>	Green ash
<i>Liquidambar styraciflua</i>	Sweet gum
<i>Liriodendron tulipifera</i>	Tulip tree
<i>Nyssa sylvatica</i>	Black gum
<i>Platanus occidentalis</i>	American sycamore
<i>Quercus alba</i>	White oak
<i>Quercus borealis</i>	Northern red oak
<i>Quercus coccinea</i>	Scarlet oak
<i>Quercus palustris</i>	Pin oak
<i>Quercus velutina</i>	Black oak
<i>Tilia Americana</i>	Basswood, American linden

Appendix A (5): Shrubs and Small Trees	
Scientific Name	Common Name
<i>Amelanchier canadensis</i>	Downy shadbush
<i>Amelanchier laevis</i>	Smooth serviceberry
<i>Cercis canadensis</i>	Redbud
<i>Cornus florida</i>	Flowering dogwood
<i>Cornus alternifolia</i>	Alternate leaf dogwood
<i>Cornus amomum</i>	Silky dogwood
<i>Hamamelis virginiana</i>	Common witch hazel
<i>Ilex glabra</i>	Inkberry
<i>Ilex verticillata</i>	Winterberry
<i>Magnolia virginiana</i>	Sweetbay magnolia
<i>Myrica pennsylvanica</i>	Northern Bayberry (semievergreen)
<i>Rhododendron maximum</i>	Rhododendron
<i>Sambucas canadensis</i>	Elderberry
<i>Vaccinium corymbosum</i>	Highbush blueberry
<i>Viburnum acerifolium</i>	Mapleleaf viburnum
<i>Viburnum dentatum</i>	Arrowwood
<i>Viburnum prunifolium</i>	Blackhaw

Appendix A (6): Evergreen Trees	
Scientific Name	Common Name
<i>Ilex opaca</i>	American holly
<i>Pinus strobus</i>	Eastern white pine
<i>Tsuga canadensis</i>	Canadian hemlock
<i>Juniperus virginiana</i>	Eastern red cedar

Appendix A (7): Vegetation Not Suitable for Landscape	
Scientific Name	Common Name
<i>Acer platanoides</i>	Norway maple
<i>Acer pseudoplatanus</i>	Sycamore maple
<i>Acer saccharinum</i>	Silver maple
<i>Lonicera japonica</i>	Japanese honeysuckle
<i>Pyrus calleryana</i>	Callery pear
<i>Polygonum cuspidatum</i>	Japanese knotweed
<i>Populus spp.</i>	Poplars
<i>Pueraria thunbergiana</i>	Kudzu
<i>Ulmus pumila</i>	Siberian elm



§ B. Stormwater Drainage

§ B.1 General Requirements

- 1) For all regulated activities, unless preparation of a SWM Site Plan is specifically exempted in Section B.2:
 - (a) Preparation and implementation of an approved SWM Site Plan is required.
 - (b) No regulated activities shall commence until the Township issues written approval of an SWM Site Plan, which demonstrates compliance with the requirements of this Ordinance.
- 2) SWM Site Plans approved by the Township, in accordance with Section B.12, shall be on site throughout the duration of the regulated activity.
- 3) The Township may, after consultation with DEP, approve measures for meeting the state water quality requirements other than those in this Ordinance, provided that they meet the minimum requirements of, and do not conflict with, state law including, but not limited to, the Clean Streams Law.
- 4) For all regulated earth disturbance activities, erosion and sediment control BMPs shall be designed, implemented, operated, and maintained during the regulated earth disturbance activities (e.g., during construction) to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code and the Clean Streams Law. Various BMPs and their design standards are listed in the *Erosion and Sediment Pollution Control Program Manual* (E&S Manual), No. 363-2134- 008 (April 15, 2000), as amended and updated.
- 5) For all regulated activities, implementation of the volume controls in Section B.3 is required.
- 6) Impervious areas:
 - (a) The measurement of impervious areas shall include all of the impervious areas in the total proposed development even if development is to take place in stages.
 - (b) For development taking place in stages, the entire development plan must be used in determining conformance with this Ordinance.

- (c) For projects that add impervious area to a parcel, the total impervious area on the parcel is subject to the requirements of this Ordinance.
- 7) Stormwater flows onto adjacent property shall not be created, increased, decreased, relocated, or otherwise altered without written notification of the adjacent property owner(s). Such stormwater flows shall be subject to the requirements of this Ordinance.
 - 8) All regulated activities shall include such measures as necessary to:
 - (a) Protect health, safety, and property;
 - (b) Meet the water quality goals of this Ordinance by implementing measures to:
 - (i) Minimize disturbance to floodplains, wetlands, and wooded areas.
 - (ii) Maintain or extend riparian buffers.
 - (iii) Avoid erosive flow conditions in natural flow pathways.
 - (iv) Minimize thermal impacts to waters of this Commonwealth.
 - (v) Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible.
 - (c) To the maximum extent practicable, incorporate the techniques for Low Impact Development Practices described in the Pennsylvania Stormwater Best Management Practices Manual (BMP Manual).
 - 9) The design of all facilities over karst shall include an evaluation of measures to minimize adverse effects.
 - 10) Infiltration BMPs should be spread out, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of this Ordinance.
 - 11) Storage facilities should completely drain both the volume control and rate control capacities over a period of time not less than 24 and not more than seventy-two (72) hours from the end of the design storm.

- 12) The design storm volumes to be used in the analysis of peak rates of discharge should be obtained from the Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland. NOAA's Atlas 14 can be accessed at: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.
- 13) For all regulated activities, SWM BMPs shall be designed, implemented, operated, and maintained to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code, the Clean Streams Law, and the Storm Water Management Act.
- 14) Various BMPs and their design standards are listed in the BMP Manual.

§ B. Exemptions
2

- 1) Regulated activities that create Disconnected Impervious Areas (DIAs) smaller than one thousand (1,000) sq. ft. are exempt from the peak rate control and the SWM Site Plan preparation requirement of this Ordinance.
- 2) Regulated activities that create DIAs equal to or greater than 1,000 sq. ft. and less than five thousand (5,000) sq. ft. are exempt only from the peak rate control requirement of this Ordinance.
- 3) Agricultural activity is exempt from the rate control and SWM Site Plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of 25 Pa. Code 102.
- 4) Forest management and timber operations are exempt from the rate control and SWM Site Plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of 25 Pa. Code 102.
- 5) Exemptions from any provisions of this Ordinance shall not relieve the applicant from the requirements in Sections B.1 (4) thru (12).

§ B. Volume Controls
3

- 1) The low impact development practices provided in the BMP Manual shall be utilized for all regulated activities to the maximum extent practicable. Water volume controls shall be implemented using the Design Storm Method in Subsection (a) or the Simplified Method in

Subsection (b) below. For regulated activity areas equal or less than one (1) acre that do not require hydrologic routing to design the stormwater facilities, this Ordinance establishes no preference for either methodology; therefore, the applicant may select either methodology on the basis of economic considerations, the intrinsic limitations on applicability of the analytical procedures associated with each methodology, and other factors.

- (a) The Design Storm Method (CG-1 in the BMP Manual) is applicable to any size of regulated activity. This method requires detailed modeling based on site conditions.
 - (i) Do not increase the postdevelopment total runoff volume for all storms equal to or less than the 2-year 24-hour duration precipitation.
 - (ii) For modeling purposes:
 - (1) Existing (predevelopment) nonforested pervious areas must be considered meadow or its equivalent.
 - (2) Twenty percent (20%) of existing impervious area, when present, shall be considered meadow in the model for existing conditions.
- (b) The Simplified Method (CG-2 in the BMP Manual) provided below is independent of site conditions and should be used if the Design Storm Method is not followed. This method is not applicable to regulated activities greater than one (1) acre or for projects that require design of stormwater storage facilities. For new impervious surfaces:
 - (i) Stormwater facilities shall capture at least the first two (2) inches of runoff from all new impervious surfaces.
 - (ii) At least the first one (1) inch of runoff from new impervious surfaces shall be permanently removed from the runoff flow--i.e., it shall not be released into the surface waters of this Commonwealth. Removal options include reuse, evaporation, transpiration, and infiltration.
 - (iii) Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff; however, in all cases at least the first half (0.5) inch of the permanently removed runoff should be infiltrated.

- (iv) This method is exempt from the requirements of Section B.4, Rate Controls.

§ B.4 Rate Controls

- 1) Areas not covered by a release rate map from an approved Act 167 Stormwater Management Plan:
 - (a) Postdevelopment discharge rates shall not exceed the predevelopment discharge rates for the 1-, 2-, 10-, 50-, and 100-year storms. If it is shown that the peak rates of discharge indicated by the postdevelopment analysis are less than or equal to the peak rates of discharge indicated by the predevelopment analysis for 1-, 2-, 10-, 50-, and 100-year, 24-hour storms, then the requirements of this section have been met. Otherwise, the applicant shall provide additional controls as necessary to satisfy the peak rate of discharge requirement.
- 2) Areas covered by a release rate map from an approved Act 167 Stormwater Management Plan:
 - (a) For the 1-, 2-, 10-, 50-, and 100-year storms, the postdevelopment peak discharge rates will follow the applicable approved release rate maps. For any areas not shown on the release rate maps, the postdevelopment discharge rates shall not exceed the predevelopment discharge rates.

§ B.5 Calculation Methodology

- 1) All calculations shall be consistent with the guidelines set forth in the BMP Manual, as amended herein.
- 2) Stormwater runoff from all development sites shall be calculated using either the Rational Method or the NRCS Rainfall-Runoff Methodology. Methods shall be selected by the design professional based on the individual limitations and suitability of each method for a particular site.
- 3) Rainfall Values:
 - (a) Rational Method – The Pennsylvania Department of Transportation Drainage Manual, Intensity-Duration-Frequency Curves, Publication 584, Chapter 7A, latest edition, shall be used in conjunction with the appropriate time of concentration and return period.

- (b) NRCS Rainfall-Runoff Method – The Soil Conservation Service Type II, 24-hour rainfall distribution shall be used in conjunction with rainfall depths from NOAA Atlas 14 or be consistent with the approved Act 167 Plan.
- 4) Runoff Volume:
- (a) Rational Method – Not to be used to calculate runoff volume.
 - (b) NRCS Rainfall-Runoff Method – This method shall be used to estimate the change in volume due to Regulated Activities. Combining Curve Numbers for land areas proposed for development with Curve Numbers for areas unaffected by the proposed development into a single weighted curve number is NOT acceptable.
- 5) Peak Flow Rates:
- (a) Rational Method – This method may be used for design of conveyance facilities only. Extreme caution should be used by the design professional if the watershed has more than one main drainage channel, if the watershed is divided so that hydrologic properties are significantly different in one versus the other, if the time of concentration exceeds sixty (60) minutes, or if stormwater runoff volume is an important factor. The combination of Rational Method hydrographs based on timing shall be prohibited.
 - (b) NRCS Rainfall-Runoff Method – This method is recommended for design of stormwater management facilities and where stormwater runoff volume must be taken into consideration. The following provides guidance on the model applicability:
 - (i) NRCS’s TR-55 – limited to 100 acres in size
 - (ii) NRCS’s TR-20 or HEC-HMS – no size limitations
 - (iii) Other models as pre-approved by the Township Engineer
- 6) For comparison of peak flow rates, flows shall be rounded to a tenth of a cubic foot per second (cfs).
- 7) Runoff Coefficients:
- (a) Rational Method – Use PennDOT’s Drainage Manual, Publication 584.

- (b) NRCS Rainfall-Runoff Method –Curve Numbers (CN) should be rounded to tenths for use in hydrologic models as they are a design tool with statistical variability. For large sites, CN's should realistically be rounded to the nearest whole number.
 - (c) For the purposes of pre-development peak flow rate and volume determination, existing non-forested pervious areas conditions shall be considered as meadow (good condition).
 - (d) For the purposes of pre-development peak flow rate and volume determination, twenty (20) percent of existing impervious area, when present, shall be considered meadow (good condition).
- 8) Design storm:
- (a) All stormwater management facilities shall be verified by routing the proposed 2-year, 10-year, 50-year, and 100-year hydrographs through the facility using the storage indication method or modified puls method. The 24-hour design storm hydrograph shall be computed using a calculation method that produces a full hydrograph.
 - (b) The stormwater management and drainage system shall be designed to safely convey the post development 100-year storm event to stormwater detention facilities, for the purpose of meeting peak rate control.
 - (c) All structures (culvert or bridges) proposed to convey runoff under a Municipal road shall be designed to pass the 50-year design storm with a minimum 1 foot of freeboard measured below the lowest point along the top of the roadway.
- 9) Time of Concentration:
- (a) The Time of Concentration is to represent the average condition that best reflects the hydrologic response of the area. The NRCS's Time of Concentration (Tc) computational methodologies shall be used unless another method is pre- approved by the Township Engineer.
- 10) Drainage areas tributary to sinkholes or closed depressions in areas underlain by limestone or carbonate geologic features shall be excluded from the modeled point of analysis defining pre- development flows. If left undisturbed during construction activities, areas draining to closed depressions may also be used to reduce peak runoff rates in the post-development

additional contributing runoff should not be directed to existing sinkholes or closed depressions.

- 11) Where uniform flow is anticipated, the Manning's equation shall be used for hydraulic computations and to determine the capacity of open channels, pipes, and storm sewers. The Manning's equation should not be used for analysis of pipes under pressure flow or for analysis of culverts. Manning's "n" values shall be obtained from PennDOT's Drainage Manual, Publication 584. Inlet control shall be checked at all inlet boxes to ensure the headwater depth during the 10-year design event is contained below the top of grate for each inlet box.
- 12) The Township may approve the use of any generally accepted full hydrograph approximation technique that shall use a total runoff volume that is consistent with the volume from a method that produces a full hydrograph.
- 13) The Township has the authority to require that computed existing runoff rates be reconciled with field observations, conditions and site history. If the designer can substantiate, through actual physical calibration, that more appropriate runoff and time of concentration values should be utilized at a particular site, then appropriate variations may be made upon review and recommendation of the Township.

§ B.6 Disconnected Impervious Areas (DIAs)

- 1) Rooftop Disconnection
 - (a) When rooftop downspouts are directed to a pervious area that allows for infiltration, filtration, and increased time of concentration, the rooftop may qualify as completely or partially DIA and a portion of the impervious rooftop area may be excluded from the calculation of total impervious area.
 - (b) A rooftop is considered to be completely or partially disconnected if it meets the requirements listed below:
 - (i) The contributing area of rooftop to each disconnected discharge is 500 square feet or less, and
 - (ii) The soil, in proximity of the roof water discharge area, is not designated as hydrologic soil group "D" or equivalent, and
 - (iii) The overland flow path from roof water discharge area has a positive slope of 5% or less.

- (c) For designs that meet these requirements, the portion of the roof that may be considered disconnected depends on the length of the overland path as designated in Table B.1.

Table B.1: Partial Rooftop Disconnection	
Length of Pervious Flow Path (Feet) *	Roof Area Treated as Disconnected
Feet	Percent of contributing area
0 – 14	0
15 – 29	20
30 – 44	40
45 – 59	60
60 – 74	80
75 or more	100
* Flow path cannot include impervious surfaces and must be at least 15 feet from any impervious surfaces.	

2) Pavement Disconnection

- (a) When pavement runoff is directed to a pervious area that allows for infiltration, filtration, and increased time of concentration, the contributing pavement area may qualify as a DIA that may be excluded from the calculation of total impervious area. This applies generally only to small or narrow pavement structures such as driveways and narrow pathways through otherwise pervious areas (e.g., a walkway or bike path through a park).
- (b) Pavement is disconnected if the pavement, or area adjacent to the pavement, meets the requirements below:
 - (i) The contributing flow path over impervious area is not more than 75 feet, and
 - (ii) The length of overland flow is greater than or equal to the contributing length, and
 - (iii) The soil is not designated as hydrologic soil group “D” or equivalent, and
 - (iv) The slope of the contributing impervious area is 5% or less, and
 - (v) The slope of the overland flow path is 5% or less.

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- (c) If the discharge is concentrated at one or more discrete points, no more than one thousand (1,000) square feet may discharge to any one point. In addition, a gravel strip or other

spreading device is required for concentrated discharges. For nonconcentrated discharges along the edge of the pavement, this requirement is waived; however, there must be a provision for the establishment of vegetation along the pavement edge and temporary stabilization of the area until vegetation becomes stabilized.

§ B.7 Plan Requirements

- 1) The following items shall be included in the SWM Site Plan:
 - (a) The Township shall not approve any SWM Site Plan that is deficient in meeting the requirements of this Ordinance. At its sole discretion and in accordance with this Appendix, when a SWM Site Plan is found to be deficient, the Township may either disapprove the submission and require a resubmission, or in the case of minor deficiencies, the Township may accept submission of modifications.
 - (b) Provisions for permanent access or maintenance easements for all physical SWM BMPs, such as ponds and infiltration structures, as necessary to implement the Operation and Maintenance (O&M) Plan discussed in Subsection (c) (ix) below.
 - (c) The SWM Site Plan shall provide the following information:
 - (i) The overall stormwater management concept for the project.
 - (ii) A determination of site conditions in accordance with the BMP Manual. A detailed site evaluation shall be completed for projects proposed in areas of carbonate geology or karst topography, and other environmentally sensitive areas, such as brownfields.
 - (iii) Stormwater runoff design computations, and documentation as specified in this Ordinance, or as otherwise necessary to demonstrate that the maximum practicable measures have been taken to meet the requirements of this Ordinance, including the recommendations and general requirements in Section B.1.
 - (iv) Expected project time schedule.
 - (v) A soil erosion and sediment control plan, where applicable, as prepared for and submitted to the approval authority.

- (vi) The effect of the project (in terms of runoff volumes, water quality, and peak flows) on surrounding properties and aquatic features and on any existing stormwater conveyance system that may be affected by the project.
- (vii) Plan and profile drawings of all SWM BMPs, including drainage structures, pipes, open channels, and swales.
- (viii) SWM Site Plan shall show the locations of existing and proposed on-lot wastewater facilities and water supply wells.
- (ix) The SWM Site Plan shall include an O&M Plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M as well as schedules and costs for O&M activities.

§ B.8 Plan Submission

- 1) Four (4) copies of the SWM Site Plan shall be submitted as follows:
 - (a) One (1) copy to the Township.
 - (b) One (1) copy to the Township engineer (when applicable).
 - (c) One (1) copy to the County Conservation District.
 - (d) One (1) copy to the Fayette County Office of Planning, Zoning, and Community Development.
- 2) Additional copies shall be submitted as requested by the reviewing agencies.

§ B.9 Plan Review

- 1) The SWM Site Plan shall be reviewed by a qualified professional for the Township for consistency with the provisions of this Ordinance. After review, the qualified professional shall provide a written recommendation for the Township to approve or disapprove the SWM Site Plan. If it is recommended to disapprove the SWM Site Plan, the qualified professional shall state the reasons for the disapproval in writing. The qualified professional also may recommend approval of the SWM Site Plan with conditions and, if so, shall provide the acceptable conditions for approval in writing. The SWM Site Plan review and recommendations shall be completed within the time allowed by the Municipalities Planning Code for reviewing subdivision plans.

- 2) The Township shall notify the applicant in writing within 45 days whether the SWM Site Plan is approved or disapproved. If the SWM Site Plan involves a Subdivision and Land Development Plan, the notification period is ninety (90) days. If a longer notification period is provided by other statute, regulation, or ordinance, the applicant will be so notified by the Township. If the Township disapproves the SWM Site Plan, the Township shall cite the reasons for disapproval in writing.

§ B.10 Modification of Plans

- 1) A modification to a submitted SWM Site Plan that involves a change in SWM BMPs or techniques, or that involves the relocation or redesign of SWM BMPs, or that is necessary because soil or other conditions are not as stated on the SWM Site Plan as determined by the Township shall require a resubmission of the modified SWM Site Plan in accordance with this Appendix.

§ B.11 Resubmission of Disapproved SWM Site Plans

- 1) A disapproved SWM Site Plan may be resubmitted, with the revisions addressing the Township's concerns, to the Township in accordance with this Appendix. The applicable review fee must accompany a resubmission of a disapproved SWM Site Plan.

§ B.12 Authorization to Construct and Term of Validity

- 1) The Township's approval of an SWM Site Plan authorizes the regulated activities contained in the SWM Site Plan for a maximum term of validity of five (5) years following the date of approval. The Township may specify a term of validity shorter than five (5) years in the approval for any specific SWM Site Plan. Terms of validity shall commence on the date the Township signs the approval for an SWM Site Plan. If an approved SWM Site Plan is not completed according to Section B.13 within the term of validity, then the Township may consider the SWM Site Plan disapproved and may revoke any and all permits. SWM Site Plans that are considered disapproved by the Township shall be resubmitted in accordance with Section B.11 of this Ordinance.

§ B.13 As-Built Plans, Completion Certificate, and Final Inspection

- 1) The developer shall be responsible for providing as-built plans of all SWM BMPs included in the approved SWM Site Plan. The as-built plans and an explanation of any discrepancies with the construction plans shall be submitted to the Township.
- 2) The as-built submission shall include a certification of completion signed by a qualified professional verifying that all permanent SWM BMPs have been constructed according to the approved plans and specifications. If any licensed qualified professionals contributed to the construction plans, then a licensed qualified professional must sign the completion certificate.
- 3) After receipt of the completion certification by the Township, the Township may conduct a final inspection.

§ B.14 Responsibilities of Developers and Landowners

- 1) The Township shall make the final determination on the continuing maintenance responsibilities prior to final approval of the SWM Site Plan. The Township may require a dedication of such facilities as part of the requirements for approval of the SWM Site Plan. Such a requirement is not an indication that the Township will accept the facilities. The Township reserves the right to accept or reject the ownership and operating responsibility for any portion of the stormwater management controls.
- 2) Facilities, areas, or structures used as Stormwater Management BMPs shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or conservation easements that run with the land.
- 3) The O&M Plan shall be recorded as a restrictive deed covenant that runs with the land.
- 4) The Township may take enforcement actions against an owner for any failure to satisfy the provisions of this Appendix.

§ B.15 O&M Agreements

- 1) The owner is responsible for O&M of the SWM BMPs. If the owner fails to adhere to the O&M Agreement, the Township may perform the services required and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.

§ B.16 Fees and Expenses

- 1) The Township may include all costs incurred in the review fee charged to an applicant.
- 2) The review fee may include, but not be limited to, costs for the following:
 - (a) Administrative/clerical processing.
 - (b) Review of the SWM Site Plan.
 - (c) Attendance at meetings.
 - (d) Inspections.

§ B.17 Prohibited Discharges and Connections

- 1) Any drain or conveyance, whether on the surface or subsurface, that allows any nonstormwater discharge including sewage, process wastewater, and wash water to enter the waters of this Commonwealth is prohibited.
- 2) No person shall allow, or cause to allow, discharges into surface waters of this Commonwealth which are not composed entirely of stormwater, except (1) as provided in Subsection (3) below and (2) discharges allowed under a state or federal permit.
- 3) The following discharges are authorized unless they are determined to be significant contributors to pollution to the waters of this Commonwealth:
 - (a) Discharges from firefighting activities
 - (b) Potable water sources including water line flushing
 - (c) Irrigation drainage
 - (d) Air conditioning condensate
 - (e) Springs
 - (f) Water from crawl space pumps
 - (g) Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used

- (h) Flows from riparian habitats and wetlands
 - (i) Uncontaminated water from foundations or from footing drains
 - (j) Lawn watering
 - (k) Dechlorinated swimming pool discharges
 - (l) Uncontaminated groundwater
 - (m) Water from individual residential car washing
 - (n) Routine external building wash down (which does not use detergents or other compounds)
- 4) In the event that the Township or DEP determines that any of the discharges identified in Subsection (3) significantly contribute to pollution of the waters of this Commonwealth, the Township or DEP will notify the responsible person(s) to cease the discharge.
- 5) Roof drains and sump pumps shall discharge to infiltration or vegetative BMPs and to the maximum extent practicable satisfy the criteria for DIAs.

§ B.18 Alteration of SWM BMPs

- 1) No person shall modify, remove, fill, landscape, or alter any SWM BMPs, facilities, areas, or structures without the written approval of the Township.

§ B.19 Right-of-Entry

- 1) Upon presentation of proper credentials, the Township may enter at reasonable times upon any property within the Township to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this Ordinance.

§ B.20 Inspection

- 1) SWM BMPs should be inspected by the landowner, or the owner's designee (including the Township for dedicated and owned facilities), according to the following list of minimum frequencies:
- (a) Annually for the first five (5) years.
 - (b) Once every three (3) years thereafter.

- (c) During or immediately after the cessation of a 10-year or greater storm.

§ B.21 Enforcement

- 1) It shall be unlawful for a person to undertake any regulated activity except as provided in an approved SWM Site Plan, unless specifically exempted in Section B.2.
- 2) It shall be unlawful to violate Section B.18 of this Ordinance.
- 3) Inspections regarding compliance with the SWM Site Plan are a responsibility of the Township.

§ B.22 Suspension and Revocation

- 1) Any approval or permit issued by the Township pursuant to this Ordinance may be suspended or revoked for:
 - (a) Non-compliance with or failure to implement any provision of the approved SWM Site Plan or O&M Agreement.
 - (b) A violation of any provision of this Ordinance or any other applicable law, ordinance, rule, or regulation relating to the regulated activity.
 - (c) The creation of any condition or the commission of any act during the regulated activity which constitutes or creates a hazard, nuisance, pollution, or endangers the life or property of others.
- 2) A suspended approval may be reinstated by the Township when:
 - (a) The Township has inspected and approved the corrections to the violations that caused the suspension.
 - (b) The Township is satisfied that the violation has been corrected.
- 3) An approval that has been revoked by the Township cannot be reinstated. The applicant may apply for a new approval under the provisions of this Ordinance.
- 4) If a violation causes no immediate danger to life, public health, or property, at its sole discretion, the Township may provide a limited time period for the owner to correct the violation. In these cases, the Township will provide the owner, or the owner's designee, with a written notice of the violation and the time period allowed for the

owner to correct the violation. If the owner does not correct the violation within the allowed time period, the Township may revoke or suspend any, or all, applicable approvals and permits pertaining to any provision of this Ordinance.

§ B.23 Penalties

- 1) The penalties and fees set forth in Section 606 of this Ordinance shall apply.
- 2) Anyone violating the provisions of this Ordinance shall be guilty of a summary offense, and upon conviction, shall be subject to a fine of not more than five hundred dollars (\$500) for each violation, recoverable with costs. Each day that the violation continues shall be a separate offense and penalties shall be cumulative.
- 3) In addition, the Township may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

§ B.24 Appeals

- 1) Any person aggrieved by any action of the Township or its designee, relevant to the provisions of this Ordinance, may appeal to the Township within thirty (30) days of that action.
- 2) Any person aggrieved by any decision of the Township, relevant to the provisions of this Ordinance, may appeal to the County Court of Common Pleas in the county where the activity has taken place within thirty (30) days of the Township's decision.

§ B.25 Terms and Definitions

- 1) Best Management Practice (BMP) - Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "structural" or "nonstructural." In this Ordinance, nonstructural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat

stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

- 2) Conservation District - A conservation district, as defined in Section 3(c) of the Conservation District Law (3 P. S. § 851(c)) that has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code 102.
- 3) Design Storm - The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a 5-year storm) and duration (e.g., 24 hours) used in the design and evaluation of stormwater management systems. Also see Return Period.
- 4) Detention Volume - The volume of runoff that is captured and released into the waters of this Commonwealth at a controlled rate.
- 5) Disconnected Impervious Area (DIA) - An impervious or impermeable surface that is disconnected from any stormwater drainage or conveyance system and is redirected or directed to a pervious area, which allows for infiltration, filtration, and increased time of concentration as specified in this Ordinance.
- 6) Disturbed Area - An unstabilized land area where an earth disturbance activity is occurring or has occurred.
- 7) Earth Disturbance Activity - A construction or other human activity which disturbs the surface of the land, including, but not limited to: clearing and grubbing; grading; excavations; embankments; road maintenance; building construction; and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.
- 8) Erosion - The natural process by which the surface of the land is worn away by water, wind, or chemical action.
- 9) Existing Condition - The dominant land cover during the 5-year period immediately preceding a proposed regulated activity.
- 10) Hydrologic Soil Group (HSG) - Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface



intake rates. Soils are classified into four HSGs (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The NRCS defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of the development site may be identified from a soil survey report that can be obtained from local NRCS offices or conservation district offices. Soils become less pervious as the HSG varies from A to D (NRCS 3,4).

- 11) Karst - A type of topography or landscape characterized by surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, underground drainage, and caves. Karst is formed on carbonate rocks, such as limestone or dolomite.
- 12) NRCS - USDA Natural Resources Conservation Service (previously SCS).
- 13) Peak Discharge - The maximum rate of stormwater runoff from a specific storm event.
- 14) Project Site - The specific area of land where any regulated activities in the municipality are planned, conducted, or maintained.
- 15) Qualified Professional - Any person licensed by the Pennsylvania Department of State or otherwise qualified by law to perform the work required by this Ordinance.
- 16) Regulated Activities - Any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff.
- 17) Regulated Earth Disturbance Activity - Activity involving earth disturbance subject to regulation under 25 Pa. Code 92, 25 Pa. Code 102, or the Clean Streams Law.
- 18) Retention Volume/Removed Runoff - The volume of runoff that is captured and not released directly into the surface waters of this Commonwealth during or after a storm event.
- 19) Return Period - The average interval, in years, within which a storm event of a given magnitude can be expected to occur one time. For example, the 25-year return period rainfall would be expected to occur on average once every 25 years; or stated in another way, the probability of a 25-year storm occurring in any one year is 0.04 (i.e., a 4% chance).

- 20) State Water Quality Requirements - The regulatory requirements to protect, maintain, reclaim, and restore water quality under Title 25 of the Pennsylvania Code and the Clean Streams Law.
- 21) Stormwater - Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.
- 22) Stormwater Management Facility - Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to: detention and retention basins; open channels; storm sewers; pipes; and infiltration facilities.
- 23) Stormwater Management Plan - The Act 167 Plan for managing stormwater runoff adopted by the county of Fayette as required by the Act of October 4, 1978, P.L. 864, (Act 167), as amended, and known as the “Storm Water Management Act.”
- 24) Stormwater Management Best Management Practices - Is abbreviated as BMPs or SWM BMPs throughout this Ordinance.
- 25) Stormwater Management Site Plan - The plan prepared by the developer or his representative indicating how stormwater runoff will be managed at the development site in accordance with this Ordinance. Stormwater Management Site Plan will be designated as SWM Site Plan throughout this Ordinance.
- 26) Waters of this Commonwealth – Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.
- 27) Wetland - Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

§ B.26 References

- 1) Pennsylvania Department of Environmental Protection. No. 363- 0300-002 (December 2006), as amended and updated. Pennsylvania Stormwater Best Management Practices Manual. Harrisburg, PA.

- 2) Pennsylvania Department of Environmental Protection. No. 363- 2134-008 (April 15, 2000), as amended and updated. Erosion and Sediment Pollution Control Program Manual. Harrisburg, PA.
- 3) U.S. Department of Agriculture, National Resources Conservation Service (NRCS). National Engineering Handbook. Part 630: Hydrology, 1969-2001. Originally published as the National Engineering Handbook, Section 4: Hydrology. Available from the NRCS online at: <http://www.nrcs.usda.gov/>.
- 4) U.S. Department of Agriculture, Natural Resources Conservation Service. 1986. Technical Release 55: Urban Hydrology for Small Watersheds, 2nd Edition. Washington, D.C.
- 5) U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hydrometeorological Design Studies Center. 2004-2006. Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, Silver Spring, Maryland. Internet address: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.