

Chapter 23

Subdivision and Land Development

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Part 1**Purpose, Authority, Title, and Jurisdiction****§23-101. Purpose.**

The purpose of this Chapter is to regulate subdivision and land development within the Township and to promote land use beneficial to the public health, safety, morals, and general welfare of the residents of Heidelberg, Township, Lehigh County, Pennsylvania.

(*Ord. 2003-4, 6/12/2003, §100; as amended by Ord. 2010-1, 4/8/2010*)

§23-102. Authority and Title.

This Chapter is enacted pursuant to the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and may be cited as the Heidelberg Township Subdivision and Land Development Ordinance.

(*Ord. 2003-4, 6/12/2003, §110*)

§23-103. Jurisdiction.

This Chapter shall apply in the following circumstances:

A. To all subdivision and land development plans submitted after the effective date of this Chapter.

B. To all subdivision and land development plans previously approved in accordance with any law or regulation then applicable, the development of which has not been completed in accordance with the terms of such approval within 3 years of such approval.

(*Ord. 2003-4, 6/12/2003, §120*)

Part 2**Submission Procedures****§23-201. General.**

1. *Feasibility Review.* Review materials may be submitted, including fees, to the Administrator for discussion with the Township Planning Commission as to the suitability of a parcel of land for a specific subdivision or land development use and for direction or advice from the Township Planning Commission. The feasibility review materials shall be submitted to the Township Engineer.

2. *Preliminary Plan.* Plans, supplementary data, and fees shall be submitted to the Administrator for distribution to various review bodies. All reviews shall be submitted to the Township Planning Commission, which shall review the plan and recommend action to the Board of Supervisors. The Board of Supervisors shall take action and advise the applicant in writing of their decision.

3. *Final Plan.* Plans, supplementary data, and fees shall be submitted to the Administrator for distribution to various review bodies. The final plan shall be submitted within 1 year of preliminary plan approval. All reviews shall be submitted to the Township Planning Commission, which shall review the plan and recommend action to the Board of Supervisors. The Board of Supervisors shall take action on the plan and advise the applicant in writing of their decision. As a condition of approval, the applicant shall enter into improvement and maintenance agreements with the Board of Supervisors. No permits shall be issued until said agreements have been executed and secured to the satisfaction of the Township Solicitor and until the approved final plan has been recorded in the Lehigh County Recorder of Deeds office. (Ord. 2003-4, 6/12/2003, §200)

§23-202. Feasibility Review Submission.

1. Feasibility review maps and materials may be submitted for all proposed subdivisions and land developments, for purposes of discussion between the Township Planning Commission and the developer.

2. Seven copies of all feasibility review maps and materials as set forth in §23-301, shall be submitted to the Administrator, who shall retain one copy. [Ord. 2010-1]

3. The Administrator shall refer three copies of feasibility review maps and materials to the Township Planning Commission for its review and recommendations.

4. The Administrator shall refer one copy of feasibility review maps and materials to the Township Engineer for review and recommendations, including plans exempted from standard procedure.

5. The Administrator shall refer one copy of feasibility review maps and materials to the Board of Supervisors for information purposes.

6. The Administrator shall refer one copy of the feasibility review maps and materials to the Environmental Advisory Council for review and recommendations. [Ord. 2010-1]

(Ord. 2003-4, 6/12/2003, §210; as amended by Ord. 2010-1, 4/8/2010)

§23-203. Feasibility Review.

1. When feasibility review maps and materials have been submitted to the Township Planning Commission, the data presented will be reviewed by that body at its next regular meeting, provided that submission has occurred no less than 21 days prior to scheduled meeting.

2. The Township Planning Commission shall review the feasibility review data to determine the development potential of the site, as indicated by the natural features analysis presented. The general development concepts of the developer will be reviewed to determine their compatibility with the development potential of the site and with relevant plans and ordinances. Also, the feasibility review stage is designed to offer the developer an opportunity to informally discuss his plans for the proposed subdivision and land development with the Township Planning Commission.

3. Within 90 days of submission of feasibility review maps and materials to the Township Planning Commission, the Commission shall make any recommendations to the developer. Recommendations it deems necessary or advisable in the public interest in order to provide an acceptable subdivision or land development plan for the site. Within 15 days after such meeting, the Secretary of the Township Planning Commission shall send written notice of the Commission's recommendations to the following: [Ord. 2010-1]

- A. The applicant, the developer, or their representative.
- B. The Board of Supervisors.
- C. Township Engineer.
- D. Administrator.

(Ord. 2003-4, 6/12/2003, §220; as amended by Ord. 2010-1, 4/8/2010)

§23-204. Submission of the Preliminary Plan.

1. Preliminary plans and all required supplementary data for all proposed subdivisions and land developments shall be submitted to the Administrator.

2. If the preliminary plan submission complies with §23-302 of this Chapter, the Administrator shall accept the preliminary plan for distribution to the various review bodies.

3. Official submission of a preliminary plan to the Administrator shall comprise:

A. Seven copies of a completed application for review of preliminary subdivision plans.

B. Submission of 11 black-on-white or blue-on-white prints on paper of the preliminary plan which shall fully comply with the provisions of this Chapter as set forth in §23-302. [Ord. 2010-1]

C. Submission of 11 copies of all required supplemental information as set forth in §23-302.6. [Ord. 2010-1]

4. The Administrator shall refer preliminary plan submission materials to the various review bodies as follows:

A. One application, three plan prints, and three copies of the supplemental information to the Township Planning Commission.

B. One application, one plan print, and one copy of the supplemental information to the Township Engineer.

C. One application, one plan print, and one copy of the supplemental information to the Board of Supervisors.

D. One application, two plan prints, and two copies of the supplemental information to the Township Sewage Enforcement Officer.

E. One application, one plan print, and one copy of the supplemental information to the Lehigh Valley Planning Commission shall be provided by the applicant and proof of submission to be provided to the Township.

F. One application, one plan print, and one copy of the supplemental information to the Zoning Officer.

G. One application, one plan print, and one copy of the supplemental information to the Administrator.

H. One application, one plan print and one copy of the supplemental information to the Environmental Advisory Council. [*Ord. 2010-1*]

5. Additional copies of the preliminary plan materials shall be provided by the applicant to the respective agencies and proof of submission provided to the Township in the following circumstances:

A. Whenever, the property being subdivided or developed abuts a State Legislative Route, three applications and three plan prints shall be submitted to the Pennsylvania Department of Transportation District Office.

B. Whenever the property being subdivided or developed abuts or includes an electric power line right-of-way, one plan print shall be submitted to the appropriate electric utility company.

C. Whenever a proposed subdivision or land development is located adjacent to another municipality, one application and one plan print shall be referred to that municipality.

D. Whenever the subdivision or land development requires a soil erosion and sedimentation control permit, as described in §23-409.1 of this Chapter, one application, one plan print, and one copy of supplemental information shall be submitted to the Lehigh County Conservation District.

(*Ord. 2003-4, 6/12/2003, §230; as amended by Ord. 2010-1, 4/8/2010*)

§23-205. Review of Preliminary Plan.

1. *By the Township Planning Commissions.*

A. When a preliminary plan application has been officially accepted, such plan shall be placed on the agenda of the Planning Commission for review at its next regular monthly meeting, provided that such official submission has occurred no less than 21 calendar days prior to such regular meeting. The Planning Commission may hold a public hearing on the preliminary plan at this time.

B. The Planning Commission shall review the preliminary plan to determine its conformance with the standards contained in this Chapter and other applicable municipal ordinances, and shall require or recommend such changes and modifications, as it deems necessary.

C. For all subdivisions, the Township Planning Commission with respect to a preliminary plan shall take no action until the Township Planning Commission has received and considered the written report of the Lehigh Valley Planning Commission. If the Lehigh Valley Planning Commission fails to report thereon within 30 days after receipt of a preliminary plan, then the Township Planning Commission may officially act without having received and considered such report.

D. Within 90 days following the date of acceptance of the preliminary plan the Planning Commission shall recommend to the Board of Supervisors, in writing, that the preliminary plan be approved, conditionally approved, or disapproved together with the documented findings upon which the recommendations are based. [Ord. 2010-1]

2. *By the Board of Supervisors.*

A. The Board of Supervisors shall, in accordance with the provisions of relevant ordinances and considering the recommendations of the Township Planning Commission, take action by approving, conditionally approving or disapproving the preliminary plan within the following time limits:

(1) If the date of the next regular meeting of the Township Planning Commission falls in a 30-day period following the date of the application, action shall be taken within 90 days following the date of the next Township Planning Commission meeting following the date of the application.

(2) If the date of the next regular meeting of the Township Planning Commission does not fall in a 30-day period following the date of the application, action shall be taken within 120 days of the date of the application.

B. The Board of Supervisors shall document the findings upon which that action is based in writing to:

- (1) The applicant, the developer, or their representative.
- (2) The Administrator.
- (3) The Township Planning Commission.
- (4) The Township Engineer.
- (5) The Sewage Enforcement Officer.
- (6) The Lehigh Valley Planning Commission.
- (7) The Zoning Officer.

In no case shall the decision be communicated to the applicant, the developer or their representative later than 15 days from the date that the decision has been made.

C. Action by the Board of Supervisors conditionally approving a subdivision plan, which has not been signed by the Board of Supervisors, shall be deemed a disapproval unless the conditions are met or accepted by the developer within 90 days of such action. The conditions that need to be met in order to obtain approval shall be set forth in a letter to the developer or his representative, with copies to those parties listed in subsection .2.B.

(Ord. 2003-4, 6/12/2003, §240; as amended by Ord. 2010-1, 4/8/2010)

§23-206. Submission of the Final Plan.

1. Within 12 months after approval of the preliminary plan, a final subdivision and land development plan and all required supplemental data shall be submitted to the Administrator. An extension of time may be granted by the Board of Supervisors upon written request. Otherwise, the plan submitted shall be considered as a new preliminary plan.

2. The final plan shall conform in all significant respects to the preliminary plan as previously reviewed by the Township Planning Commission and approved by the Board of Supervisors and shall incorporate all modifications required by the Board of Supervisors in its preliminary plan approval. The Township Planning Commission may, however, accept a final plan modified so as to reflect any substantial changes which have occurred on the site of the proposed subdivision, or in its surroundings, since the time of preliminary plan review.

3. The final plan may be submitted in sections or stages each covering a reasonable portion of the entire proposed subdivision as shown on the reviewed preliminary plan, in accordance with the regulations set forth in §23-303. In the case of the final subdivision or land development plan which is to be submitted in sections or stages over a period of years, the time between submission of application for final approval of each stage or section shall be no greater than 12 months.

4. Final plans and all required supplementary data set forth in §23-303 for all proposed subdivisions and land developments shall be submitted to the Administrator.

5. Official submission of a final plan to the Administrator by a developer shall comprise:

A. Seven copies of a completed application for review of final subdivision plan.

B. Submission of 10 black-on-white or blue-on-white prints on paper of final plan which shall fully comply with the provisions of this Chapter as forth in §23-303.

C. Submission of nine copies of all required supplemental information as set forth in §23-303.

6. The Administrator shall refer final plan submission materials to the various review bodies as follows:

A. One application, three plan prints, and three copies of the supplemental information to the Township Planning Commission.

B. One application, one plan print, one copy of the supplemental information to the Township Engineer.

C. One application, one plan print, and one copy of the supplemental information to the Board of Supervisors.

D. One application, one plan print, and one copy of the supplemental information to the Township Sewage Enforcement Officer.

E. One application, one plan print, and one copy of the supplemental information to the Lehigh Valley Planning Commission shall be provided by the applicant and proof of submission to be provided to the Township.

F. One application, one plan print, and one copy of the supplemental information to the Zoning Officer.

G. One plan print to the Northwestern-Lehigh School District.

H. One application, one plan print, and one copy of supplemental information to the Administrator.

I. One application, one plan print and one copy of the supplemental information to the Environmental Advisory Council. [*Ord. 2010-1*]

7. Additional copies of the final plan materials shall be provided by the applicant to the respective agencies and proof of submission provided to the Township in the following circumstances:

A. Whenever the property being subdivided or developed abuts a State Legislative Route, and the plan differs from plans previously submitted to PennDOT with reference to access points, proposed external road improvements, or traffic impact, then one application and one plan print shall be submitted to the Pennsylvania Department of Transportation District Office.

B. Whenever the subdivision or land development requires a soil erosion and sedimentation control permit, as described in §23-409.1 of this Chapter, one application, one plan print, and one copy of supplemental information shall be submitted to the Lehigh County Conservation District.

C. Whenever a proposed subdivision or land development is located adjacent to another municipality, one application, and one plan print shall be referred to that municipality.

(*Ord. 2003-4, 6/12/2003, §250; as amended by Ord. 2010-1, 4/8/2010*)

§23-207. Review of Final Plan.

1. *By the Township Planning Commission.*

A. When a final plan application has been officially accepted, such plan shall be placed on the agenda of the Planning Commission for review at its next regular monthly meeting, provided that such official submission has occurred no less than 21 calendar days prior to such regular meeting. The Planning Commission may hold a public hearing on the final plan at this time.

B. The Planning Commission shall review the final plan to determine its conformance with the standards contained in this Chapter and other applicable Township ordinances and shall require or recommend such changes and modifications as it deems necessary.

C. The Township Planning Commission with respect to a final plan shall take no action, until the Township Planning Commission has received and considered the written report of the Lehigh Valley Planning Commission or until 30 days have passed from the date that the plans were forwarded to the LVPC.

D. Within 60 days following the date of acceptance of the final plan, the Planning Commission shall recommend to the Board of Supervisors, in writing, that the final plan be approved, conditionally approved, or disapproved, together with the documented findings upon which the recommendation is based. A copy of this letter shall be sent to the Administrator. The action of the Township Planning Commission shall be noted, together with the date of action and signatures of its Chairman and Secretary on the record plan.

2. *By the Board of Supervisors.*

A. The Board of Supervisors shall, in accordance with the provisions of relevant ordinances and considering the recommendations of the Township Planning Commission, take action by approving, conditionally approving, or disapproving the final plan within the following time limits:

(1) If the date of the next regular meeting of the Township Planning Commission falls in a 30-day period following the date of the application, action shall be taken within 90 days following the date of the next Township Planning Commission meeting following the date of the application.

(2) If the date of the next regular meeting of the Township Planning Commission does not fall in a 30-day period following the date of the application, action shall be taken within 120 days of the date of the application.

B. The Board of Supervisors shall document the findings upon which that action is based in writing to:

- (1) The applicant, the developer, or their representative.
- (2) The Administrator.
- (3) The Township Planning Commission.
- (4) The Township Engineer.
- (5) The Sewage Enforcement office.
- (6) The Lehigh Valley Planning Commission.
- (7) The Zoning Officer.

In no case shall the decision be communicated to the applicant, the developer or their representative later than 15 days from the date that the decision has been made.

C. The action of the Board of Supervisors shall be noted, together with the date of action and signatures of its Chairman and Secretary on the record plan.

D. Action by the Board of Supervisors conditionally approving a subdivision plan, which has not been signed by the Board of Supervisors, shall be deemed a disapproval unless the conditions are met within 90 days of such action. The conditions that need to be met in order to obtain approval shall be set forth in a letter to the developer or his representative, with copies to those parties listed in subsection .2.B.

(Ord. 2003-4, 6/12/2003, §260)

§23-208. Recording of the Final Plan.

1. After completion of the procedures set forth in §23-503 and after the final plan is reviewed by the Township Planning Commission and approved by the Board of Supervisors, eight paper prints and one reproducible print of the final plan shall be endorsed by the Board of Supervisors. The signature of the LVPC shall also be placed on the one reproducible print indicating LVPC review of the plans.

2. The record plan shall be a clear and legible print of a type and material required by the County Recorder of Deeds.

3. After the developer obtains the signatures of the Township Planning Commission, the Board of Supervisors, and the Lehigh Valley Planning Commission, the developer shall file the record plan with the Lehigh County Recorder of Deeds and provide proof of recording to the Township. Recording of the plan shall be within 90 days of the date of the final approval by the Board of Supervisors. If the developer fails to record the final plan within such period, the action of the Board of Supervisors shall be null and void, unless the Board of Supervisors grants an extension of time in writing upon request by the developer.

4. At the time the record plan is endorsed by the Township authorities, the Township Planning Commission shall receive one reproducible print and two paper prints of the final plan approved for their permanent files. The reproducible print for the Township Planning Commission shall be of a material require by the Township. In addition, the developer or his representative shall receive two paper prints and the Administrator, Board of Supervisors, Sewage Enforcement Officer, and the Township Engineer shall each receive one paper print of the approved final plan.

5. At the time the record plan is signed by the Lehigh Valley Planning Commission, the Lehigh Valley Planning Commission shall receive one endorsed black-on-white or blue-on-white print of the final plan as approved by the Board of Supervisors.

(Ord. 2003-4, 6/12/2003, §270)

§23-209. Plans Exempted from Standard Procedure.

1. In the case of any proposed residential subdivision or boundary adjustment which does not, and will not in the future, involve more than a total of three lots (including the remaining parcel), and does not involve the provision of any new street or easement for access (i.e., one in which all proposed lots will have frontage on an existing public street), the following procedure shall be followed:

A. A feasibility plan may be submitted, the feasibility review will be processed according to the provisions of §§23-202 and 23-203 of this Chapter.

B. If the applicant submits a feasibility plan, within 1 year of the completion of the feasibility review, the applicant shall submit a final plan in accordance with the requirements of §23-304 of this Chapter. The Board of Supervisors may grant an extension of time upon written request. Otherwise, the plan submitted may be considered as a feasibility review.

C. The final plan submission shall be processed according to the provisions of §§23-305 and 23-306.

D. If the plan receives final approval, the provisions of §23-208 shall apply.

(Ord. 2003-4, 6/12/2003, §280)

Part 3**Plan Requirements****§23-301. Feasibility Review.**

Before submission of the preliminary plan by the developer, maps, and materials may be submitted by the developer to the Township. This material will enable the Township to determine the potential of the proposed subdivision of land development tract for development and the general feasibility of the developer's plans for the tract. The feasibility review submission will include the following maps and materials:

A. A key map, showing the location of the property being subdivided, drawn at a scale not smaller than 1 inch equals 2,000 feet. The plan shall show the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, and municipal boundaries existing within 1 mile of any part of the property. The key map shall be based on USGS quad sheet maps.

B. A map illustrating an analysis of natural drainage patterns and water resources within the proposed subdivision tract, including delineation of streams, natural drainage swales, ponds and lakes, wetlands, floodplains subject to a 100-year flood frequency, and permanent and seasonal high water table areas. The map shall be based on USGS quad sheets, Lehigh County Soil Survey Maps, and the Flood Boundary and Floodway Map from the Township Flood Insurance Study, when available.

C. A map illustrating an analysis of types of soils present within the proposed subdivision tract. The map should include delineation of prime agricultural soil areas, soils with shallow depth to bedrock, soils most susceptible to erosion, soils most suitable for urban development, and soils generally suitable for on-lot sewage disposal. The map shall be based on the Lehigh County Soil Survey.

D. A topographic map of the site based on USGS quad sheets.

E. A map delineating additional significant physical features within the proposed subdivision tract, such as woodland areas, large trees (over 12 inches in diameter measured 5 feet above grade), rock outcroppings, and scenic views. The map shall be based on USGS quad sheets and onsite survey work.

F. Where feasible and legible, the analysis involved in paragraphs .A through .E may be illustrated on one or a combination of composite maps. The combined impact of the natural characteristics upon the development potential of the tract shall be clearly illustrated on the map or maps.

G. A letter of intent and a sketch of the proposed subdivision or land development tract at a scale of 1 inch equals 100 feet explaining and illustrating the developer's general development concepts for the tract. The type of development, density of development, form of ownership, circulation patterns, and means of providing major utility service should be explained and illustrated. The sketch may be based on deed and tax map information.

(Ord. 2003-4, 6/12/2003, §300)

§23-302. Preliminary Plan.

1. The preliminary plan of a proposed subdivision shall be clearly and legibly drawn to a scale of 1 inch equals 50 feet or 1 inch equals 100 feet.

2. The original drawing and all submitted prints shall be made on sheets of one of the following sets of dimensions.

A. 18 inches by 24 inches.

B. 24 inches by 36 inches.

C. 36 inches by 48 inches.

3. If the preliminary plan requires more than one sheet, a key diagram illustrating relative location of the several sections shall be drawn on each sheet.

4. The preliminary plan shall indicate the following data:

A. Name and address of record owner, plus a certification of ownership, duly acknowledged and signed by the owner of the property and notarized (sample wording is proved in Appendix 23-C of this Chapter).

B. Name of developer if different from owner.

C. Name of the proposed subdivision.

D. Name of the municipality or municipalities within which the subdivision is proposed.

E. Names of all adjoining subdivisions, if any, and the names of owners of all adjacent non plotted land.

F. Name, address, license number, and seal of registered engineer or surveyor responsible for the subdivision plan.

G. North point, graphic scale, written scale, and date including the month, day, and year that the original drawing was completed, and the month, day, and year that the original drawing was revised, for each revision; and the type of revision.

H. A key map, for the purpose of locating the property being subdivided, shall be drawn at a scale not smaller than 1 inch equals 2,000 feet. This map shall show the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, and municipal boundaries, within 1 mile of any part of the property.

I. Total tract boundaries of the property being subdivided, showing bearings and distances, and a statement of total acreage of the property.

J. Tax map sheet, block, and lot numbers within the proposed subdivision tract obtained from the county tax assessor's office.

K. The zoning district or districts within which the proposed subdivision is located.

L. All existing buildings or other structures within the proposed subdivision tract.

M. All existing streets, including streets of record (recorded but not constructed), on or adjoining the tract, including names, right-of-way widths, pavement widths, and approximate grades.

O. If the tract does not front on an improved street, existing streets providing access from the tract to the nearest improved streets, including names, rights-of-way, widths, street surface, and lineal feet of all such streets.

P. All existing sewer lines, storm sewers, water line, fire hydrants, utility transmission lines, culverts, bridges, railroads, or other man-made features within the proposed subdivision tract and within 200 feet of the boundaries of the proposed subdivision tract.

Q. Location, width, and purpose of existing easements and utility rights-of-way within 200 feet of the proposed subdivision tract.

R. Contour lines at vertical intervals of not more than 2 feet for land with average natural slope of 5 percent or less, and at intervals of not more than 5 feet for land with average natural slope exceeding 5 percent. Location and elevation of the data to which contour elevations refer shall be the closest United States Geologic Survey established benchmark, where available.

5. The full plan of proposed development, including:

A. Location and width of all streets and rights-of-way, with a statement of any conditions governing their use.

B. Suggested street names.

C. Existing utilities in accordance with §23-408 of this Chapter.

D. Building setback lines along each street.

E. Lot lines with approximate dimensions.

F. A statement of the intended use of all nonresidential lots and parcels.

G. Lot numbers, a statement of total number of lots and parcels and the lot size in square feet or acres for each lot.

H. Sanitary and/or storm sewers (and other drainage facilities), with the size and material of each indicated, and any proposed connections with existing facilities.

I. Play lots and neighborhood parks and other areas dedicated or reserved for public or common use, in accordance with §23-409.3 of this Chapter.

J. Location, width, and purpose of proposed easements and utility rights-of-way; in accordance with §23-408 of this Chapter.

K. Copies of the proposed deed restrictions and protective and restrictive covenants referenced to the preliminary plan.

6. The preliminary plan shall be accompanied by the following data unless the Township Planning Commission has determined that the submission of such data is not necessary:

A. Preliminary profiles, typical cross-sections, and specification for proposed street, sanitary sewer, water system improvements, and storm drainage in accordance to the design standards of §§23-404, 23-405, 23-406, and 23-407, respectively.

B. A completed planning module for land development including soil and representative percolation tests, where applicable, and information necessary for the Board of Supervisors to make a decision on revising or supplementing the

official plan for sewage facilities.

C. A storm drainage plan for the proposed subdivision tract which, conforms to design requirements for storm drainage set forth in §23-407.

D. A preliminary grading plan depicting proposed contour excepting the grading associated with the proposed structures.

E. A landscape plan, where applicable, according to the standards set forth in §23-409.2.D, "Tree Preservation and Planting."

F. In the case of subdivision or land development plans to be developed in stages or sections, over a period of time, a map shall be provided delineating each stage or section of the proposed subdivision or land development. The stages shall be consecutively numbered so as to illustrate phasing of development and a schedule indicating the approximate time for which application for final approval of each stage or section are intended to be filed.

G. Preliminary designs of any bridges or culverts may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Protection, Division of Dams and Encroachments, and/or the Pennsylvania Department of Transportation.

H. A map illustrating the entire contiguous holdings of the landowner indicating the area or scope of the ultimate proposed subdivision and delineating the area which the preliminary plan encompasses.

I. A sketch map of the proposed road system for the remainder of the area not included in the preliminary plan.

J. An erosion and sedimentation control plan developed in accordance with the *Erosion and Sedimentation Pollution Control Manual* issued by the Pennsylvania Department of Environmental Protection.

K. Developers and subdividers of land shall furnish either a statement that the plan does not have regional significance by the SALDO definition, or if it does, have regional significance, a signed letter showing the dates upon which copies of the plan and supporting documentation have been delivered to each of the other five municipalities. Copies of professional reviews shall also be forwarded to other municipalities upon receipt. In taking action on the subdivision or land development, Heidelberg Township shall consider the comments of the other municipalities. Upon plan submission to the Township, the Township Administrator shall verify, in accordance with the SALDO definition of a development of regional significance that the developer has correctly executed documents from above. If in accord, the Township Administrator shall add the plan to the agenda of the next available Planning Commission meeting and notify the Board of Supervisors. [*Ord. 2010-1*]

(*Ord. 2003-4, 6/12/2003, §310; as amended by Ord. 2010-1, 4/8/2010*)

§23-303. Final Plan.

1. The final plan shall conform to the standards and data requirements set forth for preliminary plans in §§23-302.1 through 23-302.5 of this Chapter.

2. It shall not be necessary to resubmit supporting maps and data submitted with the preliminary plan, as set forth in §23-302.6 of this Chapter, provided that no change

has occurred.

3. The following additional data shall be illustrated on the final plan:

A. The latest source of title to the land as shown by the deed, pages number, and book of the Lehigh County Recorder of Deeds.

B. The total tract boundary lines of the area shall be subdivided with accurate distances to hundredths of a foot and bearing to 15 seconds. These boundaries shall be determined by accurate survey in the field, to an error of closure not to exceed 1 foot in 10,000 feet. The tract boundary shall be subsequently closed and balanced. The boundary(s) adjoining additional nonplatted land of the subdivider (for example, between separately submitted final plan sections), however, are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan, and the placement of the monuments (sample working for this certification is provided in Appendix 23-C of this Chapter).

C. All lot lines shall be completely dimensioned in feet if straight, and by designating length of arc and radius (in feet) and central angle (in degrees, minutes, and seconds) if curved. All internal angles within the lot shall be designated to within 15 seconds.

D. The proposed building setback.

E. All easements or rights-of-way where provided for or owned by public services and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan. Easements shall either be shown or specifically described on the plan. Easements should be located in cooperation with the appropriate public utilities.

F. Such private deed restrictions as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided.

G. If the subdivision proposes a change of use for an access point or a new access point to a state legislative route, a PennDOT highway occupancy permit will be required in accordance with §23-403.6 of this Chapter.

H. Space for Lehigh County Recorder of Deeds acknowledgment, see Appendix 23-C.

(1) An offer of dedication, duly acknowledged and signed by the owner of the property and notarized.

(2) A signature block for certification of review of the plan by the Township Planning Commission and of approval by the Board of Supervisors.

(3) A signature block for certification of review of the plan by the Lehigh Valley Planning Commission.

I. Space shall be left along the lower edge of the sheet, in order that the Lehigh County Recorder of Deeds may acknowledge receipt and recording of the plan when it is presented. (As provided in Appendix 23-C).

J. If the final plan requires more than one sheet, a key diagram showing the

relative location of the several sections shall be drawn on each sheet.

K. All final plans proposing residential development or residential uses within or bordering on an agricultural district as established by the Heidelberg Township Zoning Ordinance [Chapter 27], must contain, in conspicuous form, the following language:

“Warning: The dwelling lot or lots proposed by this final plan are within or bordering on an agricultural district. The primary use of such district is agricultural and residents must expect things such as the smell of farm animals and the manure they produce, slow-moving vehicles on local roads, toxic chemicals, and other byproducts of agricultural activity.”

L. A calculation showing the remaining acreage available for future residential dwelling lots shall be shown on the final subdivision plan.

4. The final plan shall be accompanied by the following:

A. Plans showing:

(1) Location, size, material, and invert elevation of all sanitary sewer, water distribution, and storm drainage systems and the location of all manholes, inlets, and culverts.

(2) Final profiles, cross-sections, and specifications for proposed streets, sanitary sewers, water distribution systems, and storm drainage systems shall each be shown on one or more separate sheets.

B. Documentation from the Sewage Enforcement Officer that each lot has been found suitable for on-lot sewage disposal systems (where applicable) and indicate the type of system for which the lot is suitable.

C. A copy of the Pennsylvania Department of Environmental Protection acceptance or approval of the planning module.

D. A copy of the permit granted by the Pennsylvania Department of Environmental Protection for a private centralized sanitary sewer system, where applicable.

E. A copy of an agreement document with the private water company, governmental authority, or public authority which is to provide the water supply for the centralized water supply system (where applicable).

F. A copy of a permit granted by Pennsylvania Department of Environmental Protection for a private centralized water system (where applicable).

G. A completed and executed copy of the subdivision improvements agreement as agreed upon by the developer and the Board of Supervisors.

H. A performance guarantee in the amount of 110 percent of the cost of all required improvements as set forth in §23-503. The costs shall be approved by the Township Engineer and with surety approved by the Township Solicitor. Said surety shall guarantee the construction and installation of all such improvements within a stated period which shall not be longer than 1 year from the date on the final subdivision approval. Where the final plan is submitted in stages or sections, the amount of the guarantee may also be provided in stages if acceptable to the Board of Supervisors. An electronic copy of the as-built plans will be provided to the Township in a format approved by the Township Engineer prior to the release of

any performance guarantee monies and the land developer copy of the signed plans. Electronic copies of as-built plans shall include plans for utilities such as storm-water, sanitary sewer and water utilities. [*Ord. 2010-1*]

I. A maintenance guarantee in an amount of not less than 10 percent of the improvements cost estimate as set forth in §23-503. This guarantee assures that the developer shall maintain all such improvements in good condition for a period of 18 months after completion of construction and installation of all such improvements and acceptance of all such improvements by the Board of Supervisors.

J. Approval by the Lehigh County Conservation District of the erosion and sedimentation control plan. If needed, a copy of the Pennsylvania Department of Environmental Protection soil erosion and sedimentation permit shall also be submitted.

K. A legal description of all new roads offered for dedication.

L. A copy of a letter of approval or permit granted by the Pennsylvania Department of Environmental Protection, Division of Dams and Encroachment, for any structure, channel change, or grading activity, pipe crossing, or outfall which may affect normal or flood flow in any stream.

5. In the case of a subdivision or land development proposed to be developed in stages or sections over a period of years, final plan requirements as listed in §§23-303.1 through 23-303.4 shall apply only to the stage or section for which final approval is being sought. However, the final plan presented for the stage or section must be considered as it relates to information presented for the entire subdivision or land development in the application for preliminary approval.

(*Ord. 2003-4, 6/12/2003, §320; as amended by Ord. 2010-1, 4/8/2010*)

§23-304. Submission of the Final Plan for Minor Subdivisions.

1. Final plans and all required supplementary data set forth in §23-306 for all proposed subdivisions shall be submitted to the Administrator.

2. Official submission of a final plan to the Administrator by a developer shall comprise:

A. Seven copies of a completed application for review of final subdivision plan.

B. Submission of 11 black-on-white or blue-on-white prints on paper of the final plan which shall fully comply with the provisions of this Chapter as set forth in §23-306. [*Ord. 2010-1*]

C. Submission of nine copies of all required supplemental information.

3. The Administrator shall refer final plan submission materials to the various review bodies as follows:

A. One application, three plan prints, and three copies of the supplemental information to the Township Planning Commission.

B. One application, one plan print, and one copy of the supplemental information to the Township Engineer.

C. One application, one plan print, and one copy of the supplemental information to the Board of Supervisors.

D. One application, one plan print, and one copy of the supplemental information to the Township Sewage Enforcement Officer.

E. One application, one plan print, and one copy of the supplemental information to the Lehigh Valley Planning Commission shall be provided by the applicant and proof of submission to be provided to the Township.

F. One application, one plan print, and one copy of the supplemental information to the Zoning Officer.

G. One application, one plan print, and one copy of the supplemental information to the Administrator.

H. One plan print to the Northwestern Lehigh School District.

I. One plan print to the Environmental Advisory Council. [*Ord. 2010-1*]

4. Additional copies of the final plan materials shall be provided by the applicant to the respective agencies and proof of submission provided to the Township in the following circumstances:

A. Whenever the property being subdivided or developed abuts a State Legislative Route, and the plan differs from plans previously submitted to PennDOT with reference to access points, proposed external road improvements, or traffic impact, then one application and one plan print shall be submitted to the Pennsylvania Department of Transportation District offices.

B. Whenever the subdivision requires a soil erosion and sedimentation control permit, as described in §23-409.1 of this Chapter, one application, one plan print, and one copy of supplemental information shall be submitted to the Lehigh County Conservation District.

C. Whenever a proposed subdivision is located adjacent to another municipality, one application and one plan print shall be referred to that municipality.

(*Ord. 2003-4, 6/12/2003, §330; as amended by Ord. 2010-1, 4/8/2010*)

§23-305. Review of Final Plan.

1. *By the Township Planning Commission.*

A. When a final plan application has been officially accepted, such plan shall be placed on the agenda of the Planning Commission for review at its next regular monthly meeting, provided that such official submission has occurred no less than 21 calendar days prior to such regular meeting. The Planning Commission may hold a public hearing on the final plan at this time.

B. The Planning Commission shall review the final plan to determine its conformance with the standards contained in this Chapter and other applicable Township ordinances and shall require or recommend such changes and modifications as it deems necessary.

C. The Township Planning Commission with respect to a final plan shall take no action, until the Township Planning Commission had received and considered the written report of the Lehigh Valley Planning Commission or 30 days have passed from the date that the plans were forwarded to the LVPC.

D. Within 90 days following the date of acceptance of the final plan, the Planning Commission shall recommend to the Board of Supervisors, in writing,

that the final plan be approved, conditionally approved, or disapproved, together with the documented findings upon which the recommendation is based. A copy of this letter shall be sent to the Administrator. The action of the Township Planning Commission shall be noted, together with the date of action and signatures of its Chairman and Secretary on the record plan. [Ord. 2010-1]

2. *By the Board of Supervisors.*

A. The Board of Supervisors shall, in accordance with the provisions of relevant ordinances and considering the recommendations of the Township Planning Commission, take action by approving, conditionally approving, or disapproving the final plan within the following time limits:

(1) If the date of the next regular meeting of the Township Planning Commission falls in a 30-day period following the date of the application, action shall be taken within 90 days following the date of the next Township Planning Commission meeting following the date of the application.

(2) If the date of the next regular meeting of the Township Planning Commission does not fall in a 30-day period following the date of the application, action shall be taken within 120 days of the date of application.

B. The Board of Supervisors shall document the findings upon which that action is based in writing to:

- (1) The applicant, developer, or his representative.
- (2) The Administrator.
- (3) The Township Planning Commission.
- (4) The Township Engineer.
- (5) The Sewage Enforcement Officer.
- (6) The Lehigh Valley Planning Commission.
- (7) The Zoning Officer.

In no case shall the decision be communicated to the applicant, developer, or his representative later than 15 days from the date that the decision has been made.

C. The action of the Board of Supervisors shall be noted, together with the date of action and signatures of its Chairman and Secretary, on the record plan.

D. Action by the Board of Supervisors conditionally approving a subdivision plan, which has not been signed by the Board of Supervisors shall be deemed a disapproval unless the conditions are met within 90 days of such action. The conditions that need to be met in order to obtain approval shall be set forth in a letter to the developer or his representative, with copies to those parties listed in §23-305.2.B.

(Ord. 2003-4, 6/12/2003, §340; as amended by Ord. 2010-1, 4/8/2010)

§23-306. Final Plan.

1. The final plan of a proposed subdivision shall be clearly and legibly drawn to a scale of 1 inch equals 50 feet or 1 inch equals 100 feet.

2. The original drawing and all submitted prints shall be made on sheets of one

of the following sets of dimensions:

- A. 18 inches by 24 inches.
- B. 24 inches by 36 inches.
- C. 36 inches by 48 inches.

3. The final plan shall indicate the following data:

A. Name and address of record owner, plus a certification of ownership, duly acknowledged and signed by the owner of the property and notarized (sample wording in Appendix 23-C of this Chapter).

B. Name of developer if different from owner.

C. Name of the proposed subdivision.

D. Name of the municipality or municipalities with which subdivision is proposed.

E. Names of all adjoining subdivisions, if any, and the names of owners of all adjacent nonplotted land.

F. Name, address, license number, and seal of registered engineer or surveyor responsible for the subdivision plan.

G. North point, graphic scale, written scale, and date including the month, day, and year that the original drawing was completed, and the month, day, and year that the original drawing was revised, for each revision, and the type of revision.

H. A key map, for the purpose of locating the property being subdivided, drawn at a scale not smaller than 1 inch equals 2,000 feet. This map shall show the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, and municipal boundaries, within 1 mile of any part of the property.

I. Total tract boundaries of the property being subdivided, showing bearings, and distances, and a statement of total acreage of the property.

J. Tax map sheet, block, and lot numbers within the proposed subdivision tract obtained from the County Tax Assessor's office.

K. The zoning district or districts within the proposed subdivision is located.

L. All existing buildings or other structures within the proposed subdivision tract.

M. All existing streets, including streets of record (recorded but not constructed), on or adjoining the tract, including names, right-of-way widths, pavement widths, and type of surface.

N. If the tract does not front on an improved street, existing streets providing access from the tract to the nearest improved streets, including names, rights-of-way, widths, street surface, and lineal feet of all such streets.

O. All existing sewer lines, storm sewers, water lines, fire hydrants, utility transmission lines, culverts, bridges, railroads, or other man-made features within the proposed subdivision tract and within 200 feet of the boundaries of the proposed subdivision tract.

P. Location, width, and purpose of existing easements and utilities rights-of-

way within 200 feet of the proposed subdivision tract.

Q. Contour lines at vertical intervals of not more than 2 feet for land with average natural slope of 5 percent or less, and at intervals of not more than 5 feet for land with average natural slope exceeding 5 percent. Location and elevation of the data to which contour elevations refer shall be the closest United States Geologic Survey established benchmark, where available.

R. Existing utilities in accordance with §23-408 of this Chapter.

S. A statement of the intended use of all nonresidential lots and parcels.

T. Lot numbers, statement of total number of lots and parcels and the lot size in square feet or acres for each lot.

U. Sanitary and/or storm sewers (and other drainage facilities), with the size and material of each indicated, and any proposed connections with existing facilities.

V. Location, width, and purpose of proposed easements and utility rights-of-way in accordance with §23-408 of this Chapter.

W. A completed planning module for land development including soil and representative percolation test, where applicable, and information necessary for the Board of Supervisors to make a decision on revising or supplementing the official plan for sewage facilities.

X. The latest source of title to the land as shown by the deed, pages number and book of the Lehigh County Recorder of Deeds.

Y. The total tract boundary lines of the area shall be subdivided with accurate distances to hundredths of a foot and bearing to 15 seconds. These boundaries shall be determined by accurate survey in the field, to an error of closure not to exceed 1 foot in 10,000 feet. The tract boundary shall be subsequently closed and balanced. The boundary(s) adjoining additional nonplatted land of the subdivider (for example, between separately-submitted final plan sections), however, are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan, and the placement of the monuments (sample wording for this certification is provided in Appendix 23-C of this Chapter).

Z. All lot lines shall be completely dimensioned in feet if straight, and by designating length of arc and radius (in feet) and central angle (in degrees, minutes, and seconds) if curved. All internal angles within the lots shall be designated to within 15 seconds.

AA. The proposed building setback or the proposed placement of each building.

BB. All easements or rights-of-way where provided for or owned by public services and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan. Easements shall either be shown or specifically described on the plan. Easements should be located in cooperation with the appropriate public utilities.

CC. Such deed restrictions as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may

affect the title to the land being subdivided.

DD. If the subdivision proposes a change of use for an access point or a new access point to a State Legislative Route, a PennDOT permit will be required in accordance with §23-403.6 of this Chapter.

EE. *Space for Lehigh County Recorder of Deeds Acknowledgment.* Space shall be left along the lower edge of the sheet, in order that the Lehigh County Recorder of Deeds may acknowledge receipt and recording of the plan when it is presented (as provided in Appendix 23-C).

(1) An offer of dedication, duly acknowledged and signed by the owner of the property and notarized.

(2) A signature block for certification of review of the plan by the Township Planning Commission and of approval by the Board of Supervisors.

(3) A signature block for certification of review of the plan by the Lehigh Valley Planning Commission.

(4) A note shall be placed in conspicuous, capitalized letters on the plan under the owner's signature or under the notary's signature stating that the plan must be recorded at the Lehigh County Records of Deeds within 90 days from the date of final approval by the Board of Supervisors. Failure to record the plans within that time period shall make the plan null and void. [*Ord. 2010-1*]

FF. All final plans proposing residential development or residential uses within or bordering on an agricultural district as established by the Heidelberg Township Zoning Ordinance [Chapter 27], must contain, in conspicuous form, the following language: "Warning: The dwelling lot or lots proposed by this final plan are within or bordering on an agricultural district. The primary use of such district is agricultural and residents must expect things such as the smell of farm animals and the manure they produce, slow-moving vehicles on local roads, toxic chemicals, and other by-products of agricultural activity."

GG. Documentation from the Sewage Enforcement Officer that each lot has been found suitable for on-lot sewage disposal systems (where applicable) and, indicate the type of system for which the lot is suitable.

HH. A copy of the Pennsylvania Department of Environmental Protection's acceptance or approval of the planning module.

II. A copy of a letter of approval or permit granted by the Pennsylvania Department of Environmental Protection, Division of Dams and Encroachment, for any structure, channel change, or grading activity, pipe crossing, or outfall which may affect normal or flood flow in any stream.

JJ. A copy of the Lehigh Valley Planning Commission review letter.

(*Ord. 2003-4, 6/12/2003, §350; as amended by Ord. 2010-1, 4/8/2010*)

Part 4**Design Standards****§23-401. Application.**

1. The design standards and requirements outlined in this Section will be utilized by the Township Planning Commission and Board of Supervisors in determining the adequacy of all plans for proposed subdivisions and land developments.

2. Development shall be planned, reviewed, and carried out in conformance with all Township, State, and other applicable laws and regulations.

3. Whenever other Township ordinances or regulations impose more restrictive standards and requirements than those contained herein, such other regulations shall be observed.

(*Ord. 2003-4, 6/12/2003, §400*)

§23-402. General Standards.

1. Land shall be suited to the purpose for which it is to be subdivided. Land with unsafe or hazardous conditions such as open quarries, unconsolidated fill, steep slopes, or flood prone areas shall not be subdivided unless the subdivision plan provides for adequate safeguards which are approved by the Township Planning Commission and Board of Supervisors.

2. Consideration shall be given to applicable provisions of the Northern Lehigh County Multi-Municipal Park, Recreation and Open Space Plan (current edition), the Multi-Municipal Comprehensive Plan for the Northern Regional of Lehigh County (current edition) and the Lehigh Valley Comprehensive Plan (current edition). [*Ord. 2010-1*]

3. The development of the proposed subdivision shall be coordinated with adjacent existing development so that the area, as a whole, may develop harmoniously.

4. These design standards and requirements may be altered by the Board of Supervisors. For reasons of achieving economy and ingenuity in design in accordance with modern and evolving principles of site planning and development upon presentation of evidence that the intent of such standards and requirements shall be substantially achieved.

(*Ord. 2003-4, 6/12/2003, §410; as amended by Ord. 2010-1, 4/8/2010*)

§23-403. Block and Lot Design Standards.**1. Block Layout.**

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

- (1) Provisions of adequate sites for buildings of the type proposed.
- (2) Township zoning requirements.
- (3) Topography.
- (4) Requirements for safe and convenient vehicular and pedestrian

circulation, including the reduction of intersections with arterial streets.

2. *Block Length.*

A. Residential blocks shall ordinarily be no less than 500 feet in length and no more than 1,800 feet in length.

B. In the design of blocks longer than 1,000 feet, special consideration shall be given to the requirements of satisfactory fire protection.

C. Where practicable, blocks along arterial and collector streets shall not be less than 1,000 feet long.

3. *Block Depth.*

A. Single-family residential blocks shall be of sufficient depth to accommodate two tiers of lots, except:

(1) Where reverse frontage lots are required.

(2) Where prevented by the size, topographical conditions or other inherent conditions of property, in which case the Township Planning Commission and the Board of Supervisors may approve a single tier of lots.

4. *General Lot Design Standards.*

A. Within the requirements of the Township Zoning Ordinance, the size, shape, and orientation of lots shall be appropriate for the type of development and use contemplated.

B. Building areas shall be sited to provide access for emergency vehicles.

C. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

D. Where feasible, lot lines shall follow Township boundaries rather than cross them, in order to avoid jurisdictional problems.

E. Generally, the depth of residential lots shall be not less than one nor more than three times their width.

F. Depth and width of parcels intended for nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading, and unloading, setbacks, and landscaping.

G. If, after subdividing, there exist remnants of land, other than the residual lot, they shall be either:

(1) Incorporated in existing or proposed lots.

(2) Legally dedicated to public use, if acceptable to the Township.

5. *Lot Frontage.*

A. Each lot shall have road frontage on an existing or proposed public or private street that meets the street design requirements of this Chapter. [Ord. 2005-2]

B. Double or reverse frontage lots may be required to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography or other natural features of the proposed subdivision tract.

C. All residential reverse frontage lots shall have a rear yard with a minimum depth of 75 feet, measured along the shortest distance from the proposed dwelling

unit to the ultimate right-of-way. In addition within such rear yard and immediately adjacent to the right-of-way, shall have a planting screen easement of at least 10 feet in width, across which there shall be no right of vehicular access.

6. *Lot Access.*

A. Commercial, industrial, and residential lots having direct access to an arterial street shall be avoided whenever possible. Where direct access to an arterial street cannot be avoided, adequate turnaround space shall be provided behind the right-of-way line.

B. Where access is permitted to a State road or highway, authorization from the Pennsylvania Department of Transportation must be proven by the display of a valid highway occupancy permit.

C. All streets providing access from the tract to the nearest improved street, shall be adequate and safe to bear the average daily traffic, fire apparatus, and other emergency vehicles. For purposes of this paragraph, a street shall conform to the design requirements of this Chapter.

D. Widths of access roads or driveways shall be in accordance with the following standards:

(1) Access roads for multi-family residential, mobile home parks, and all nonresidential subdivision shall be no less than 24 feet in width at the street line and shall be clearly defined by use of curbing.

(2) Driveways for single-family residential subdivisions shall be no less than 10 feet in width but shall not exceed 18 feet in width within the road right-of-way. [Ord. 2010-1]

E. To provide safe and convenient ingress and egress, street and driveway entrances shall be rounded at the following minimum radii:

(1) Street entrances for multi-family residential developments, mobile home parks, and all nonresidential subdivisions shall be rounded at a minimum radius of 20 feet.

(2) Driveway entrances for single-family residential subdivision shall be rounded at a minimum radius of 10 feet and a maximum radius of 20 feet.

F. All proposed driveways shall require a permit and shall be constructed be constructed in accordance with Appendix 23-D of this Chapter.

G. The location of the center line of an access road or driveway at the point of access to a street intersection shall be in accordance with Appendix 23-D of this Chapter. [Ord. 2010-1]

7. *Flag Lots.* Flag type lots may be allowed under special circumstances relating to unusual topography or land parcel configuration. Such lots shall not be proposed principally as an alternative to street construction or merely to increase the density of the development. Where and when such lots are recommended by the Commission and deemed by the Board of Supervisors to be a viable alternative the following requirements shall apply:

A. The corridor between the lot and the public road shall be at least one-half of the minimum required lot width within the zoning district.

B. The corridor shall not be calculated as part of the area to satisfy Township

zoning requirements.

C. Right-of-way for the corridor shall be contained within the lot and serve only one lot.

D. No more than two corridors shall abut each other.

E. The corridor shall not become a public street.

F. The corridor must abut a public street.

G. No more than two flag lots will be permitted per original tract of land even if lots are subdivided from the tract at different times.

H. The corridor shall have a maximum length of 300 feet measured from the right-of-way of the public road to the perimeter of the rectangle defining the lot area.

[*Ord. 2005-2*]

(*Ord. 2003-4*, 6/12/2003, §420; as amended by *Ord. 2005-2*, 7/14/2005, Art. I, §§1 and 2; and by *Ord. 2010-1*, 4/8/2010)

§23-404. Street Design Standards.

1. General Requirements.

A. Proposed streets shall be properly related to the road and highway plans of the State, County, and Township. Streets shall be designed to provide adequate vehicular access to all lots or parcels and with regard for topographic conditions, projected volumes of traffic, and further subdivision possibilities in the area.

B. The street system of a proposed subdivision or land development shall be designed to create a hierarchy of street functions which includes collector and local streets.

C. The street system of a proposed subdivision or land development shall be designed so as to minimize street intersections and pedestrian-vehicular conflict points.

D. Proposed local streets shall be designed so as to discourage through traffic and excessive speeds.

E. Where, in the opinion of the Township, it is desirable to provide for street access to adjoining property, streets shall be extended by dedication to the boundary of such property. Distances between access points to adjoining property shall be based on block length standards set forth in §23-403.2.

F. Where a subdivision abuts an existing street of improper width or alignment, the Township may require the dedication of land sufficient to widen the street or correct the alignment. The Township may also require the developer to construct the improvements to widen the street or correct the alignment of the existing street that abuts the subdivision. [*Ord. 2010-1*]

G. Where a subdivision abuts or contains an existing or proposed arterial traffic street, the Township may require marginal access streets, reverse frontage lots, or other such treatment as will provide protection for abutting properties, reduction in the number of intersections with the arterial street, and separation of local and through traffic.

H. Private streets (streets not to be offered for dedication) may be approved

by the Township only if they meet the street design standards of §23-404 and the improvement standards of §23-502 of this Chapter.

I. If the lots in the development are large enough for resubdivision, or if a portion of the tract is not subdivided, suitable access, and street openings for such an eventuality shall be provided.

J. Each developer of lands along an existing street which is not improved to the street design standards within this Chapter, shall be required to improve the road to comply to the standards within this Chapter on his or her half of the street’s right-of-way. In the opinion of the Board of Supervisors the actual construction of the improvements would lead to a patch work type of road improvement, the Board of Supervisors will determine the dollar value of the required improvement along the subdivision. The developer shall make a cash contribution into the Township Road Maintenance Fund in the amount determined by the Supervisors in lieu of the required road improvements.

2. *Street Right-of-Way and Cartway Widths.*

A. Street right-of-way and cartway widths in proposed subdivisions shall conform to the following street design standards:

Street Design Standards

Street Classification¹

Item	Local	Collector	Arterial
Right-of-way width	50 feet	60 feet ²	80 feet ²
Pavement width	24 feet	28 feet	32 feet
Shoulder width	6 feet	8 feet	10 feet
Minimum Horizontal Clearance ³	4 feet	8 feet	10 feet
Traffic lane width	12 feet	14 feet	16 feet
Parking lane width ⁴	8 feet	10 feet	10 feet

¹ Street classification shall be determined by the Township’s Comprehensive Plan, latest revision.

² Table values assume two traffic lanes. These values shall be used unless exceeded by PennDOT requirements.

³ Minimum horizontal clearance is defined as the distance beyond edge of shoulder or face of curb to an obstruction such as a utility pole or tree.

⁴ The main variables in determining whether parking lanes should be required are the amount of traffic generated from the type of development proposed, the density of development proposed, and the amount of off-street parking provided.

B. *Street Construction Standards.*

(1) Streets shall be graded, improved, and surfaced to the grades and dimensions shown on the plans, profiles, and cross-sections submitted by the developer that meet the applicable Township standards.

(2) *Right-of-Way Grading.*

(a) The entire right-of-way shall be graded to the approved cross-section. All trees, stumps, and other material deemed unsuitable by the Township Engineer shall be removed. The excavation shall be backfilled and suitably compacted to the satisfaction of the Township Engineer.

(b) The finished street surface shall be crowned in conformance with the Township specifications.

(c) A proper superelevation (banked curves) shall be approved on arterial and collector streets when required by the Township Engineer.

(3) *Grading Beyond Right-of-Way.*

(a) The subdivider or developer may be required to grade beyond the right-of-way line in order to provide continuous slope from the right-of-way line to the proposed elevation of the abutting property.

(b) Such grading beyond the right-of-way shall generally maintain the original directions of slope except where stormwater runoff designs dictate changes.

(c) Approved plans, either preliminary or final, showing proposed grading, shall be a covenant running with the land, unless altered by written permission from the Board of Supervisors.

(d) In areas of earth excavation or earth fill, such grading shall be done to a maximum slope of 3 feet horizontal to 1 foot vertical. In areas or rock excavation grading shall be done to a maximum slope of 1 foot horizontal to 2 feet vertical.

(e) In no case shall the required street grading extend onto an adjoining property with a different landowner, unless the other adjoining property owner gives a written agreement to the developer to accomplish such work.

(4) All trenches excavated within the cartway of an existing or proposed public street or right-of-way shall be mechanically compacted with backfill acceptable to the Township Engineer or be stone backfilled if the cartway is to be paved in the same construction season.

(5) All street pavements, including shoulder, shall consist of the following construction, unless revised by the Board of Supervisors by resolution or unless a specific different standards is required by PennDOT for a State road:

(a) Two-inch superpave wearing course on 4-inch superpave binder course. Design of the superpave shall be in accordance with the latest PennDOT design publications concerning superpave. [Ord. 2010-1]

(b) The street shall have a crown along the center with a slope from the center to the edge of the cartway equal to $\frac{3}{8}$ inch per foot.

(c) All materials, construction procedures, and other specifications shall be in conformance with the latest edition of the PennDOT Manual Form 408.

(6) All streets shall be constructed upon a properly rolled and crowned subgrade.

(7) An applicant may, if recommended by the Township Engineer and approved by the Board of Supervisors, use an alternative road bed design that is specifically recommended for that type of street by a current official publication of PennDOT. The alternate design must provide load capabilities equivalent to or higher than the capabilities of the designs set forth above.

3. *Horizontal Curves.*

A. Provide a sight distance measured along the center line of the inside lane around the curve. The height criteria for the sight distance shall be 3½ feet for the height of eye and 6 inches for the height of object.

B. Horizontal curves shall be designed to produce the following minimum sight distances:

- (1) Local streets—150 feet.
- (2) Collector streets—300 feet.
- (3) Arterial streets—500 feet.

C. A minimum tangent of 100 feet shall be required between reverse curves on a street and between a curve and a street intersection where one of the intersecting streets is a collector or an arterial street.

4. *Street Grades.*

A. There shall be a minimum center line grade on all streets of 0.75 percent.

B. Unless approval is obtained from the Township upon recommendation from the Township Engineer, center line grades shall not exceed the following:

- (1) Local streets—11 percent.
- (2) Collector streets—8 percent.
- (3) Arterial streets—6 percent.

C. Intersections shall be approached by a leveling area. Such leveling areas shall have a minimum length of 65 feet measured from the existing or proposed edge of cartway, within which no grade shall exceed a maximum of 4 percent.

5. *Vertical Curves.*

A. Vertical curves shall be used in changes of grade exceeding 1 percent.

B. Vertical curves for local roads shall be designed to meet minimum sight distances according to standards set forth by the Pennsylvania Department of Transportation Publication No. 70, latest edition, "Guidelines for Design of Local Roads," shall be designed to meet the standards set forth in PennDOT Design Manual No. 2, latest edition.

6. *Street Intersections.*

A. Streets shall intersect at right angles whenever practicable. When local streets intersect collector or arterial streets the angle of intersection at the street center lines shall in no case be less than 75 degrees. No two streets shall intersect with an angle of intersection at the center lines of less than 60 degrees.

B. Multiple intersections involving the junction of more than two streets shall be prohibited. Two streets intersecting a third street from opposite sides shall either intersect with a common center line or their center lines shall be offset

according to the following distances:

(1) The two streets shall be separated by a distance of 150 feet between center lines measured along the center line of the street being intersected when all three streets involved are local streets.

(2) The two streets shall be separated by a distance of 300 feet between center lines measured along the center line of the street being intersected when one or more of the streets involved is a collector street.

(3) The two streets shall be separated by a distance of 500 feet between center lines measured along the center line of the street being intersected when one or more of the streets involved is an arterial street.

C. Street curb intersections shall be rounded by a tangential arc with a minimum radius of:

(1) Twenty feet from intersection involving only local streets.

(2) Thirty feet for all intersections involving a collector street.

(3) Forty feet for all intersections involving an arterial street.

D. Street right-of-way lines shall be parallel to (or concentric with) curb arcs at intersections.

E. Clear sight triangles shall be provided at all street intersections. Within such triangles no object greater than 2½ feet in height and no other object that would obscure the vision of the motorist shall be permitted. Such triangles shall be established from a distance of:

(1) Seventy-five feet from the point of intersection of the center lines of two streets where both are local streets.

(2) One hundred feet from the point of intersection of the center lines of two streets where one is a collector street.

(3) One hundred fifty feet from the point of intersection of the center lines of two streets where one is an arterial street.

F. Wherever a portion of the line of such triangles occurs within the proposed building setback line, such portion shall be shown on the final plan of the subdivision, and shall be considered a building setback line.

7. *Culs-de-sac.*

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

B. Any dead-end street, which is constructed for future access to an adjoining property or because of authorized stage development, and which is open to traffic and exceeds 200 feet in length, shall be provided with a temporary, all-weather "T" turnaround. The "T" turnaround shall be completely within the boundaries of the subdivision and the use of the turnaround shall be guaranteed to the public until such time as the street is extended.

C. Cul-de-sac streets, permanently designed as such, shall not exceed 500 feet in length. [Ord. 2005-2]

D. All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turning circle. Offset

turning circles shall be discouraged. The minimum radius to the pavement edge or curb line shall be 60 feet and the minimum radius of the right-of-way line shall be 70 feet.

E. The center line grade on a cul-de-sac street shall not exceed 11 percent, and the grade of the diameter of the turnaround shall not exceed 5 percent.

F. A snow storage easement shall be established at the end of the cul-de-sac and shall provide proper drainage for the melting snow.

8. *Half Streets.* The dedication of new half streets at the perimeter of a new subdivision is prohibited.

9. *Street Names and Street Signs.*

A. Proposed streets which are in alignment with others already existing and named shall bear the name of the existing streets.

B. In no case shall the name of a proposed street duplicate an existing street name in the municipality and in the postal district, irrespective of the use the use of the suffix street, road, avenue, boulevard, driveway, place, court, lane, etc.

C. All street names shall be subject to the approval of the Board of Supervisors.

D. Street signs shall be provided at the intersection of all streets. The type, height, and design of the signs shall be approved by the Board of Supervisors.

(*Ord. 2003-4, 6/12/2003, §430; as amended by Ord. 2005-2, 7/14/2005, Art. I, §3; and by Ord. 2010-1, 4/8/2010*)

§23-405. Sanitary Sewage Disposal and Waste Dumpsters.

1. The developer shall provide the most effective type of sanitary sewage disposal consistent with the Township's official plan for sewage facilities prepared in accordance with the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, and Chapter 71 of the Pennsylvania Department of Environmental Protection Regulations, 25 Pa.Code, Chapter 71.

2. All on-lot sewage disposal systems, regardless of lot size, shall be provided in accordance with the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, Chapter 73 of Pennsylvania Department of Environmental Protection Regulations, 25 Pa.Code, Chapter 73, and the requirements of the Township Sewage Enforcement Officer.

3. On-lot sewage disposal systems shall be located and/or designed to avoid impairment to them or contamination from them during flooding.

4. Dumpsters shall be required in all apartment and nonresidential land developments and subdivisions. Dumpsters shall be conveniently located for the residents and shall include the appropriate refuse collection facilities. All bulk refuse collection dumpsters shall be screened on three of the four sides by walls or evergreen landscaping form the view of existing dwellings, adjacent undeveloped residentially zoned lots and public or private streets.

(*Ord. 2003-4, 6/12/2003, §440*)

§23-406. Water Supply and Distribution Systems.

1. The developer shall provide a water supply and distribution system to service

the proposed subdivision through connection to an existing centralized water supply system, where such a system can feasibly be extended to the proposed subdivision tract and where the capacity of such a system can adequately fulfill the water supply demands of the proposed subdivision. A distribution system shall be designed to furnish an adequate supply of water to each lot. A copy of the approval document for such a system by the appropriate public authority or utility company shall be submitted with the final plan.

2. All centralized water systems shall be organized in a manner as to fall within the jurisdiction of the Pennsylvania Public Utility Commission. Design and construction standards for centralized water supply systems are set forth in Appendix 23-A.

3. Individual on-lot well systems shall be provided in accord with the Pennsylvania Department of Environmental Protection, latest revisions.

4. Water supply systems shall not be located in a floodplain or floodway as indicated on the current Federal Insurance Administration Map.

5. A hydrogeologic study and report shall be provided to determine an adequate water source when the water source is a well, public or private, and is proposed for residential use of more than 50 dwelling units or a commercial use or industrial use. (*Ord. 2003-4, 6/12/2003, §450*)

§23-407. Storm Drainage Systems.

1. Storm drainage systems shall be provided in order to:

A. Permit unimpeded flow of natural watercourses except as modified by stormwater detention facilities required by §23-407.3 or open channels pursuant to §23-407.2.I.

B. Ensure adequate drainage of all low points along the line of streets.

C. Intercept stormwater runoff along streets at intervals related to the extent and grade of the area drained.

D. Provide positive drainage away from on-site sewage disposal systems.

E. Take surface water from the bottom of vertical grades, lead water from springs and avoid excessive use of cross-gutters at street intersections and elsewhere.

F. Prevent overloading of drainage systems and watercourses downstream as a result of increased rate of runoff caused by the proposed development.

2. *General Requirements.*

A. A site drainage plan for the proposed subdivision tract shall be prepared which illustrates the following information:

(1) Mapping of the watershed area or areas in which the proposed subdivision is located.

(2) Calculations of runoff for all points of runoff concentration within the site.

(3) Complete drainage systems for the subdivision. All existing drainage features, which are to be incorporated in the design, shall be so identified. If the subdivision is to be developed in stages, a general drainage plan for the entire subdivision shall be presented with the first stage and appropriate

development stages for the drainage system shall be indicated.

B. The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners.

C. No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any stream without having obtained prior approval from the Pennsylvania Department of Environmental Protection, Division of Dams and Encroachments.

D. No stormwater runoff or natural drainage shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without approved provisions being made by the developer for properly handling such conditions.

E. Storm drainage systems through the subdivision/land development shall be designed to convey the peak runoff that will occur from all tributary areas upstream. The calculation of this runoff rate shall take into account the land use and development regulations including runoff controls in effect in the tributary areas.

F. Where a subdivision is traversed by watercourses other than permanent streams, there shall be provided a drainage easement conforming substantially with the line of such watercourse. The width of the easement shall be adequate to provide for unimpeded flow of storm runoff based on calculations made in conformance with §23-407.4 and to provide a freeboard allowance of ½ foot above the design water surface level. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations, which may adversely affect the flow of stormwater within any portion of the easement. Surface maintenance, including the periodic cutting of vegetation, shall be the responsibility of the respective property owners.

G. Drainage facilities that are located on State highway rights-of-way shall be approved by the Pennsylvania Department of Transportation and a letter indicating such approval shall be directed to the Township Planning Commission.

H. All streets shall be designed so as to provide for the eventual discharge of surface water away from their rights-of-way.

I. When it can be shown to the satisfaction of the Township Engineer that, due to topographic conditions, natural drainage swales on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainage swales. Capacities of open channels shall be calculated using the Manning equation as explained in Appendix 23-B.

J. Storm drainage facilities and appurtenances shall be so designed and provided as to minimize erosion in watercourse channels and at all points of discharge.

3. *Detention Basins Standards.*

A. Perforated risers, staggered orifices, V notch weirs, or other outlet structures as approved by the Township Engineer, may be required for outlet control.

B. All detention basins shall be designed with an emergency spillway.

(1) All stormwater detention facilities shall provide a minimum 1 foot freeboard above the maximum pool elevation association with the 2-year through 25-year runoff events. An emergency spillway shall be designed to pass the 100-year runoff event with a minimum ½ foot freeboard.

(2) The downstream slope of the spillway shall as a minimum extend to the toe of the berm embankment. The edge of the basin grading shall be within the subject property.

(3) All detention basin outflow structures shall be designed with trash racks over the outflows.

C. The minimum top width of a detention basin berm shall be 10 feet, unless the Township Engineer determines that a differing width is needed for maintenance and structural purposes.

D. In order to provide proper drainage, a minimum grade of 1.5 percent, directed toward the outlet structure, shall be maintained across the basic floor.

E. *Slopes of Basin.* The maximum inside slope of earth detention basin embankments shall be 5 horizontal to 1 vertical. The maximum outside slope shall be 5 to 1. The Board of Supervisors may permit a reduction of inside and outside slopes to a 3 to 1 maximum where the applicant proves that such slopes will be able to be properly and attractively maintained. The top or toe of any slope shall be located at a minimum of 5 feet from any property line. Whenever possible the side slopes and basin shape shall be amenable to the natural topography. Straight side slopes are prohibited. The maximum slope of an access way for maintenance shall be 8 horizontal to 1 vertical where such access way is required by the Board of Supervisors, based upon the recommendations of the Township Engineer.

F. Where no existing point of concentration exists, the outfall from a detention basin shall not discharge closer than 30 feet from the adjoining property line, unless permission is given, in writing, by said adjacent property owner.

G. Where discharge from the detention basin is to be spread into sheet flow, the allowable flow shall be determined by the pre-development flow rate for a 2-year storm, across the length of the spreader.

H. Anti-seep collars and a cutoff trench shall be required on basin having a berm height exceeding 5 feet. Watertight anti-seep collars shall be installed around the discharge pipe at intervals not to exceed 24 feet or as approved by the Township Engineer. Such collar shall extend a minimum of 2 feet beyond the outside of the pipe.

I. Basins not having direct access to a public street shall have a 25-foot wide, usable access easement to a public street fro the purpose of maintenance.

J. The design engineer shall verify that the operation of the detention facility will not significantly increase downstream peaking condition.

K. For the purpose of the Section, a retention basin shall be required to meet the same standards as a detention basin.

L. *Landscaped Screening of Detention Basins.*

(1) A detention basin with a basin depth of greater than 20 inches shall

be screened from view of existing dwellings, a residential zoning district or public street, unless the basin would meet all of the following conditions:

(a) It would have an average slope of less than 5 to 1 on the inside of the berm basin.

(b) Either 1) both the inside and outside of the basin would be planted in grass and intended to be mowed or planted in other attractive vegetative ground cover or, 2) would be designed to closely resemble a natural pond.

(c) The basin would not be surrounded by a primarily metal fence. The developer would recommend a type of fence, including a wooden fence with wire mesh attached, vinyl fence or chain link with vinyl clad or aluminum fence. [*Ord. 2010-1*]

(2) Any required screening shall conform to §23-409.2.D of this Chapter, unless the Board of Supervisors approve an alternate landscaping arrangement that serves the same purposes. This landscaping shall not be required along an area where natural vegetation will be maintained that will completely fulfill this purpose.

(3) Thorny and prickly shrubs (that are also attractive) are encouraged around detention basins to discourage entry by children.

M. Areas of stormwater basins that are visible from streets and dwellings shall be attractively maintained.

N. All outflow structures from storage facilities shall be equipped with a regulatory device that will permit modification to regulate the amount of outflow. Suitable anti-vortex and/or velocity retarders shall be used. Entrances to stormwater pipes, including outflow pipes in detentions basins, shall have childproof gates or similar devices.

O. *Retention Basins.* Aeration devices may be required, dependent upon the quality of the inflow and detention time.

4. *Calculations of Runoff and Design Storm Frequency.*

A. Storm drainage systems required by this Chapter shall be designed to provide protection from a 2- to 100-year storm as determined by the Township Engineer. Stormwater management plans within an Act 167 area shall be consistent with said Act.

B. Where the Act 167 stormwater management plan design requirements do not apply, the stormwater runoff from watersheds of 1 square mile or less shall be calculated by the rational method or other appropriate method acceptable to the Township Engineer. The rational method of runoff calculation is explained in Appendix 23-B.

C. Where the Act 167 stormwater management plan design requirements do not apply, the stormwater runoff from watersheds or more than 1 square mile shall be calculated using the soil cover complex method developed by the Soil Conservation Service or other appropriate method acceptable to the Township Engineer.

D. The Manning equation explained in Appendix 23-B shall be used in calculating capacities of watercourses and storm sewers, except culverts which

shall be designed using methods acceptable to the Township Engineer.

E. Complete detailed drainage calculations and applicable charts and nomographs certified by the design engineer shall be submitted to the Township Engineer.

5. *Improvement Specifications.*

A. Inlets shall be designed and located to prevent hazardous conditions for vehicles, bicycles, or pedestrians.

(1) When swales are provided adjacent to roadway shoulders in cut areas, the water shall not encroach upon the shoulder during a 10-year frequency storm. The maximum velocity as determined by Manning's equation shall not exceed the allowable velocity. The allowable velocity for specific type of swale material is specified in Appendix 23-B. Inlets shall be provided to control the shoulder encroachment and water velocity.

(2) For curbed roadways, the maximum encroachment of water on the roadway pavement shall not exceed half of a through traffic lane or 1 inch less than the depth of curb during a 10-year frequency storm. Inlets shall be provided to control the encroachment of water on the pavement.

(3) Shoulders without swales in roadway cut areas are not generally permitted under the design criteria. However, if conditions require that this type of section be used, water flowing in the shoulder shall not encroach more than two-thirds the shoulder width during a 10-year frequency storm. Inlets shall be provided to control the shoulder encroachment and water velocity.

(4) Inlets shall be Pennsylvania Department of Transportation types C, M, or S unless otherwise approved by the Township Engineer.

B. Storm sewers shall have a minimum diameter of 15 inches. Sewers shall be designed to provide a minimum velocity of 3 feet/second when flowing full and shall have at least 1 foot of cover within the roadway.

C. Material requirements and construction methods shall be in conformance with Pennsylvania Department of Transportation Specifications Form 408, current edition.

6. *Surface Waters.*

A. All natural streams, channels, swales, drainage systems, and/or areas of concentration of surface water shall be maintained in their existing condition unless alteration is approved by the Township Engineer. The applicant shall be responsible to obtain all necessary DEP permits (see 25 Pa.Code, Chapter 105).

B. *Creek Alignments.* Any change to the alignment of a watercourse, or any blocking, impeding, or redirecting of a watercourse shall only occur with written approval of DEP and the Township Engineer.

7. *Ownership and Maintenance of Stormwater Facilities.* A system for the ownership and maintenance responsibilities of all temporary and permanent stormwater facilities and erosion and sedimentation control facilities that is satisfactory to the Board of Supervisors shall be established prior to final plan approval including:

A. Description of temporary and permanent maintenance requirements.

B. Identification of responsible individual, corporation, association, or other

entity for ownership and maintenance of both temporary and permanent stormwater management and erosion and sedimentation control facilities.

C. Establishment of suitable easements for access to all facilities for maintenance.

D. Stormwater facilities shall be designed to require minimal maintenance.

E. All storm drainage facilities shall be properly maintained by the party designated as responsible on the final subdivision plan, unless the Board of Supervisors agree to accept a change in the party responsible or the party owning the facility.

(Ord. 2003-4, 6/12/2003, §460; as amended by Ord. 2010-1, 4/8/2010)

§23-408. Underground Utilities Utility and Drainage Easements.

1. In accordance with the Pennsylvania Public Utility Commission Investigation Docket No. 99, as amended from time to time, all electric utility distribution lines shall be installed underground for all commercial and industrial land developments and subdivisions of three lots or more. In addition, the following design requirements shall be observed:

A. Established public utility and State and Federal governmental agency design standards shall be observed in preparing the utility plan.

B. Utility lines to be installed outside of the street rights-of-way lines.

C. Whenever practicable, telephone, and cable TV utilities shall be installed underground in connection with the installation of electric utility distribution lines.

D. Street lighting, where required, shall be provided at each intersection of the development and at intervals of overlapping lighted areas.

E. Utility lines shall be installed at the rough grade phase of construction. Utility lines shall be installed according to their depth, with the utility line installed at the greatest depth being installed first.

2. *Utility Easements.*

A. Utility easements shall be provided for all utility lines servicing the abutting lots when such utility lines are installed outside street rights-of-way. No structures or trees shall be placed within such easements. The location of utility easements shall be acceptable to the appropriate public utility or municipal authority.

B. Whenever practicable all utility lines to be installed outside street rights-of-way shall share a common utility easement.

C. Utility easements shall be located either:

(1) Abutting the street right-of-way. In this case a minimum easement width of 10 feet shall be required.

(2) Along rear or side lot lines. In this case a minimum easement width of 20 feet, 10 feet on each side of the lot line, shall be provided. Where the lot line coincides with the subdivision boundary a minimum easement width of 15 feet may be required by the Board of Supervisors.

3. *Stormwater Easements.*

A. Where a subdivision or development is traversed by a watercourse, drainage way, channel, or stream that the Township Engineer determines is subject to significant stormwater flows, there shall be provided a drainage easement established along the following:

(1) The 100-year floodway, where that is defined.

(2) Where a 100-year floodway is not defined, the 100-year floodplain.

(3) Where a 100-year floodplain is not defined, a width shall be used that includes a minimum of 25 feet on each side of the top of the primary bank of the waterway.

B. The drainage easements required by the above subsection are intended to preserve the unimpeded flow of natural drainage and to provide for future possible widening, deepening, relocating, improving, or protecting of such drainage facilities. The Township Engineer may require up to a ½-foot freeboard and/or an additional 10 feet building setback if deemed necessary along newly constructed watercourses.

C. If a major man-made drainage channel would pass within close proximity to homes and possibly threaten the safety of persons, the Board of Supervisors, based upon the advice of the Township Engineer, may require such certain lengths of such channel to be placed within appropriate underground pipes.

D. It shall be the responsibility of the applicant to obtain all stormwater easements on, over, or through other properties that are needed to carry out the proposed storm management plan.

4. *Petroleum and Natural Gas Transmission Lines.*

A. No company intending to install any petroleum, petroleum product, or natural gas transmission line shall be allowed to construct the line on less than a 50-foot right-of-way. Such lines are to be installed in the center of the right-of-way, and shall comply with the applicable standards imposed by State and Federal laws and regulations.

B. There shall be a minimum distance of 25 feet, measured from the right-of-way line, between any proposed dwelling unit and any petroleum, petroleum products, or natural gas transmission line which traverses the subdivision.

5. *Flood Proofing.* Facilities for gas, electric, and communication utilities shall be elevated or flood proofed to a level at least 1 foot above the 100-year flood elevation.

(Ord. 2003-4, 6/12/2003, §470)

§23-409. Environmental Protection and Open Space Preservation.

1. *Erosion and Sedimentation Control.*

A. All earthmoving activities shall be conducted in such a way as to prevent accelerated erosion and the resulting sedimentation.

B. No earthmoving or soil disturbance may take place until an erosion and sedimentation control plan has been developed in accordance with 25 Pa.Code, Chapter 102, latest revision. Such a plan is to be maintained on the construction site until all disturbed areas are finally stabilized.

C. The erosion and sedimentation control plan shall be developed in the form

outlined in the *Soil Erosion and Sedimentation Control Manual*, issued by the Pennsylvania Department of Environmental Protection.

D. All erosion and sedimentation control plans shall be submitted with the preliminary plan as set forth in §23-302.6.J of this Chapter.

E. When it has been determined that a National Pollutant Discharge Elimination System (NPDES) permit is required, the application for such a permit must be filed with the Lehigh County Conservation District.

F. The Township will require the submission of the erosion and sedimentation control plan to the Lehigh County Conservation District for review and recommendations, in accordance with 25 Pa.Code, Chapter 102, latest revision.

2. *Natural Feature Preservation.*

A. The design and development of all subdivisions and land developments shall preserve, whenever possible, natural features which will aid in providing adequate open space for recreation and conditions generally favorable to the health, safety, and welfare of the residents. Some of these natural features are the natural terrain of the site, woodland areas, large trees, natural watercourses and bodies of water, wetlands, rock outcroppings, and scenic views. More detailed standards concerning the preservation of specific natural features are set forth in the following Sections.

B. *Floodplain Regulation.*

(1) A map illustrating flood elevations for the tract for a 100-year flood, where applicable shall be submitted as part of the feasibility review materials as set forth in §23-301. The flood elevation map shall be based on the Township Flood Insurance Rate Map (FIRM). When not available, the map shall be based on estimated 100-year flood elevations or estimated areas subject to flooding based on best available data.

(2) A developer shall adhere to the following standards within areas designed as regulatory floodways and flood-fringe areas on the flood elevation map.

(a) No buildings are to be constructed in regulatory floodways. Other encroachments may be permitted provided that the encroachment will not cause any increase in the 100-year flood elevation at any point.

(b) Structures may be permitted in flood-fringe areas; provided, that the lowest floor (including basement) is elevated at least 1½ foot above the 100-year flood elevation and that the proposed improvements will not increase the water surface elevation of the 100-year flood by more than 1 foot at any point. The lowest floor of nonresidential structures may be constructed below the 100-year flood elevation provided that below this elevation the structure is watertight with walls substantially impermeable to the passage of water and is designed with structural components having the capability of resisting forces caused by flood.

C. *Lake, Stream, and River Frontage Preservation.*

(1) Lake, stream, and river frontage shall be preserved as open space whenever possible. This area may be credited toward the open space requirement set forth in subsection .3.

(2) Access to the water and maintenance easement area shall be provided at intervals of not more than ½ mile. These access points shall not be less than 100 feet in width.

D. *Tree Preservation and Planting.*

(1) Trees 6 inches or more in diameter (measured at a height 4½ feet above grade) shall not be removed unless they are located within the proposed cartway or sidewalk portion of a street right-of-way, within 50 feet of the foundation area of a new building, within the area where an on-lot sewage disposal system will be located, or within the area proposed for a driveway or other access way. Areas in which trees are retained shall remain at original grade level and undisturbed wherever possible.

(2) Where no trees exist along street rights-of-way, trees shall be planted at intervals of 50 feet. Trees shall not be retained or planted within street right-of-way line and within 3 feet of the street curb or the sidewalk. Trees may be retained or planted between the street curb and the sidewalk if there is a minimum distance of 6 feet.

(3) For all residential subdivisions and land development plans, the landscape plan shall show existing and proposed vegetative cover.

(4) The landscape plan shall include species and size of trees and planting specifications. The following standards shall be used:

(a) One tree per dwelling unit.

(b) One tree per 50 feet linear feet of newly constructed street.

(c) consideration shall be given to the species size and selection as to its resistance to disease and storm damage.

(5) Where the species and size of the plantings is not additionally controlled by the provisions of a landscaping ordinance, consideration shall be given in the species selection to disease and storm resistance.

E. *Topography.* The natural terrain of the proposed subdivision tract will be retained wherever possible with cut and fill operations being kept to a minimum. Areas with slopes greater than 15 percent shall generally not be planned for development. If such land is planned for development, the natural slope of the building site or sites shall be 15 percent or less. The building site shall be at least 4,000 square feet.

F. *Topsoil Protection.* Topsoil shall be removed from the areas of construction and stored separately. The topsoil shall be stabilized to minimize erosion during storage. Upon completion of the construction, topsoil will be uniformly redistributed on the site. [Ord. 2010-1]

3. *Playlots and Neighborhood Parks.*

A. *Purpose.*

(1) To provide adequate open space, recreational lands and facilities to service the residents and working people in the Township for both active and passive recreation.

(2) To recognize and work to carry out the current recreation plan of the multi-municipal park, recreation and open space plan as adopted by the Board

of Supervisors.

B. *Applicability.* This Section shall apply to any subdivision or land development for which a final plan or a combined preliminary/final plan is submitted after the enactment date of this amendment.

(1) This Section shall not apply to plans that the Township determines only to involve adjustments or corrections to an approved preliminary plan or a preliminary plan that was before the Township for consideration as of the date of the adoption of this Section, provided that the adjustments do not increase the number of proposed dwelling units.

C. *Limitations on the Use of the Fees.*

(1) Any fees collected under this Section shall be placed within the Township recreation escrow fund, or its successor account.

(2) Such fees shall only be used for the following: acquisition of public open space/recreation land and related debt payments, development of recreation facilities, landscaping of public open space, and necessary engineering, design and maintenance work for the open space/recreations land.

D. *Land to Be Preserved.* Any subdivision or land development regulated under this Chapter shall be required to preserve the specified amount of recreation land, unless the Board of Supervisors and the applicant mutually agree that recreational fees shall be required in lieu of land.

(1) As a general nonbinding guideline, it is the intent of this Section that smaller developments that do not include land adjacent to existing publicly owned land shall be encouraged to pay a recreation fee in lieu of dedicating land. However, if the applicant refuses to pay such fees, then recreational land shall be required to be dedicated.

(2) Park land and open space design requirements. In general, park lands and open spaces provided for by this Section shall involve areas for active recreation pursuits. Accordingly, the following design requirements shall apply:

(a) The site shall be located and designed so that safe and convenient access shall be provided to all proposed users. Additionally, each site shall have at least one area available for vehicular access that is no less than 24 feet in width.

(b) The site shall be sized and configured so as to accommodate its intended uses. Sufficient lot width/depth dimension shall be provided so as to accommodate, where practicable, ball fields, courts, and other open play areas. Furthermore, should a development be proposed at a location contiguous to an existing park, dedicated park lands should be provided, where practicable, as an expansion of the existing facility.

(c) The site shall have suitable topography and soil conditions for use and development as an active play area. No more than 25 percent of the site shall be comprised of floodplains, stormwater management facilities, and/or slopes exceeding 5 percent. Any unimproved site shall be provided with a healthy grass ground cover.

(d) The site shall be located and designed to conveniently access

proximate public utilities. However, no part of any overhead utility easements, not any aboveground protrusion of an underground utility, should be permitted in active play areas on the site.

(e) No part of the site shall be calculated as part of any required setback, yard, and/or open space for adjoining lots or uses as regulated by the Township Zoning Ordinance [Chapter 27].

(f) To the maximum extent feasible, the open space shall be configured to protect important natural resources (e.g., streams, ponds, wetlands, steep slopes, woodlands, unique geological features, wildlife habitats, aquifer recharge areas, etc.).

(g) To maximum extent feasible, the open space shall be configured to protect important historical and/or archaeological sites.

(h) To the maximum extent feasible, the open space shall be configured to integrate greenbelts throughout the development that link residences with on-site or adjoining parks, schools, or other similar features.

E. Open space dedication, park and recreation areas and fees in lieu of land dedication for residential subdivision/land development.

(1) When it is not appropriate for a developer to reserve a portion of the tract, a fee shall be paid in lieu of land reserved or dedicated for parks or recreation. The fee shall be based upon the estimated value of land recommended per capita by the current National Recreation and Park Association guidelines for recreational areas. Currently this figure is .0416 acres per dwelling unit. The funds shall in turn be used to provide parks and recreation facilities for the benefit of all residents who live in the Township.

(2) There are many criteria for determining the appropriateness of land dedication versus contribution of a fee in lieu thereof. Initially, review for conformity with the current park and recreation plan determines whether or not the location of the parcel is integral in the overall system. Within the hierarchy established by the model of the system, certain components can be negotiated. Within the context of each neighborhood (as delineated in the current multi-municipal park, recreation and open space plan) specific recommendations for integrating the components for the system are made.

(3) A reasonable attempt to fit the existing parks into this system will be made. Application of the model to the existing inventory will display deficiencies and create more specific recommendations which are neighborhood-sensitive. More importantly, though, orderly development of the system will evolve as the recommended guidelines are followed during the review of new residential developments and when capital improvements are made to the Township park system.

(4) Computation of fees in lieu of park/recreation land dedication for residential lots.

Computation of a Weighted Average Value of One Acre of Raw Land.

[Raw Land Cost] X .0416 Acres /1 Dwelling Unit = Park and Recreation Fee

The fees for such residential development shall be paid in full prior to the

release of the subdivision plan or land development plan for recording.

F. Open Space Dedication, Park and Recreation Areas and Fees in Lieu of Land Dedication for Nonresidential Subdivision / Land Development.

(1) Developers of nonagricultural land developments are required to dedicate land to the Township for parks, recreation, open spaces and/or pay a fee to provide facilities in lieu thereof.

(2) *Land to Be Dedicated.* The land to be dedicated shall be determined by the “area of building” on the subdivision or land development plan. The “area of building” is defined as the building footprint measured around the outside of the foundation walls and of the floor or roof porches and roof terrace inclusive and including the area of accessory buildings, if any. The land to be dedicated shall be equivalent to the “area of building.”

(3) *Fees in Lieu of Land Dedication for Nonresidential Development.* The fees in lieu of land dedication shall be determined by the gross floor area of the building. The base fee (X) for each building shall be set annually by resolution of the Board of Supervisors. The amount due shall be calculated as per the table below:

	Gross Floor Area			
Base Fee		X		
0-10,000		X	.10	Per sf
10,000-25,000		X	.05	Per sf
Over 25,000		X	.035	Per sf

(4) The fee for such nonresidential development shall be paid in full prior to the release of the subdivision plan or land development plan for recording.

(5) *Additions.* The fee for additions to existing buildings shall be computed by calculating the fee for the entire building (including the addition) and subtracting the fee based on the original size of the building.

[*Ord. 2011-1*]

(*Ord. 2003-4, 6/12/2003, §480; as amended by Ord. 2010-1, 4/8/2010; and by Ord. 2011-1, 5/12/2011, §1*)

§23-410. Blue Mountain District.

1. *Purpose.*

A. For tracts located in the Blue Mountain District, the applicant shall submit an existing resources and site analysis plan and shall include the information described in this Section. The purpose of this plan is to familiarize the Township Planning Commission and Board of Supervisors with existing conditions on the tract and within the immediate vicinity and to provide a complete and factual reference for the officials in making any site inspections. This plan shall form the basis for the development design.

B. The preliminary plan shall be reviewed to determine the likely impact of the subdivision upon the existing resources within the Blue Mountain District. The Planning Commission can recommend and the Board of Supervisors may require any changes and/or modifications, as it deems necessary to protect the natural resources of the tract and surrounding area.

C. The applicant shall submit, in separate documents, which shall be recorded, the following, but not limited to: covenants, restrictions, descriptions, and plans for easements of perpetual protection.

D. In Blue Mountain District the depth to width ratio of a lot shall not be greater than 5 to 1.

2. *Application.*

A. The design standards and requirements, outlined in this Section, will be utilized by the Township Planning Commission and Board of Supervisors in determining the adequacy of all plans for proposed subdivision and land development only within the Blue Mountain District.

B. Development shall be planned, reviewed, and carried out in conformance with all Township, State, and other applicable laws and regulations. Whenever other Township ordinances or regulations impose more restrictive standards and requirements than those contained herein, such other shall be observed.

3. *General Standards.*

A. Land shall be suited to the purpose for which it is to be subdivided. Land with environmentally unique features, unsafe, or hazardous conditions, such as, but not limited to, open quarries, unconsolidated fill, steep slopes, or flood prone areas shall not be subdivided for residential uses. The environmental protection and common open space standards as defined in this Section shall be met for all lots in the Blue Mountain District.

B. Consideration shall be given to applicable provisions of the Township's current Comprehensive Plan and to the Lehigh Valley Planning Commission Comprehensive Plan.

C. The Board of Supervisors may alter the design standards and requirements within this Section upon presentation of evidence that the intent of such standards and requirements shall be substantially achieved. Reasons for such action could be for the purpose of achieving economy and ingenuity in design, in accordance with modern and evolving principles of site planning and development.

4. *Existing Resource and Site Analysis Plan.*

A. For all subdivisions and land developments in the Blue Mountain District, an existing resources and site analysis plan shall be prepared by a registered engineer, geologist, or landscape architect, registered surveyor. The plan shall include applicable information from the Pennsylvania Natural Diversity Inventory and the Pennsylvania Historical and Museum Commission. The plan shall provide the Township and the developer with a comprehensive analysis of existing conditions on the proposed site and adjacent lands. Existing resources and site analysis plan requirements are as follows.

B. The plan shall be clearly and legibly drawn to a scale of 1 inch equals 100 feet for sites under 100 acres and 1 inch equals 200 feet for sites over 100 acres. If

additional plans are needed to show unique details of the site that scale shall be 1 inch equals 50 feet.

C. The plan shall show the relationship of the subject property to natural and manmade features existing within 1,000 feet of the site. The use of County aerial survey maps will be acceptable.

D. The plan shall include topography, from USGS maps. The topographic plan shall have 2-foot contour intervals, interpolated from USGS maps. The Planning Commission may specify greater or lesser intervals on steep or flat sites. Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated.

E. The plan shall include streams, woodlands, (woodlands over ½ acre from aerial photographs where available), ridge lines, public and private roads and trails.

F. The plan shall show natural drainage patterns, water resources, drainage

swales, ditches, drains, ponds, quarries, lakes, floodplains, floodways, wetlands, permanent and seasonal high water table areas.

G. The plan shall show soils types and provide a soil description of all the soils present on the site. The soil analysis shall include prime agriculture soil areas, soils with shallow depth to bedrock, soils most susceptible to erosion, soils most suitable for urban development, floodplain soils, wetland soils, and soils generally suitable for on-lot sewage disposal. The plan shall be based on information from the latest Lehigh County Soil Survey.

H. The plan shall show geologic formations, including rock outcroppings, boulder fields, cliffs, and visible sinkholes.

I. The plan shall show vegetative cover including, but not limited to, cultivated land, permanent grassland, meadow, pasture, woodland, wetland, tree, and canopy lines.

J. The plan shall identify watershed boundaries.

K. The plan shall identify all existing man-made features.

L. The plan shall show all historically significant sites and structure including, but not limited to, cellar holes, stone walls, and marked graves.

M. The plan shall identify all recorded utility easements, rights-of-way, public or private, public land and land protected under Blue Mountain easements.

N. The plan shall include a wetland delineation plan and report by a qualified person.

O. The plan shall include all surveys, dimensions, locations, and size of resource protected land, and calculations of resource protected area, photographs, and any other data as proof of the inventory.

P. The plan shall include the total tract area, and the resource protected area, including the supporting calculations.

Q. The plan shall include an inventory table and location of all resource protected land listed in Appendix 23-E, Table 23-E-1.

R. The plan, maps, and supporting documentation shall bear the name, signature, address, professional seal, and telephone number of the qualified professional preparing the plan.

5. *Design Standards.*

A. All subdivisions or land developments proposed in the Blue Mountain District shall conform to the requirements of the Erosion and Sedimentation Control, Natural Feature Preservation, and Common Open Space and Recreation Areas, including all subsections of this Chapter.

B. The design of all subdivisions and land developments, within the Blue Mountain District shall strictly minimize the disturbance of resource protected land listed in Appendix 23-E, Table 23-E-1. Demonstration by the applicant that these features will be protected shall be prerequisite to approval of the preliminary plan and final plan. The existing resources and site analysis plan submitted to the Township for the subdivision serves as part of that demonstration.

C. Appendix 23-E, Table 23-E-1 provides protection factors for each resource protected land. These factors are to be used to calculate the resource protected land

which will determine the usable site area, see Appendix 23-E, Table 23-E-2 for an example calculation.

D. If a portion of the tract is underlain by more than one natural feature subject to a protection factor, that acreage shall be subject to the most restrictive protection factor.

E. The maximum number of permitted dwelling units (DU) shall equal the density permitted in the Heidelberg Township Zoning Ordinance [Chapter 27] for the Blue Mountain District. The calculated value is rounded downward to the nearest whole number.

F. Resource protected land shall be protected from development in perpetuity. The perpetual preservation of resource protected land shall be in accordance with the Heidelberg Township Zoning Ordinance [Chapter 27].

G. The subdivision or land development is the sum of all contiguous land used or zoned for the same use. Noncontiguous land shall be treated as a separate subdivision.

(Ord. 2003-4, 6/12/2003; as added by Ord. 2010-1, 4/8/2010)

Part 5**Improvement Specifications****§23-501. General Requirements.**

1. Physical improvements to the subdivision/land development tract shall be provided, constructed, and installed as shown on the record plan, in accordance with the requirements of the Board of Supervisors.

2. As a condition to review of a final plan by the Township Planning Commission, the developer shall reach an understanding with the Board of Supervisors as to installations of all improvements shown on the plan and required by this Chapter. Before the record plan may be endorsed by the Board of Supervisors, the developer shall submit a completed and executed original copy of the subdivision improvements agreements and performance and maintenance guarantees in the amount required by §23-503.

3. All improvements installed by the developer shall be constructed in accordance with the design specifications of the Board of Supervisors. The Board of Supervisors shall instruct the Township Engineer to prepare improvement specifications for a required improvement in cases where no applicable Township specifications exist.

4. Supervision of the installation of those improvements required by §23-502 shall in all cases be the responsibility of the Board of Supervisors and Township Engineer. (*Ord. 2003-4, 6/12/2003, §500*)

§23-502. Required Improvements.

1. Improvements shall be provided, constructed, and installed by the developer as stated in the improvement agreement, shown on the record plan, and accordance with the design standards set forth in Part 4 of this Chapter. The following improvements will be required in all applicable cases:

A. Street excavating, grading, subgrade preparation, base course paving, and surface course paving installed according to Township specifications found in §23-506 of this Chapter. [*Ord. 2010-1*]

B. Concrete curbing of the vertical type or stabilized shoulder and drainage swale with no curbing installed according to Township specifications found in §23-504 of this Chapter. [*Ord. 2010-1*]

C. Concrete sidewalks or interior walkways installed according to Township specifications found in §23-505 of this Chapter. [*Ord. 2010-1*]

D. Sanitary sewer system improvements installed according the specifications of the Lehigh County Authority Sanitary Sewer Construction, latest revision, and the Pennsylvania Department of Environmental Protection, latest revisions. [*Ord. 2010-1*]

E. Water supply and distribution system improvements installed according to the specifications of the Lehigh County Authority Water System Construction, latest revisions, and the Pennsylvania Department of Environmental Protection, latest revisions. [*Ord. 2010-1*]

F. Storm drainage system improvements installed according to Township specifications found in §23-407 of this Chapter. [*Ord. 2010-1*]

G. Monuments shall be installed.

(1) Permanent stone or concrete monuments shall be accurately placed at the intersection of all lines forming angles and at changes in directions of lines in the boundary (perimeter) of the property subdivided, along one side of all road rights-of-way at all points of tangency, and as directed by the Township Engineer.

(2) Monuments shall be of reinforced concrete with minimum dimensions of 4 inches by 4 inches by 30 inches or stone with minimum dimensions of 6 inches by 6 inches by 30 inches. Concrete monuments shall be scored on top of the copper or brass dowel (with an indented cross); stone monuments shall be marked on top with a proper inscription.

(3) All monuments shall be placed by a registered professional engineer or surveyor so that the scored point shall coincide exactly with the point of intersection of the line being monumented.

(4) Monuments shall be set with their top level with the finished grade of the surrounding ground, except:

(a) Monuments which are placed within the lines of existing or proposed sidewalks shall be so located (preferably beneath the sidewalks) that their tops will not be affected by lateral movement of the sidewalks.

(b) Where monuments are located beneath a sidewalk, proper access shall be provided for their use.

(c) Where sidewalks are existing, a stone point (a 4-inch square chisel cut in the sidewalk with a drill hole in center) may be substituted for a monument.

H. Fire hydrants installed according to the specifications of the Township and the appropriate government authority.

I. Street signs in accordance with the requirements of the Board of Supervisors.

J. Street trees planted according to Township specifications.

(*Ord. 2003-4, 6/12/2003, §510; as amended by Ord. 2010-1, 4/8/2010*)

§23-503. Improvements Guarantee Procedure.

Before the Board of Supervisors approves any final plan and as a prerequisite for approval, the developer shall deliver to the Board of Supervisors a performance guarantee and a maintenance guarantee for the cost of all improvements required by this Chapter. All procedures relating to the performance guarantee and the maintenance guarantee for improvements shall be governed by the applicable provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* All documentation as necessary to implement these provisions including but not by way of limitation a subdivision improvements and maintenance agreement and bond or other authorized security shall be in a form approved by the Township Solicitor.

(*Ord. 2003-4, 6/12/2003, §520*)

§23-504. Curb Construction Specifications.

Curbs shall be installed in accordance with the following specifications and shall be the vertical type. Transition from one type of curb to another shall be made only at a street intersection, and adequate provision shall be made for driveway entrances.

A. The subgrade shall be substantially dry, unfrozen, firmly compacted soil. Thorough compaction shall be attained by using an approved pneumatic compactor or self-contained compactor capable of delivering 800 to 1,000 pounds at the shoe.

B. Forms shall be made of steel, and shall be smooth, free of warp, and sufficiently rigid and supported to resist springing out of shape. These forms shall be of a depth equal to that of the proposed curb. Prior to pouring the concrete, all forms and templates shall be thoroughly cleaned and treated with an approved material to prevent the concrete from adhering thereto. Material which will adhere to the forms and not discolor the concrete shall be used.

C. Concrete shall meet the requirements of PennDOT Form 408, latest revision, §704, of Class A cement concrete. No concrete shall be mixed or placed when air temperature is below 35°F.

D. Curbs shall be carefully poured monolithically without segregation of constituents, tamped and screed true to grade and section eliminating all voids and bringing sufficient mortar to the surface for finishing in a smooth, neat, even manner using approved tools.

E. Each curb section shall be constructed in lengths of 10 feet where practicable; in no case shall a section be less than 5 feet long. Each section shall be separated when pouring by a 1/8-inch steel template equal to the full depth of the curb. Expansion joints of approved 1½-inch premolded bituminous material shall be placed for the full curb depth at all points of tangency of street returns and intersection curbs, and in no case more than 30 feet apart.

F. Forms may be removed no earlier than 12 hours after placement of the concrete. All construction joints shall then be filled with approved dry, sharp sand. Minor defects and honeycombing shall be corrected by patching with mortar, no plastering will be permitted. All exposed concrete shall be rubbed to a smooth surface and edges at joints finished with suitable tool.

G. Curing shall be performed in an approved manner for a period of 5 days.

H. Backfilling shall be accomplished immediately after the curing period is completed; with approved material, thoroughly tamped in 6-inch layers with approved compactors as herein specified.

I. Where unusual or unique conditions prevail with respect to prospective traffic and/or safety of pedestrians, different standards of improvements than those set forth in the previous paragraphs may be required. Crosswalks may be required when deemed necessary by the Township Board of Supervisors.

J. Prior to laying of street surface, adequate subsurface drainage for streets and underground utilities shall be provided and installed by the developer.

K. In all respects in which standards for required improvements are not set forth herein, the applicable standard requirements of the Pennsylvania Department of Transportation shall govern, and all work shall be performed in the manner prescribed in the standard specifications for road construction of the

Department.

L. Curb detail shall conform to PennDOT *Standards for Roadway Construction*, Publication #72M.

(Ord. 2003-4, 6/12/2003, §530)

§23-505. Sidewalk Construction Specifications.

1. *Sidewalks.*

A. *Subgrade.* The subgrade shall substantially be dry, unfrozen, firmly compacted soil. Thorough compaction shall be attained by using an approved pneumatic compactor or self-contained compactor capable of delivering 800 to 1,000 pounds at the shoe.

B. *Base.* A stone bed shall be placed and thoroughly compacted to a depth of 3 inches using the above-mentioned compactors. The stone shall be AASHTO No. 57.

C. *Forms.* Forms shall be made of approved substantial material, preferably of steel, and shall be smooth, free of warp, and substantially rigid and supported to resist springing out of shape. These forms shall be of a depth equal to that of the proposed sidewalk. Prior to pouring the concrete, all forms and templates shall be thoroughly cleaned and treated with an approved material to prevent the concrete from adhering thereto. Material that will adhere to or discolor the concrete shall not be used.

D. *Concrete.* Concrete shall meet the requirements of PennDOT Form 408, latest revision, §704, for a Class A cement concrete. No concrete shall be mixed or placed when the air temperature is below 50°F or above 90°F.

E. *Pouring.* Sidewalk shall be carefully poured monolithically without segregation of constituents to a depth of 5 inches and cross-over 6 inches, and screeded true to grade and sections, eliminating all voids and bringing sufficient mortar to the surface for finishing in a smooth, neat, even manner using approved wood floats. The width of the sidewalk shall be 4 feet for local roads, 5 feet for all other roads.

F. *Construction.*

(1) Sidewalk shall slope toward the street at the rate of ¼-inch per foot. It shall be constructed in separate slabs of 30 feet in length except for closures, these slabs shall be separated for their full depth by expansion joints of approved ½-inch premolded bituminous material. This premolded material shall also be placed longitudinally at the joint where sidewalk slabs abut concrete curb and existing sidewalk.

(2) Between the transverse expansion joint, the slabs shall be divided into blocks 4 feet in length by using ⅛-inch steel templates equal in depth to that of the slab. Where existing light standards, poles, fire hydrants, etc., are within the sidewalk area, concrete around such structures shall be scored to a depth of one-fourth the slab thickness, in a block 8 inches wider than the maximum dimension of the structure at a sidewalk elevation. Prior to placing the concrete, ¼-inch premolded expansion joints shall be placed completely around the structures for the full depth of the sidewalk. All joints shall be edged with

an edger having a ¼-inch radius.

G. *Handicapped Ramp.* At all intersections, sidewalks shall be extended through the planting strip to abut depressed concrete curbing on the curve return, to facilitate a handicapped ramp to the cartway. Ramp detail shall conform to PennDOT *Standards for Roadway Construction*, Publication #72M.

(Ord. 2003-4, 6/12/2003, §540)

§23-506. Street Construction Specifications.

All roads and streets shall be constructed and built in accordance with current Pennsylvania Department of Transportation Specification Publication 408, latest edition and with the following standards:

A. *Subgrade.* Subgrade shall be compacted and crowned with the required street crown and shall be prepared to PennDOT Publication 408, §210, requirements.

B. *Subbase.* Subbase shall be provided and installed in accordance with PennDOT Publication 408, §350, to a compacted depth of 4 inches. Number 2A coarse aggregate shall be utilized.

C. *Base Course.* Base course shall be provided and constructed in accordance with PennDOT 408 to the specifications of §409.

(1) Base course shall be superpave asphalt mixture design, 25.0 mm PG 64-22.

(2) ESAL specifications shall be determined from Table 23-506-A-1.

D. *Tack Coat.* Tack coat material may be required by the Township Engineer just prior to the construction of the binder or wearing course. Such tack coat shall be applied to the base in accordance with PennDOT Publication 408, §460.

E. *Binder Course.* Binder course shall be provided and constructed in accordance with PennDOT Publication 408 to the specifications of §409.

(1) Binder course shall be superpave asphalt design mixture, 25.0 mm, PG 64-22.

(2) ESAL specifications shall be determined from Table 23-506-A-1.

F. *Wearing Course.* Wearing course shall be provided and constructed in accordance with PennDOT Publication 408 to the specifications of §409.

(1) Binder course shall be superpave asphalt design mixture, 9.5 mm, PG 64-22.

(2) ESAL specifications shall be determined from Table 23-506-A-1.

G. Required pavement depths are found in Table 23-506-A-3.

Table 23-506-A-1

ESALs	=	Trucks/Day
0.0 to .03 million		0 to 40
0.3 to 3.0 million		40 to 400
3.0 to 10.0 million		400 to 1,300

ESALs	=	Trucks/Day
10.0 to 30.0 million		1,300 to 3,000

**Table 23-506-A-2
Skid Resistance Level (SRL) Determination**

Average Daily Traffic	SRL	Alternates
20,000 and above	E	None
5,000 to 20,000	H	E, H, Blend of E and M, Blend of E and G
3,000 to 5,000	G	E, H, G, Blend of H and L, Blend of E and L
1,000 to 3,000	M	E, H, G, M, Blend of H and L, Blend of G and L, Blend of E and L
1,000 and below	L	Any

Note: All blends are 50% by weight and shall be accompanied by an approved method.

**Table 23-506-A-3
Pavement Depth Requirements
(Depths to be measured after compaction)**

Street Type	Local (inches)	Collector (inches)	Arterial (inches)
Subbase	4	4	4
Base course	5	5	6
Binder course	N/A	2	2
Wearing course	1.5	1.5	1.5

H. *Crown.* The crown is to be ¼ inch per foot minimum and ⅜ per foot maximum unless the street has a designed super elevation.

I. *Embankment.* Any fill or embankment material placed in the street right-of-way or adjacent thereto for street construction purposes shall be placed in accordance with PennDOT Publication 408, §206.

J. *Sealer.* The edge of the wearing course adjacent to curbs, inlets, manholes, water valves, and other appurtenances shall be sealed with hot bituminous material of the class and type designated for the wearing course, extending 12 inches from the curb or other surface. Class AET, E-6 or E-8 emulsified asphalt may be used in place of hot bituminous material.

K. *Trench Backfill.* Backfilling of all trenches shall be in accordance with the requirements of PennDOT Publication 408, §601.3(e). When the trench is within the pavement of an existing street or is within the limit of a proposed street pavement, the backfill material shall be 2RC coarse aggregate, as specified in PennDOT Publication 408, §703.3. Stone backfill is not required if the bituminous concrete base course is not placed for at least 3 months from the time the trench is

backfilled and binder or wearing course paving is not placed for at least 6 months from the time the trench is backfilled.

L. *Guide Rail*. All guide rails shall be installed in accordance with §620 of PennDOT publication 408 and PennDOT's Standards for Roadway Construction RC-52.

M. Repairs shall be made to the same specifications as new paving. Repairs shall be done neatly and shall be sealed at the joint with hot bituminous material. The seal is to at least 12 inches wide and is to be coated with sand or screening.

(*Ord. 2003-4, 6/12/2003, §550; as amended by Ord. 2010-1, 4/8/2010*)

§23-507. Blue Mountain District.

1. *Woodland Disturbance*.

A. This shall be in addition to other requirements contained within this Section. Whenever other Township ordinances or regulations impose more restrictive standards and requirements than those contained herein, such other shall be observed.

B. For purposes of this Section, the extent of any area of woodland disturbance shall be measured to include the entire area within the drip line of any tree. Any part of the area within the drip line of said tree is subject to woodland disturbance.

C. Woodland disturbance, including alteration or removal of any hedgerows shall be minimized. Hedgerows shall not be removed if they are on the property line. Within 150 feet of any permitted structure, dead, injured, noxious weed, and/or diseased vegetation may be removed.

D. No specimen vegetation, which appears on a list of protected or endangered species maintained by the Commonwealth of Pennsylvania or the United States Government or which provides a habitat for protected or endangered animal species on such lists shall be removed from any lot or tract. Except, where applicant demonstrates to the satisfaction of the Board of Supervisors that such removal is essential to eliminate hazardous conditions, diseased, or blighted specimen vegetation, or to otherwise permit lawful use of the lot or tract. Where permitted, removal of specimen vegetation shall be minimized. Specimen trees to be retained within the area to be disturbed shall be credited toward any tree replacement.

E. If the woodland disturbance exceeds 20,000 square feet for each permitted use or each special exception use, including driveways, woodland replacement shall be required in accordance with this Chapter.

F. For each accessory use and clear sight triangle, the permitted removal of specimen vegetation and woodland disturbance shall not exceed 5,000 square feet for each accessory use and clear sight triangle. If the woodland disturbance exceeds 5,000 square feet for any one of these uses, woodland replacement shall be required in accordance with this Chapter.

G. The property owner, may request an additional clear area around the permitted and accessory structures, in wooded areas. This additional area shall be only for creating a fire safety zone or fire protection zone between the wooded area and the structures. A plan must be submitted to and reviewed by the Township at

the same time a building permit application is submitted to the Township. Woodland replacement may be required in accordance with this Chapter. The Township based on the individual site features will determine if woodland replacement is necessary.

H. In determining where necessary woodland disturbance shall occur, the applicant shall consider the following:

(1) The location and benefit of Blue Mountain of healthy mature woodland stands.

(2) The impacts in terms of functions and values to wildlife of separating, dividing, and/or encroaching on wildlife travel corridors and/or extensive habitat areas, especially woodlands exceeding 10 acres in area.

I. In areas or permitted woodland disturbance and areas adjacent to permitted woodland disturbance, care shall be exercised to protect remaining trees from damage. The following procedures shall be utilized during construction in order to protect remaining trees:

(1) Where existing trees are to remain, no change in existing grade shall be permitted within the drip line of the trees.

(2) Roots shall not be cut within the drip line of any trees to remain, except as necessary for the installation of wells, septic systems, and underground utilities.

(3) Trees within 25 feet of a building or 15 feet bordering entrances or exists to building sites, shall be protected by a temporary barrier to be maintained in place throughout the duration of construction activity.

(4) Construction materials, equipment, soil, and/or debris shall not be stored nor disposed of within the drip lines of trees to remain, except for mulched vegetative matter used to prevent soil compaction.

(5) Tree trunks, limbs, and exposed roots damaged during construction shall be protected from further damage by being treated immediately in accordance with accepted professional landscape procedures.

2. *Woodland Replacement.*

A. Where woodland disturbance involves more than 5,000 square feet or 20,000 square feet, as specified in this Chapter. One tree, 4½ inch caliper minimum (measured 3½ feet above grade) and two shrubs 24 to 30 inches in height, minimum, shall be planted for each 500 square feet, or fraction, in excess of the permitted woodland disturbances area. All specimen trees to be retained within the area proposed for disturbance shall be credited toward any tree replacement requirement, at a ratio of three trees credited for each individual specimen tree retained.

B. Plantings and their measurement shall conform to the standards of the publications “American or USA Standard for Nursery Stock,” ANSI or USAS Z60.1 of the American Association of Nurserymen, as amended.

C. All plant material used on the site shall have been grown within a similar or harder USDA zone as the site and shall be nursery grown.

D. Species of replacement plantings selected and planting locations shall

reflect careful site evaluation and in particular the following considerations:

(1) Existing and proposed site conditions and their suitability for the plant materials, based upon the site geology, hydrology, soils, and microclimate.

(2) Specific functional and design objectives of the plantings, which may include but not necessarily be limited to: replacement of woodland area removed, enhancement of existing woodland or old field areas, reforestation or riparian buffer areas, provision for landscape buffer, visual screening habitats and aesthetic values.

(3) Maintenance considerations such as hardiness, resistance to insects and disease, longevity and availability. Because of the many benefits of native plants, ease of maintenance, longevity, wildlife habitat the use of nursery grown free fruiting native trees and shrubs is strongly encouraged. Species selection should reflect species diversity characteristic of the native woodland. Use of nonnative and invasive planting is not permitted.

3. *Woodland Management.*

A. The applicant shall include as part of the preliminary plan and final plan submission, provisions for the long-term management of any woodland area not subject to woodland disturbance and any area selected for introduction of replacement plantings in accordance with this Chapter. Where applicable, preliminary plan and final plan submission shall include a statement of woodland management objectives.

B. Also the plans shall demonstrate, to the satisfaction of the Board of Supervisors, the feasibility of intended management practices, aiming to ensure the success of stated objectives, including the viability of introduced plantings, deterrence of invasive species, and means to minimize any future woodland disturbance.

C. Applicants are strongly encouraged to seek woodland management assistance through the Pennsylvania Forest Stewardship Program administered by the Pennsylvania Bureau of Forestry.

4. *Replacement Guarantee.*

A. All plantings new or replacement and any other required landscaping shall be guaranteed and maintained in a healthy and/or sound condition for at least 12 months or shall be replaced.

B. The costs of landscape material and installation shall be considered in determining the amount of any performance guarantee required. At the Township's discretion, the applicant may be required to escrow sufficient additional funds for the maintenance and/or replacement of the proposed vegetation during the 12-month replacement period. In addition, an escrow may be required for the removal and replacement of specimen vegetation damaged during construction.

(Ord. 2003-4, 6/12/2003; as added by Ord. 2010-1, 4/8/2010)

Part 6**Administration****§23-601. Subdivision and Land Development Ordinance Amendments.**

The procedures for any amendment to this Chapter shall be governed by the applicable provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(*Ord. 2003-4, 6/12/2003, §600*)

§23-602. Appeals.

The decision of the Board of Supervisors with respect to the approval or disapproval of subdivision or land development plans may be appealed directly to court in the same manner and within the same time limitations as provided for zoning appeals in Article X-A of the Pennsylvania Municipalities Planning Code, 53 P.S. §11001-A *et seq.*

(*Ord. 2003-4, 6/12/2003, §610*)

§23-603. Remedies.**1. Preventive Remedies.**

A. In addition to other remedies, the Board of Supervisors may institute and maintain appropriate actions by law or in equity to restrain, correct, or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure, or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

B. The Board of Supervisors 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 any ordinance adopted pursuant to Article V of the Pennsylvania Municipalities Planning Code, 53 P.S. §10501 *et seq.*, or prior enabling laws. This authority to deny such a permit or approval shall apply to any of the following applicants:

(1) The owner of record at the time of such violation.

(2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

(3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

(4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee has actual or constructive knowledge of the violation.

C. As an additional condition for issuance of a permit of the granting of an approval to any such owner, current owner, vendee, or lessee for the development

of any such real property, the Board of Supervisors 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.

2. *Enforcement Remedies.*

A. Any person, partnership, or corporation who or which has violated the provisions of this Chapter enacted under the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Board of Supervisors, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Board of Supervisors as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the magisterial district judge determining that there has been a violation further determines that there was good faith basis for the person, partnership, or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. [*Ord. 2010-1*]

B. The Court of Common Pleas of Lehigh County, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Board of Supervisors the right to commence any action for enforcement pursuant to this Section.

(*Ord. 2003-4, 6/12/2003, §620; as amended by Ord. 2010-1, 4/8/2010*)

§23-604. Validity and Conflicts.

1. Should any action or provisions of this Chapter be declared by the courts to be invalid, such decision shall not affect the validity of the Chapter as a whole, nor the validity of any other Section or provision of the Chapter than the one so declared.

2. Whenever there is a conflict between minimum standards or requirements set forth in this Chapter and those contained in other Township ordinances and regulations, the most stringent standard or requirement shall apply.

(*Ord. 2003-4, 6/12/2003, §630*)

§23-605. Fees.

1. The subdivider or developer shall pay the initial subdivision fees customarily charged by the Township according to the Township's fee schedule which schedule shall be set from time to time by resolution of the Board of Supervisors and the subdivider or developer shall also reimburse the Township for engineering services, and legal fees incurred in the processing of the subdivision map, improvements, and maintenance agreement and recording costs as well as any other incidental expenses reasonably incurred by the Township respecting the subdivision. The Township may, at any time during the course of the plan's review require the subdivider or developer to reimburse the Township for costs incurred to given times, or at the Township's option, require the subdivider or developer to place a sufficient sum in escrow (said sum to be determined

solely by the Township) to cover the costs and fees, as herein above provided, which the Township estimates it will reasonably incur during the processing and review of the subdivision application and plan. Any amounts which have been placed in escrow in excess of the amounts herein above referred to, shall be returned to the individual or entity from which the funds were received, following final plan approval.

2. No final plan shall be approved unless all fees and charges are paid in full.

(Ord. 2003-4, 6/12/2003, §640)

§23-606. Modifications.

1. The Board of Supervisors or the planning agency, if authorized to approve applications within the subdivision and land development ordinance, may grant a modification of the requirements of one or more provisions 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 the ordinance is observed.

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 the ordinances involved and the minimum modification necessary.

3. If approval power is reserved by the Board of Supervisors, the request for modification may be referred to the planning agency for advisory comments.

4. The Board of Supervisors or the planning agency, as the case may be, shall keep a written record of all action on all requests for modifications.

(Ord. 2003-4, 6/12/2003, §650)

Part 7**Mobile Home Parks****§23-701. Permits.**

1. It shall be unlawful for any person to establish, construct, maintain, alter, expand, or extend any mobile home park or any of the facilities thereof within the limits of Heidelberg Township, unless the owner of the land holds a valid permit issued in his name for such purpose or purposes by Heidelberg Township under this and any other applicable ordinances of Heidelberg Township.

2. No permit shall be issued hereunder, unless the person making application therefor shall have received approval of a mobile home park land development plan for such purpose(s) by the Township Board of Supervisors.

3. It shall be unlawful for any person to operate a mobile home park within the limits of Heidelberg Township unless he holds a currently valid permit issued by Heidelberg Township in the name of such person for the specific mobile home park.

4. A permit issued hereunder shall not be transferable without prior approval of the Board of Supervisors of transfer thereof. Every person holding a permit shall obtain approval of transfer thereof by the Board of Supervisors prior to transferring ownership of any mobile home park.

5. The Board of Supervisors, acting through its designated representative or representatives, may inspect a mobile home park at reasonable intervals, and at reasonable times, to determine compliance with this Chapter.

6. The decision of the Board of Supervisors with respect to the approval or disapproval of a permit may be appealed directly to court not later 30 days after issuance of notice of the decision or report of the Board of Supervisors.

(Ord. 2003-4, 6/12/2003, §700)

§23-702. Applications.

1. An application for a mobile home park permit or a mobile home park land development plan, prepared by an engineer or land surveyor registered in the Commonwealth of Pennsylvania, shall be submitted to the Township for referral to and review by the Township and Lehigh Valley Planning Commissions for the recommendations of each such agency to the Heidelberg Township Board of Supervisors. The mobile home park land development plan shall comply with all of the provisions of the Township SALDO applicable to land development and land development plans, including the submission, approval, and improvements provisions, other than as such provisions are specifically modified by this Part.

2. Upon approval of such application and mobile home park land development plan by the Board of Supervisors, and after payment by the applicant of all required fees the Township shall issue a mobile home park permit to the applicant which shall be valid for a period 1 year from the date of issuance.

3. Application for renewal of a mobile home park permit in form as required by Heidelberg Township shall be made at least 30 days prior to the expiration date of a

permit. The renewal of a mobile home park permit shall be issued upon proof by applicant that his park continues to meet the standards and requirements of this Part and all other applicable statutes, ordinances, and regulations of State and/or Federal agencies having jurisdiction.

4. All applications for approval of a mobile home park land development plan shall be acted upon by the Board of Supervisors which shall render its decision and convey it to the applicant within the time frames established by the MPC, 53 P.S. §10101 *et seq.*, for the review and approval of land development plans. At the time the Board of Supervisors takes final action with respect to approval or disapproval of a mobile home park plan, it shall also approve or disapprove the mobile home park permit application.

(Ord. 2003-4, 6/12/2003, §702)

§23-703. Fees.

1. A fee shall be paid by the applicant for the review of the mobile home park land development plans by the Planning Commission and Heidelberg Township Board of Supervisors in accordance with a fee schedule adopted by the municipality for the review of such land development plans.

2. Thereafter, a fee shall be paid by the applicant for the issuance of an original permit or of a renewal permit, as the case may be, in accordance with a fee schedule adopted by the municipality for the review of such renewal applications and the issuance of such renewal permits.

3. The mobile home park land development plan review fee and the permit application and renewal fees shall be as set from time to time by resolution of the Board of Supervisors.

(Ord. 2003-4, 6/12/2003, §703)

§23-704. Limited Applicability to Existing Parks.

Within 90 days after the effective date of this Chapter, owners of existing mobile home parks must make application to the Township for a mobile home park permit. Said application shall show evidence that the park for which a permit is sought was in existence prior to the date of the adoption of this Chapter and shall catalogue/list all ways in which said pre-existing mobile home park does not comply with this Chapter; it being understood that said list shall constitute documentation of the nature and extent of the nonconformities of the pre-existing mobile home park. The minimum standards prescribed herein shall be applicable only to those parks which are constructed or expanded after the effective date hereof.

(Ord. 2003-4, 6/12/2003, §704)

§23-705. Design Standards.

1. *Site Location.* The location of all mobile home parks shall comply with the following minimum requirements:

A. Parks shall have a minimum of 25 contiguous acres of “usable site area” as defined in §23-802 and shall be under single ownership.

B. Parks shall not be located in close proximity to garbage or rubbish disposal

areas, potential breeding places for insects or rodents, any hazard or nuisance such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor, or glare, or any other condition or activity harmful to the health, welfare, and safety of the residents.

2. *Site Drainage Requirements.*

A. The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner. Design of stormwater management facilities shall comply with the State Storm Water Management Act, 32 P.S. §680.1 *et seq.*, and this Chapter and Heidelberg Township Act 167 implementation ordinance [Chapter 22] as well as sound engineering practice.

B. Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be eliminated or controlled in a manner approved by the Pennsylvania Department of Environmental Protection.

C. Waste water from any plumbing fixture or sanitary sewer line shall not be deposited upon the ground surface in any part of a mobile home park.

3. *Soil and Ground Cover Requirements.*

A. Exposed ground surface in all parts of every park shall be paved, or covered with stone screenings, or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

B. Park grounds shall be maintained free of vegetation growth which is poisonous or which may harbor rodents, insects, or other pests harmful to man.

4. *Park Areas for Nonresidential Uses.* No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well being and recreation of park residents and for the management and maintenance of the park.

5. *Required Setbacks, Buffer Strips, and Screening.*

A. All mobile homes shall be located at least 75 feet from any park property boundary line abutting upon a public street or highway or another mobile home park and at least 100 feet from an adjacent property boundary line, if that boundary line includes an existing single-family detached dwelling.

B. There shall be a minimum distance of 25 feet between an individual mobile home, including accessory structures attached thereto, and adjoining pavement of a common parking area or other common areas and structures.

C. All mobile home parks shall provide vegetative screening such as natural growth or a formal planting screen along the property boundary line separating park and adjacent property. The screening shall be at least 10 feet wide and 6 feet high or as required by the topography. A landscaping plan shall be submitted, with the preliminary land development plans.

6. *Mobile Home Lots and Required Separation Between Mobile Homes.*

A. Mobile homes shall be separated from each other and from other buildings and accessory structures by at least 20 feet.

B. An accessory structure which has a horizontal area comprised of more than 25 square feet or is attached to a mobile home and/or located within 10 feet of any

window in the mobile home, or has a top or roof that is higher than such window shall, for purposes of this separation requirement, be considered to be part of the mobile home.

C. Not more than one mobile home may be placed on a mobile home lot. All mobile home lots shall have the following minimum area and width and yard requirements. The front and side yards, when a side yard abuts a street, shall be measured from the edge of street paving.

Unit Type	Min. Lot Area (square feet)	Min. Lot Width (feet)				Min. Yards (feet)	
		at street	at setback	front	side	side abutting street	rear
Single-Wide Less Than 61 Ft.	5,000	45	50	20	5	20	10
Single-Wide 61 Ft. or Longer	5,500	45	50	25	5	25	10
Double Wide	6,000	60	65	25	5	25	10

7. *Park Street System.*

A. *General Requirements.* A safe and convenient vehicular access shall be provided from abutting public streets or roads.

B. *Access and Internal Streets.* Access to internal streets of mobile home parks shall be designed to minimize congestion and hazards at the entrance and exit and allow free movement of traffic on adjacent streets. Streets shall have a minimum road pavement width of 30 feet with parking is permitted on one side, but streets shall have a minimum road pavement width of 36 feet with parking is permitted on both sides. Where the primary entrance road is more than 100 feet long and does not provide access to abutting mobile home lots within such distance, the minimum road pavement width may be 24 feet, provided parking is prohibited on both sides.

C. *Intersections.* Within 100 feet of an intersection, streets shall be at approximately right angles. A distance of at least 150 feet shall be maintained between center lines of offset intersecting streets. Intersections of more than two streets at one point shall be prohibited.

D. All internal streets in the mobile home park shall be constructed in conformance with the street design standards adopted by Heidelberg Township. Curbs may not be required if they are not needed as part of a stormwater management scheme and are unnecessary for safe pedestrian circulation within the park.

8. *Off-Street Parking Areas.*

A. Off-street parking areas shall be paved with the same materials and thickness as the street and shall be provided in all mobile home parks for the use of park occupants and guests. A minimum of three off-street on lot parking places for each mobile home unit or integral unit shall be required. No more than six off-street parking spaces shall be installed along any road without a 20-foot wide minimum lawn/planting island.

B. A minimum of two such spaces shall be provided adjacent to the dwelling they serve. The remaining required space, the third space per dwelling, shall be

located within 150 feet of the dwelling that space serves and will be primarily for guest parking.

C. The required parking spaces shall not be used for the parking of recreational vehicles and boats, except for loading and preparation of immediate use.

9. *Walks.*

A. *General Requirements.* All parks should provide safe, convenient, paved pedestrian access of adequate thickness for intended use, durable and convenient to maintain, between individual mobile homes, the park streets, and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

B. *Common Walk System.* Where a common walk system is provided and maintained between locations, and where pedestrian traffic is concentrated, such common walks shall have a minimum width of 3½ feet.

C. *Individual Walks.* All mobile home stands shall be connected to common walks, or to streets, or to driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of 3 feet.

10. *Mobile Homes Stands–Construction.*

A. The area of the mobile home stand shall be improved to provide a mobile home stand for the placement and leveling of the mobile home.

B. Each mobile home shall be placed on a mobile home stand constructed in accordance with the Pennsylvania Uniform Construction Code. [*Ord. 2010-1*]

11. *Mobile Home Density.* The gross density shall not exceed four mobile homes per acre of usable site area.

12. *Common Open Space.*

A. At least 20 percent of the usable site area of the mobile home park must be in common open space.

B. Whenever possible the common open space shall be designed as a contiguous area with pedestrian and visual accessibility to all lots of the mobile home park.

C. Recreation areas and active outdoor recreation facilities shall be provided to meet the anticipated needs of the residents of the park. Not less than 10 percent of the usable site area, exclusive of lands within the required setback area, shall be devoted to recreation areas which should be of a size and shape (and include equipment/facilities) that is conducive to active recreation.

(*Ord. 2003-4, 6/12/2003, §705; as amended by Ord. 2010-1, 4/8/2010*)

§23-706. Water Supply.

1. *General Requirements.* An adequate supply of water shall be provided for mobile homes, service buildings, and other accessory facilities as required by this Chapter. Where a public water supply system of satisfactory quantity, quality, and pressure is available, or can feasibly be extended, connection shall be made thereto and its supply shall be used exclusively. Where a satisfactory public water supply system is not available, the development of a private central water supply system, shall be

approved by the Pennsylvania Department of Environmental Protection and the Board of Supervisors. The developer shall also enter into an operating agreement for the water system, which meets with the approval of the Board of Supervisors. Individual on-lot water sources are prohibited.

2. *Source of Supply.*

A. The water supply shall be capable of supplying a minimum of 250 gallons per day per mobile home.

B. The source of supply and distribution system shall also be adequate for fire protection, both quantity and pressure, and shall comply with the National Fire Protection Association Standard NFPA No. 501A as amended from time-to-time.

3. *Water Storage Facilities.* All water storage reservoirs shall be covered, watertight, and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated material.

4. *Water Distribution System.*

A. All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with State statutes and municipal ordinances and regulations.

B. The water piping system shall not be connected with non potable or questionable water supplies and shall be protected against the hazards of back flow or back siphonage.

C. The system shall be so designed and maintained as to provide a pressure of not less than 20 pounds per square inch, under normal operation conditions, at service buildings and other locations requiring potable water supply.

5. *Individual Water-riser Pipes and Connections.*

A. Individual water-riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.

B. The water-riser pipe shall have a minimum inside diameter of $\frac{3}{4}$ inch and terminate at least 4 inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the lot.

C. Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipe and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

D. A shut-off valve below the frost line shall be provided near the water-riser pipe on each mobile home lot. Underground stop-and-waste valves are prohibited unless their type of manufacture and their method of installation are approved by Heidelberg Township.

(Ord. 2003-4, 6/12/2003, §706)

§23-707. Sewage Disposal.

1. *General Requirements.* An adequate and safe sanitary sewerage system shall

be provided for conveying and disposing of sewage from all mobile homes, service buildings and accessory facilities. Where a public sanitary sewerage system is available, connection shall be made thereto, and it shall be used exclusively. Where a public sewer system is not available, a private central sewage collection system and sewage treatment plant shall be installed, after approval by the Pennsylvania Department of Environmental Protection and the Board of Supervisors. The developer shall also enter into an operating agreement for the sewer system, which meets with the approval of the Board of Supervisors. Individual on-lot sewage disposal systems are prohibited.

2. *Individual Sewer Connections.*

A. Each mobile home stand shall be provided with at least a 4-inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the mobile home drain outlet will approximate a vertical position.

B. The sewer connection shall have a nominal inside diameter of not less than 4 inches, and the slope of any portion thereof shall be at least $\frac{1}{4}$ inch per foot. All joints shall be watertight.

C. All materials used for sewer connections shall be semi-rigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.

D. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the site. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least $\frac{1}{2}$ inch above ground elevation.

3. *Sewer Lines.* All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system. All sewer lines shall be constructed of material approved by the Pennsylvania Department of Environmental Protection and by the Board of Supervisors.

4. *Protective Fence and Screening.*

A. Private central sewage treatment plants shall be surrounded by a protective fence at least 6 feet in height.

B. All mobile home parks shall provide screening such as natural growth around any private central sewage treatment plant. The screening shall be at least 5 feet wide and 6 feet high or as required by the topography.

(Ord. 2003-4, 6/12/2003, §707)

§23-708. Electrical Distribution System.

1. *General Requirements.* Every mobile home park shall contain an electric distribution system, consisting of wiring, fixtures, equipment, and appurtenances which shall be installed and maintained in accordance with the specifications of the public utility supplying the service and the National Electrical Safety Code.

2. *Power Distribution Lines.*

A. All power lines shall be located underground.

B. All direct burial conductors or cable shall be buried at least 18 inches below the ground surface and shall be insulated and specially designed for that purpose. Such conductors shall be located not less than 1 foot radial distance from

water, sewer, gas, or communications lines.

3. *Individual Electric Connections.*

A. Each mobile home lot shall be provided with an approved disconnecting device and over current protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.

B. Connection of the mobile home to the electric distribution system shall meet current NEC (National Electrical Code) standards.

C. Where the calculated load of the mobile home is more than 100 amperes either a second outlet receptacle shall be installed or electrical service shall be provided by means of permanently installed conductors.

4. *Required Grounding.* All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors and other approved methods of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

(Ord. 2003-4, 6/12/2003, §708)

§23-709. Service Building and Other Community Service Facilities.

1. *Applicability.* The requirements of this Section shall apply to service buildings, recreation buildings and other community service facilities when constructed such as:

A. Management offices, repair shops, and storage areas.

B. Community laundry facilities.

C. Indoor recreation areas.

D. Commercial uses supplying essential goods or services for the exclusive use of park occupants.

2. *Structural Requirements for Buildings.* All rooms containing sanitary or laundry facilities shall:

A. Have sound resistant walls extending to the ceiling between male and female sanitary facilities.

B. Have at least one window or skylight facing directly to the outdoors.

C. Have at least one window which can be easily opened, or a mechanical device which will adequately ventilate the room.

D. Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

E. Hot and cold water shall be furnished to every lavatory, sink, and cold water shall be furnished to every water closet and urinal.

(Ord. 2003-4, 6/12/2003, §709)

§23-710. Refuse Hauling.

The storage, collection, and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution, and shall comply with any State or local law

or administrative rules and regulations promulgated thereunder.

(Ord. 2003-4, 6/12/2003, §710)

§23-711. Insect and Rodent Control.

Grounds, buildings, and structures shall be maintained free of insect, rodent harborage, and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Pennsylvania Department of Environmental Protection and Heidelberg Township regulations.

(Ord. 2003-4, 6/12/2003, §711)

§23-712. Fuel Supply and Storage.

1. *Natural Gas Systems.*

A. Natural gas piping systems when installed in mobile home parks shall conform to the rules and regulations of the American Gas Association.

B. Each mobile home lot provided with piped gas shall have an approved shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with a cap to prevent accidental discharge of gas when the outlet is not in use.

2. *Liquefied Petroleum Gas Systems.*

A. Liquefied petroleum gas systems provided for mobile homes, service buildings, or other structures when installed shall be maintained in conformity with the rules and regulations of the National Fire Prevention Association Standard NFPA No. 57 and No. 58 as amended.

B. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.

C. Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.

D. All liquefied petroleum gas piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.

E. Vessels of more than 12 and less than 60 U.S. gallons gross capacity may be installed on a mobile home lot and shall be securely but not permanently fastened to prevent accidental overturning.

F. No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure.

3. *Fuel Oil Supply Systems.*

A. All fuel oil supply systems for mobile homes, service buildings, and other structures shall be installed and maintained in conformity with the rules and regulations of the National Fire Protection Association Standard NFPA No. 31, as amended.

B. All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.

C. All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall have shutoff valves located within 5 inches of storage tanks.

D. All fuel storage tanks or cylinders shall be securely placed and shall be not less than 5 feet from any mobile home exit.

E. Storage tanks located in areas subject to traffic shall be protected against physical damage.

(Ord. 2003-4, 6/12/2003, §712)

§23-713. Fire Protection.

1. *Litter Control.* Mobile home park areas shall be kept free of litter, rubbish, and other flammable materials.

2. *Fire Extinguishers.* Portable fire extinguishers meeting legal requirements shall be kept in public service buildings under park control.

3. *Fire Hydrants.*

A. Fire hydrants shall be installed on the public water distribution system. All fire hydrant thread connections must utilize local fire company standards.

B. The water supply source shall permit the operation of a minimum of two 1½-inch hose streams.

C. Each of two nozzles, held 4 feet above the ground, shall deliver at least 75 gallons of water per minute at a flowing pressure of at least 30 pounds per square inch at the highest point of the park, for a period of at least 20 minutes.

D. Fire hydrants shall be located within 500 feet of any mobile home, service building, or other structure in the park.

(Ord. 2003-4, 6/12/2003, §713)

§23-714. Miscellaneous Requirements.

1. *Television Antennas.* No exterior television antennas shall be permitted to be constructed, or installed or erected on any mobile home within the park.

2. *Mobile Home Hitch and Decorative Skirt.* After a mobile home has been anchored to the mobile home stand, the hitch which is employed for the usual and normal movement of the unit shall be removed, and there shall be placed around the base of the unit a decorative skirt.

3. *Responsibilities of the Park Management.*

A. The person to whom a license for a mobile home park is issued shall operate the park in compliance with this Chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

B. The park management shall supervise the placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections.

C. The park management shall give the Board of Supervisors and/or its designee(s) free access to all mobile home lots, service buildings, and other

community service facilities for the purpose of inspection.

D. The management shall maintain a register containing the names of all park occupants and the date of arrival of each mobile home. Such register shall be available to any authorized person inspecting the park.

E. The management shall report new park arrivals and departures to the Township. This report shall be made no less than monthly and on a report form which includes the full names and former and current address of the new arrivals or departures. The management shall report the intended departure of all park residents not less than 30 days prior to such departure date. The management shall notify the Pennsylvania Department of Environmental Protection and the Board of Supervisors immediately of any suspected communicable or contagious disease within the park.

F. A building permit must be obtained from the Township prior to the installation/placement of any mobile home in a mobile home park.

G. The mobile home park management shall advise all residents and proposed residents that a moving permit is required before moving into or out of the Township.

H. Before any mobile home is removed from a mobile home park, a permit for such removal must be obtained from the tax collector.

(Ord. 2003-4, 6/12/2003, §714)

§23-715. Enforcement and Revocation.

1. *Notice of Violation and Compliance Order.* Whenever the Zoning Officer determines that there has been a violation of any provision of this Chapter, he shall give notice of such alleged violation to the person to whom the permit or certificate was issued, as provided for in this Chapter and/or MPC, 53 P.S. §10101 *et seq.*, and may revoke such certificate or permit and thereafter the procedure to be followed shall be as established for appeals in the MPC.

2. *Appeal.* The holder of a permit, revoked hereunder, may appeal the revocation as provided in the MPC, 53 P.S. §10101 *et seq.*, or as a local agency appeal to the Board of Supervisors and thereafter to a court of competent jurisdiction, as in similar cases, provided the local agency appeal is filed within 30 days after the date of issuance of the order of revocation of the park permit.

3. *Other Remedies.* In addition to the other enforcement procedures herein provided, the Board of Supervisors may institute in the name of the Township any appropriate action or proceeding to enforce provisions of this Chapter.

(Ord. 2003-4, 6/12/2003, §715)

§23-716. Administration.

1. *Duties.*

A. The provisions of this Part shall be administered by the Township Zoning Officer.

B. To review and process applications for mobile home park permits and renewal permits and to collect fees for said applications.

C. To issue mobile home park permits and renewal permits, and to collect fees for said permits.

D. To keep records of the findings, discussions, recommendations, and actions taken upon or in respect to all mobile home parks.

E. To enforce the provisions thereof.

(*Ord. 2003-4, 6/12/2003, §716*)

§23-717. Preventive Remedies.

1. In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

2. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:

A. The owner of record at the time of such violation.

B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

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

3. 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.

(*Ord. 2003-4, 6/12/2003; as added by Ord. 2010-1, 4/8/2010*)

§23-718. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues

shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

4. Magisterial district judges shall have initial jurisdiction in proceedings brought under this Section.

(Ord. 2003-4, 6/12/2003, §717; as amended by Ord. 2010-1, 4/8/2010)

Part 8**Definitions****§23-801. General Interpretations.**

Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meaning indicated:

A. Words in the singular include the plural and those in the plural include the singular.

B. Words in the present tense include the future tense.

C. The words “person,” “developer,” “subdivider,” and “owner” include a corporation, unincorporated association, a partnership, or other legal entity, as well as an individual.

D. The word “building” includes structure and shall be construed as if followed by the phrase “or part thereof.”

E. The words “should” and “may” are permissive; the words “shall” and “will” are mandatory and directive.

(Ord. 2003-4, 6/12/2003, §800)

§23-802. Definitions.

When used in this Chapter the following words, terms, and phrases shall have the following meanings unless expressly stated otherwise or unless the context clearly indicates otherwise:

Administrator—the Township official charged by the Board of Supervisors with the responsibility of administering the subdivision application submission procedure.

Applicant—a landowner or developer, as herein after defined, who has filed an application for development including his heirs, successors, and assigns.

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

Appointing authority—the Board of Supervisors of Heidelberg Township.

Authority—a body politic and corporate created pursuant to the Act of May 2, 1945, P.L. 382, No. 164, known as the “Municipality Authorities Act of 1945, or the Municipality Authorities Act, Act of June 19, 2001, P.L. 287, No. 22, §1, 53 Pa.C.S.A. §5601 *et seq.*” [Ord. 2010-1]

Block—property bounded on one side by a street, and other three sides, by a street, railroad right-of-way, waterway, non-subdivided area, or other definite barrier.

Boulder—a prominent free, standing block of stone greater than 256 mm or 10 inches, according to the US Geological Survey National Park Service, Department

of the Interior. [Ord. 2004-3]

Boulder field—an area, not individually mapped, consisting mostly of boulders that have little or no vegetation and having a contiguous area greater than 500 square feet. This term shall be interpreted in the same manner as this term is interpreted under the Zoning Ordinance [Chapter 27]. [Ord. 2004-3]

BOS—the Board of Supervisors of Heidelberg Township.

Building, accessory—a detached subordinate building, the use of which is customarily incidental and subordinate of the principal building, and which is located on the same lot as that occupied by the principal building.

Building, principal—a structure enclosed within exterior walls or fire walls; built, erected, and framed of component structural parts; designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind; main structure on a given lot.

Building setback line—the line within a property defining the minimum required front, side, and rear yard distance between any building to be erected, and an adjacent right-of-way.

Building site—a footprint wherein a structure is to be constructed. [Ord. 2010-1]

Clear sight triangle—an area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

Common open space—a parcel or parcels of or an area of water, or a combination of land and water in a development site or a mobile home park and designed and intended for the use of enjoyment of residents of a development, or the mobile home park not including streets, off-street parking areas, and areas set aside or used by public or private utilities or facilities.

Comprehensive Plan—the Multi-Municipal Comprehensive Plan for the Northern Region of Lehigh County. [Ord. 2010-1]

County Conservation District—the Lehigh County Conservation District.

County Planning Agency—Lehigh Valley Planning Commission. [Ord. 2010-1]

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.

Developments of regional significance—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. Determination of regional significance shall be based upon on the following guidelines:

(1) Any residential land development or subdivision that results in the creation of 50 lots or more, results in the development of 50 units or more.

(2) (a) Any subdivision or land development that has the potential to generate 1500 or greater vehicle trips per day.

(b) Any subdivision or land development that has the potential to adversely affect the environmental features listed in §VII.B. in any municipality within the scope of the Northern Lehigh Planning Commission's comprehensive plan.

(3) Any portion of a subdivision or land development that falls within 300 feet of a Township boundary.

(4) Any nonresidential commercial, retail, office, service, institutional, industrial, sports complex, or recreational land development in which the floor area of the building(s) or building addition(s) equals or exceeds 50,000 square feet.

(5) Any airport, race track, trucking terminal, sanitary landfill, and concentrated animal feeding operations (CAFO).

[Ord. 2010-1]

Double or reverse frontage lot—a lot extending between and having frontage on two generally parallel streets with vehicular access from only one street.

Driveway—the strip of land, which is used to access a property from a State, Township, or private street.

Dwelling unit—any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

Easement—a right granted for limited use of a portion of private land for a public or quasi-public purpose, and within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

Engineer—a professional engineer licensed as such in the Commonwealth of Pennsylvania.

Erosion—the removal of surface materials by the action of natural elements.

Erosion and sedimentation control plan—a plan designed to prevent on-site accelerated erosion and off-site sedimentation through the use of vegetative or mechanical controls. Control measures must be designed to fit the topography, soils, rainfall, and land use of the area they are to protect. The plan includes as a minimum (1) a map or maps describing the topography of the area, the proposed alteration to the area and the specific erosion and sedimentation control measures and facilities; and (2) a narrative report describing the project and giving the purpose and the engineering assumptions and calculations for control measures and facilities.

Flood, 100-year—the flood having a 1 percent chance of being equaled or exceeded in any given year.

Flood-fringe—flood prone areas which are not designated as a regulatory floodway on the flood boundary and floodway map in the Township's Flood Insurance Study prepared by the Federal Insurance Administration.

Floodplain—the area of normally dry land along a natural water course which is periodically inundated by water therefrom.

Floodway, regulatory—the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood. The regulatory floodway is designated on the Flood Boundary and Floodway Map of the Township's Flood Insurance Study prepared by the Federal Insurance Administration.

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

Land development—any of the following activities:

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

(a) A group of two or more residential or nonresidential buildings whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.

(b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.

(2) A subdivision of land.

(3) Development in accordance with §503(1.1) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10503(1.1).

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

Lehigh Valley Planning Commission—the Planning Commission of Lehigh and Northampton Counties, Pennsylvania.

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 area contained within the lot lines of a lot, excluding any right-of-way lines of all streets and within all permanent drainage easements, but including the areas of all other easements.

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 difference, culminating in a written agreement which the parties themselves create and consider acceptable.

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. A mobile home may also be known as “manufactured home.”

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. A mobile home lot may also be known as a “manufactured home.”

Mobile home park—a parcel or contiguous parcels of land which have been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes. A mobile home park may also be known as a “manufactured home park.”

Mobile home stand—that part of an individual mobile home lot which has been

reserved for the placement of the mobile home, appurtenant structures, and utility service line connections.

MPC—the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

Municipality—the Township of Heidelberg.

Official map—a map adopted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Planning Code, 53 P.S. §10401 *et seq.*

Official plan sewage facilities—a comprehensive plan for the provision of adequate sewage systems adopted by the Township and submitted to and approved by the Pennsylvania Department of Environmental Protection as provided by the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, and 25 Pa.Code, Chapter 71, rules and regulations promulgated thereunder.

Open space—the area of a lot unoccupied by principal or accessory structures, streets, driveways, parking areas; but may include areas occupied by walkways, picnic pavilions, play equipment, and other areas occupied by noncommercial outdoor recreation facilities.

Pavement width (roadway)—the portion of a street right-of-way, generally paved, intended for vehicular use including the shoulder area.

Person—any individual, firm, trust, partnership, public or private association of corporation, or other legal entity.

Planning Commission—the Planning Commission of Heidelberg Township.

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

Plan, feasibility review—an initial submission, by the developer, of maps and other materials analyzing the natural features of the site as they relate to its development potential. The proposed concept for development of the tract is included in the submission.

Plan, preliminary—a map indicating the proposed layout of the subdivision or land development plan that is submitted to the Township for preliminary approval.

Plan, final—a complete and exact plan prepared for official recording as required by this Chapter to define property rights, streets, and other proposed improvements.

Plan, record—the copy of the final plan which contains the original endorsements of the Lehigh Valley Planning Commission, the Board of Supervisors and the Township Planning Commission and which is intended to be recorded with the Lehigh County Recorder of Deeds.

Planned residential development—an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district

created, from time to time, under the provisions of a municipal zoning ordinance.

Planning module for land development—a document to be prepared by the developer or subdivider, accepted by the Township, and submitted to the Pennsylvania Department of Environmental Protection to provide proposed development data in order to supplement or revise the Township’s official plan for sewage facilities.

Public hearing—a formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

Public meeting—a forum held pursuant to notice under the Act of October 15, 1998, P.L. 729, No. 93, 65 Pa.C.S.A. §701 *et seq.*, known as the “Sunshine Act.” [Ord. 2010-1]

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

Reimbursement and escrow agreement—an agreement requiring the landowner to reimburse the Township for engineering services, legal fees, other professional services, recording costs and any other incurred in the processing of the land development or subdivision. [Ord. 2010-1]

Resource protected land—the sum of all resource protected land within the subdivision tract that has been mapped and measured for the purpose of determining the amount of land needed to be protected, because of the unique and natural features of the land. The resource protected area can be included in the lot area. The area is reported to the nearest 0.01 acre. The resource protected land shall include but not limited to the following; right-of-way for existing or proposed overhead utilities and existing private streets, wetlands, lakes, ponds, quarries, streams, springs, floodway, 100-year floodplain, and flood soils. Also, included but not limited to, are rock outcroppings, boulder fields, steep slope of 15 percent or more, wooded areas and areas cleared by logging or for logging purposes. [Ord. 2004-3]

Resubdivision—any resubdivision of land, limited to changes in lot lines on approved final plans or recorded plans as specified in this Chapter.

Right-of-way—a strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

Runoff—water that is derived directly from precipitation and passes over the ground into watercourses.

SALDO—the Subdivision and Land Development Ordinance of Heidelberg Township.

Sanitary sewage disposal, public—a sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, generally serving a major portion of a municipality or

municipalities, and operated by a governmental agency, governmental authority, or public utility company.

Sanitary sewage disposal, centralized—a sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, commonly called a “package treatment plant,” generally serving a single land development subdivision, or neighborhood, and operated by a governmental agency, governmental authority, public utility company, or a developer.

Sanitary sewage disposal, on-lot—any structure designed to treat sanitary sewage within the boundaries of an individual lot.

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.”

Service or recreational building—a structure housing administration, operational, office, recreational, park maintenance, and other facilities built to conform to required local standards.

Sewage Enforcement Officer—the Heidelberg Township official who issues and reviews permit applications and conducts investigations and inspections as are necessary to implement Act 537, 35 P.S. §750.1 *et seq.*, and the rules and regulations thereunder.

Sewer connection—the connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewage system.

Sewer riser pipe—the sewer riser pipe is that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home connection.

Sight distance (stopping)—the required length of roadway visible to the driver of a motor vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point 3.5 feet above the centerline of the road surface to a point 0.5 feet above the centerline of the road surface.

Slope—the face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slope or grade are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

Specimen vegetation or specimen tree—any plant life on the Pennsylvania DEP or United States EPA protected or endangered species list. Any tree, which has been determined by a Pennsylvania Department of Conservation and Natural Resources (DCNR) forester to be of high value because of its particularly impressive or unusual example of a species due to its size, shade, age, or any other trait, that epitomizes the character of the species. [Ord. 2010-1]

Street—a strip of land, including the entire right-of-way (i.e., not limited to the cartway) intended for use as a means of vehicular and pedestrian circulation. The word “street” includes street, avenue, boulevard, road, highway, freeway, parkway, alley, viaduct, and any other ways used or intended to be used by vehicular traffic

or pedestrian whether public or private. Streets are further classified according to the functions they perform:

(1) *Arterial street*—a street serving a large volume of comparatively highspeed and long distance traffic with limited or restricted access to abutting properties.

(2) *Collector street*—a street which, in addition to providing access to abutting properties, intercepts local streets to provide a route giving access to community facilities and/or other collector and arterial streets (streets in industrial and commercial subdivisions shall generally be considered collector streets).

(3) *Local street*—a street used primarily to provide access to abutting properties.

(4) *Cul-de-sac street*—a local street intersecting another street at one end, and terminating in a vehicular turn-around at the other.

(5) *Half (partial) street*—a street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.

(6) *Improved street*—a street which meets the minimum design requirements for a local access road or an existing State or Township paved, non-gravel road. All roads not meeting these minimum design standards shall be considered an unimproved road.

(7) *Marginal access street*—a local street, parallel and adjacent to a major street (but separated from it by a reserve strip) which provides access to abutting properties and control of intersections with the major street.

(8) *Service street (alley)*—a minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.

(9) *Internal street*—a street in a mobile home park privately owned, constructed and maintained, which functions primarily to provide direct access to individual mobile home lots and does not connect directly to a public street and provide direct access from that public street to another public street.

Stormwater detention facilities—basins, ponds, ponding areas, depressions or other structures or features used to temporarily store rainfall and release it at a controlled rate.

Storm drainage systems—all facilities and features such as pipes, culverts, open channels, ditches, swales, stormwater detention facilities, etc., used to transmit or temporarily store surface water runoff.

Structure—any manmade object having an ascertainable location on or in land or water, whether or not affixed to the land.

Subdivision—the division or re-division of the lot, tract or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new

street or easement of access or any residential dwelling, shall be exempted.

Subdivision, major—any subdivision of land which does not qualify as a minor subdivision or is a re-subdivision of a previously subdivided lot or tract.

Subdivision, minor—

(1) A lot line adjustment.

(2) Any division or development of a parcel of land into not more than three lots and providing no new street or easement of access is required.

(3) A correction plan, a revision of a recorded plan approved by the Board of Supervisors, which is any plan that does not qualify under subparagraphs .1 and .2.

Substantially completed—where, in the judgment of the Township Engineer, at least 90 percent (based on the cost of the required improvements for which financial security was posted pursuant to §509 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10509) 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 licensed surveyor registered by the Commonwealth of Pennsylvania.

Swale—a low lying stretch of natural or manmade land which gathers or carries surface water runoff.

Testing on-lot sanitary sewer systems—soil tests and percolation tests conducted by the Municipal Sewage Enforcement Officer in compliance with Chapter 73 of Pennsylvania Department of Environmental Protection Regulations in order to determine whether a permit may be issued for installation of on-lot sewage disposal system.

Topsoil—surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer called the A horizon.

Township Engineer—the Township Engineer designated by the Board of Supervisors to perform all supervisory duties of a registered engineer by the provisions of this Chapter.

Usable site area—the area remaining that can be used for development after subtracting the resource protected land from the lot area. The usable site area shall be rounded upward to the nearest acre. [Ord. 2004-3]

Water connection—the water connection consists of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

Watercourse—a natural or man-made permanent stream, river, brook, creek, channel, swale, or ditch for water.

Water riser pipe—the water riser pipe is that portion of the water service pipe, which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

Water service pipe—the water service pipe consists of all pipes, fitting, valves and appurtenances from the water main of the park distributing system to the

water outlet of the distribution system within the mobile home.

Water supply and distribution system, public—a system for supplying and distributing water from a common source to dwellings and other buildings, generally serving a major portion of a municipality or municipalities, and operated by a governmental agency, governmental authority, or a public utility company.

Water supply and distribution system, centralized—a system for supplying and distributing water from a common source to two or more dwellings and/or other buildings, generally serving a single land development, subdivision, or neighborhood, and operated by a governmental agency, governmental authority, public utility company or a developer.

Water supply and distribution system, on-lot—a system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

Water survey—an inventory of the source, quantity, yield, and use of groundwater and surface-water resources within a municipality.

(*Ord. 2003-4*, 6/12/2003, §810; as amended by *Ord. 2004-3*, 8/12/2004, Art. II, §1; and by *Ord. 2010-1*, 4/8/2010)

Appendix 23-A

Design and Construction Standards for Centralized Water Systems

I. *General Requirements.*

A. Centralized water systems shall be developed and maintained so as to meet the standards of the Pennsylvania Department of Environmental Protection rules and regulations latest revisions, the Public Water Supply Manual, latest revision, and the Lehigh County Authority General Specifications for Water System Construction, latest revision. [Ord. 2010-1]

B. Detailed plans and specifications for the water system shall be submitted to and be approved by the Lehigh County Authority before final approval. [Ord. 2010-1]

II. *Water Storage and Pumping Stations.*

A. Storage for finished water should be provided as an integral part of each water supply system. Standards set forth in Part 14 of the *Public Water Supply Manual—Tanks, Standpipes and Pressure Tanks*, shall be used in designing water storage systems. Equipment selected shall have been manufactured in conformance with the latest standards and specifications issued by the American Water Works Association.

B. Pumping stations within centralized water systems shall comply with standards and specifications set forth in Part 13 of the Pennsylvania Department of Environmental Protection *Public Water Supply Manual*.

III. *Well Construction and Location.*

A. Well construction shall take place according to the standards set forth in Part 3 of the Pennsylvania Department of Environmental Protection *Public Water Supply Manual*.

B. The centralized water system well source shall be centrally located within an open space water protection zone a minimum of 1 acre in size. No structures other than water system pumping stations, standpipes, etc., shall be located within the protected zone. No on-lot sewage disposal system shall be constructed within 200 feet of the water source well.

IV. *Well Capacity Testing Procedures.*

A. A dynamic recovery rate and draw-down test shall be conducted to determine the capacity and safe daily yield of the well source. The test procedures shall be conducted as follows:

1. A water pump, capable of variable output, having sufficient capacity to exceed the dynamic recovery rate of the water source shall be employed for said test. It is recommended that the capacity of the source pump be such that draw-down to within 20 feet of the source pump be achieved in a maximum of 3 hours.

2. A suitable calibrated water meter capable of measuring the water output shall be connected to the water source pump outlet.

3. The exact location of the water source pump with respect to the bottom of the well shall be recorded and maintained constant for the duration of the test.

4. The water source pump shall be operated at maximum capacity and output for the first 6 hours of the test or until the water level in the source well reaches a point 20 feet above the water source pump. The elapsed time and rate of pumping shall be recorded at 60-minute intervals on the log data sheets supplied.

5. Draw-down of the source well in feet shall be recorded at 60-minute intervals as well as the water draw-down of any required peripheral test hole wells¹ on the log data form.

6. Reduce the maximum rate of pumping by 10 gallons per minute (GPM) and continue pumping for the next 2 hours of test or until the water level reaches a point 20 feet above the water source pump. The elapsed time, rate of pumping and draw-down of the source well and, where required, the peripheral test hole wells¹ shall be recorded on the log data forms at 60-minute intervals.

7. Continue the above procedure using the 2 hour time periods or the criteria of water level above the source pump until the conditions are such that the dynamic recovery rate of the water source equals the pumping rate (dynamic equilibrium). The Township Engineer may increase the increment of GPM reduction where on site review of the data warrants such action. Note, as the dynamic recovery rate is approached, the increment of GPM reduction will need to be reduced from 10 GPM to 8 GPM to 5 GPM—to n GPM > 0. At this point, no detectable change in draw-down will occur. If any change in draw-down is detected, plus or minus, dynamic equilibrium has not been achieved.

8. When said dynamic recovery rate is reached, record elapsed time, pumping rate and draw-down on log data sheet and continue pumping at this rate for the remainder of the 72-hour test time or a minimum of 24 hours, whichever is the greater time. Elapsed time, pumping rate and draw-down of the source well, and where required, the peripheral test wells,¹ shall be recorded hourly.

9. Measurements of static water level recovery shall be made on the source well and peripheral test hole wells,¹ where required. Measurements shall be taken hourly and the data recorded for a minimum time period of 24 hours upon cessation of the dynamic recovery rate test.

10. Calculations of specific capacity and safe daily yield of the source well shall be submitted to the Township Engineer and the Pennsylvania Department of Environmental Protection by the registered professional engineer employed by the utility or developer for review and analysis.

¹Peripheral test hole wells may be required in order to determine the area of influence of the source well and the capacity of the source well aquifer. Peripheral test hole wells will generally be required in geological areas with slate and shale formations. The test hole wells shall be situated according the Figure 1 and have a minimum diameter of 6 inches.

V. *Improvements Requirements.*

A. Where a centralized water system is to be installed within a proposed subdivision or land development, the improvements procedures and requirements set forth within the Heidelberg Township Subdivision and Land Development Ordinance shall be followed. Improvements agreements, guarantees, inspections, and guarantee releases shall include consideration of the centralized water company in carrying out the procedures and requirements of the Heidelberg Township Subdivision and Land Development Ordinance.

B. Final specifications for the design and installation of the centralized water system shall be included as part of the improvements agreement between the developer and the Board of Supervisors. Final approval of the subdivision or land development plan shall not take place until such specifications are finalized within the improvements agreement and until the necessary improvements and maintenance guarantees are posted. Engineering review of the specifications for the water system by an engineer independent of the design engineer shall take place before signing of the improvements agreements and before approval of the final development plan.

(*Ord. 2003-4, 6/12/2003, App. A; as amended by Ord. 2010-1, 4/8/2010*)

Appendix 23-B

Storm Drainage Runoff Calculation

For determining peak runoff use the values listed in the appropriate Act 167 Ordinance and/or approved by the Township Engineer.

(*Ord. 2003-4, 6/12/2003, App. B; as amended by Ord. 2010-1, 4/8/2010*)

Appendix 23-C

Sample Wording for Certifications on Preliminary and Final Plans

Surveyor Certification

I hereby certify that this plan has been compiled from a survey actually made on the ground, and that to the best of my knowledge, it is correct in all its detail. That iron pins and monuments indicated have been set, and that at the time the survey was made there were no encroachments across property lines, other than those shown.

(Legible impression
of seal)

Signature and Date

Address

Engineer Certification

I, _____ hereby certify that the accompanying application, plans, and supporting documentation are true and accurate, to the best of my knowledge.

(Legible impression
of seal)

Signature and Date

Address

Certification of Ownership

Major Subdivisions

I/We the undersigned, being the owners of the property shown hereon in peaceful possession and there are no suits pending affecting the title of same, do hereby knowledge and endorse the accompanying plans and will record this plan in the Recorder of Deeds Office of Lehigh County, Pennsylvania, within the 90 days of the said approval.

Signature of Owner and Title (if applicable)

Sworn and subscribed before me this _____ day of _____, 20____

(Legible impression
of Notary Seal)

Notary Public
My commission expires:

Offer of Dedication

The undersigned owner(s) offer to dedicate to the Township of Heidelberg for public use and ownership all street rights-of-way and all public improvements to be constructed within their limits and within any proposed public open spaces, as shown and/or noted on the official approved final plans. To the extent this offer is accepted, we shall maintain the surface area until the Township shall have constructed or enlarged a public cartway thereupon, at which time said maintenance obligation shall forever cease and terminate as to those specific surface areas over which the cartway had been so constructed or so enlarged.

Date

Signature of Owner

Acceptance of Dedication Plan Notation

The Board of Supervisors of Heidelberg Township hereby accept the street rights-of-way, and improvements found within same, indicated for public use.

Date

Twp. Sec. Date

Sworn and subscribed before me this _____ day of _____, 20____

(Legible impression
of Notary Seal)

Notary Public
My commission expires:

Planning Commission Review

On _____ the within plot or plan of land located in Heidelberg Township, Lehigh County, Pennsylvania, was reviewed by the Heidelberg Township Planning Commission.

Chairman

Secretary

Board of Supervisors Approval

On _____ the within plot or plan of land located in Heidelberg Township, Lehigh County, Pennsylvania, was approved by the Heidelberg Township Board of Supervisors.

Chairman

Secretary

Lehigh Valley Planning Commission Review

Reviewed by the Lehigh Valley Planning Commission.

Date

Proof of Recording

This plan was recorded in the office of the Recorder of Deeds of Lehigh County, Pennsylvania, on _____ in Docket # _____

Witness: _____
Recorder of Deeds

Recorder of Deeds Notice:

ATTENTION RECORDER OF DEEDS: HEIDELBERG TOWNSHIP SALDO §23-306.3.EE REQUIRES THIS PLAN IS TO BE RECORDED WITHIN 90 DAYS OF THE DATE OF FINAL APPROVAL BY THE BOARD OF SUPERVISORS. IF THIS PLAN IS NOT RECORDED WITHIN SUCH TIME, THIS PLAN SHALL BE NULL AND VOID. THIS PLAN MUST BE RECORDED NO LATER THAN _____.

[*Ord. 2010-1*]

(*Ord. 2003-4*, 6/12/2003, App. C; as amended by *Ord. 2010-1*, 4/8/2010)

Appendix 23-D

Driveway Design Standards

Section I-Permit Requirements.

1. No person, firm, corporation, or other entity shall construct a new driveway, change the use of the driveway, improve an existing driveway, or any other means of ingress or egress onto a Township road or install storm drainage facilities or effect the discharge or passage of drainage water, onto or along a Township road unless the Township Administrator, or the Township Administrator, or the Township representative appointed by the Board of Supervisors, has granted a permit for such grading, construction, and installation.
2. A permit application shall be signed by the record owner and submitted prior to connecting work on any driveway. The application shall be on forms provided by the Township. A construction plan in accordance with this Chapter and a filing fee and escrow amount as established by resolution shall accompany the application.
3. All work and procedures shall be performed in strict compliance with this Chapter and any other Township ordinances regulating the construction of driveways.

Section II-Construction Plan

1. The plan shall be drawn to scale showing property lines, lot size, and a North arrow.
2. A distance to the nearest property line shall locate the driveway.
3. Show the center line of the driveway, the edge of the existing road, the leveling area and the grade from the leveling area to the building.
4. Show the type of driveway construction within the road right-of-way and outside of the road right-of-way.
5. Show the location of any new and existing storm sewer facilities including drainage swales.
6. Show all erosion and sedimentation control devices.
7. An erosion and sedimentation control plan must be submitted to the Lehigh County Conservation District if the proposed earth disturbance activities result in a total earth disturbance of 5,000 square feet or more.
8. For driveways with a center line grade greater than 11 percent a plan must be provided showing grade stakes, so the driveway grade can be verified in the field.

Section III–Construction Standards

1. Provision shall be made at all intersections of driveways with streets to ensure adequate stormwater drainage. All roadside swales, existing or proposed, must be maintained and continued across the driveway. Where this is not feasible, a drainage pipe, with a minimum pipe diameter 15 inches must be installed under the driveway in the swale area. The cover over the pipe and length of the pipe will be determined in the field by the Road Master.
2. Driveway leveling area shall be paved, except driveways with access off of a dirt road. The leveling area shall be an area not having a grade greater than 4 percent for a distance of 35 feet measured from the edge of the road, not the right-of-way line. The permittee will have 1 year from date of the issuance of permit to complete paving.
3. Private driveways serving lots abutting both a proposed street and an existing public street shall access directly to the proposed street, and not to the existing public street.
4. Driveways shall be designed to provide access to one lot and be contained entirely on that lot. Common driveways, which are single driveways providing access to more than one lot, will not be permitted unless approved by the Board of Supervisors.
5. The minimum width of the driving surface of the driveway shall be 10 feet. The maximum width within the road right-of-way shall be 18 feet.
6. The minimum width of the clear area, which shall be clear of trees, tree branches, and brush, shall be 5 feet on each side of the driveway along the straight sections and 10 feet on each side of the driveway along the curve sections. A height of 12 feet shall be cleared along the entire driveway.
7. A tangential arc shall round the edge of pavement intersections with a minimum radius of 10 feet and a maximum radius of 20 feet.
8. The inside turning edge of the driving surface of the driveway shall have a minimum radius of 40 feet.
9. The minimum distance between center line of a driveway and the center line nearest intersection shall be as follows:

Type of Development	Type of Street or Another Driveway			
	Arterial	Collector	Local	Driveway
Residential	150 ft	100 ft	75 ft	30 ft
Nonresidential	300 ft	200 ft	150 ft	30 ft

10. The minimum distance between edge of the driving surface of driveway and the nearest property line shall be 10 feet. The Township Administrator, or the

Township representative appointed by the Board of Supervisors, may reduce this distance if the applicant shows a reasonable hardship would be created by maintaining a 10-foot distance from the property line. If applicable, the adjoining property owner shall be notified.

11. The center line grade of any driveway shall not exceed 11 percent at any point from the end of the leveling area to any other point within the confines of the lot. A leveling area shall be provided having not greater than a 4 percent grade for a distance of 35 feet measured from the edge of the road, not the right-of-way line.
12. At the intersection with a street, a clear sight triangle shall be provided. The clear sight triangle shall be graded, cleared, and kept clear of sight obstruction other than official signposts or utility poles for a height between 2 and 10 feet above the ground level. The clear sight triangle shall be determined by the intersecting street center lines and a diagonal connection two points, one point on each street center line. The distance along the through street center line shall be the stopping sight distance described in PennDOT *Design Manual*, Part 2, Publication 13, latest revision, and included the Appendix of this Chapter. The distance along the center line of the approach driveway shall be 10 feet plus the land width of the through street.
13. Stopping sight distance represents the minimum length required for a vehicle traveling at a given speed to stop. Stopping sight distance is measured along the center line of the through road from the intersection of the center lines of the through road and the driveway. The minimum stopping distances for the various design speeds, including corrections for grade of the through road, are based on wet pavement conditions and are indicated in Appendix. The design speed governs, however, the applicant can do a speed limit study following the criteria outlined in PennDOT Publication 201, latest revision, to reduce the speed limit.
14. Every driveway shall intersect the adjacent public road in a perpendicular manner, unless.
15. The Township Administrator, or the Township representative appointed by the Board of Supervisors, or the Board of Supervisors may alter plans filed with the application. Any changes or modifications they deem necessary shall make the approval of any permits subject to any such alteration, changes, or modifications.

Section IV–Inspections

1. The Township Administrator, or the Township representative appointed by the Board of Supervisors shall inspect the driveway and confirm that it conforms to the appropriate ordinances.
2. No paving of any driveway shall be commenced until the Township Administrator, or the Township representative appointed by the Board of Supervisors, shall have inspected the site and approved the work performed. The applicant shall give the Township a minimum of 2 working days advance notice before paving is to commence in order to afford the opportunity to inspect the site.

3. The applicant shall notify the Township representative when the work is completed in accordance with the permit. A final inspection of the work will be required and performed by the Township prior to final acceptance of the work and release of the escrow amount.
4. The applicant shall pay all fees incurred in the review, processing, and inspection of the driveway over and above the permit fee.

**Effect of Grade on Stopping Sight Distance
(Wet Conditions)**

Increase for Downgrades				Decrease for Upgrades			
Design Speed (mph)	Corrections in Stopping Distance (ft)			Assumed Speed for Condition (mph)	Corrections in Stopping Distance (ft)		
	3%	6%	9%		3%	6%	9%
30	10	20	30	28	–	10	20
40	20	40	70	36	10	20	30
50	30	70	–	44	20	30	–
60	50	110	–	52	30	50	–
65	60	130	–	55	30	60	–
70	70	160	–	58	40	70	–

**Stopping Sight Distance
(Wet Pavements)**

Design Speed (mph)	Assumed Speed FPR Condition (mph)	Brake Reaction		Coefficient of Friction (f)	Braking Distance on Level (ft)	Stopping Sight Distance	
		Time (sec)	Distance (ft)			Computed (ft)	Rounded for design (ft)
20	20 to 20	2.5	73.3 to 73.3	0.40	33.3 to 33.3	106.7 to 106.7	125 to 125
25	24 to 25	2.5	88.0 to 91.7	0.38	50.5 to 54.8	138.5 to 146.5	150 to 150
30	28 to 30	2.5	102.7 to 110.0	0.35	74.4 to 85.7	177.3 to 195.7	200 to 200
35	32 to 35	2.5	117.3 to 128.3	0.34	100.4 to 120.1	217.7 to 248.4	225 to 250
40	36 to 40	2.5	132.0 to 146.7	0.32	135.0 to 166.7	267.0 to 313.3	275 to 325
45	40 to 45	2.5	146.7 to 165.0	0.31	172.0 to 217.7	318.7 to 382.7	325 to 400
50	44 to 50	2.5	161.3 to 183.3	0.30	215.1 to 277.8	376.4 to 461.1	400 to 475
55	48 to 55	2.5	176.0 to 201.7	0.30	256.0 to 336.1	432.0 to 537.8	450 to 550
60	52 to 60	2.5	190.7 to 220.0	0.29	310.8 to 413.8	501.5 to 633.8	525 to 650
65	55 to 65	2.5	201.7 to 238.3	0.29	347.7 to 485.6	549.4 to 724.0	550 to 725
70	58 to 70	2.5	212.7 to 256.7	0.28	400.5 to 583.3	613.1 to 840.0	625 to 850

Appendix 23-E

Protected Land Factors and Calculation of Usable Site Area

Table 23-E-1
These Resource Protected Land Factors Shall Apply

Resource Protected Land	Factor
Land with the rights-of-way for existing or proposed overhead utilities and existing private streets	1.0
Wetlands, lakes, ponds, quarries, streams, and springs ⁽¹⁾	1.0
Floodway, 100-year floodplain and floodplain soils ⁽²⁾	1.0
Extensive outcroppings and boulder fields of 500 square feet or more	1.0
Steep slopes of 25% or more	1.0
Steep slopes of more than 15% but less than 25%	0.5
Existing mature wooded area having a total canopy cover of 10,000 square feet or more and consisting of 50% of the trees having a 10-inch or greater diameter at a 4½ foot height.	0.5
Existing young woodland having a total canopy area of 10,000 square feet or more and consisting of 70% of the trees having 2.5 inch or greater diameter at a 4½ foot height.	0.5
Land which has been cleared by logging or for logging purposes ⁽³⁾	0.5

⁽¹⁾ No development, filling, piping, or diverting shall be permitted except for required roads as approved by the DEP.

⁽²⁾ Roads may cross the floodplains and floodplain soils where design approval is obtained from the DEP.

⁽³⁾ This is included in effect in order to prevent circumventing resource protection through logging.

**Table 23-E-2
Example Calculation of Usable Site Area**

Resource Protected Land	Factor	Acres with Resource	= Acres Protected
Land with the rights-of-way for existing or proposed overhead utilities and existing private streets.	1.0	0.00	0.00
Wetlands, lakes, ponds, quarries, streams and springs.	1.0	8.01	8.01
Floodway, 100 year floodplains and floodplain soils.	1.0	1.00	1.00
Extensive outcroppings and boulder fields of 500 square feet or more.	1.0	2.01	2.01
Steep slopes of 25% or more.	1.0	25.80	25.80
Steep slopes of more than 15% but less than 25%.	0.5	10.50	0.00 ⁽⁴⁾
Existing mature wooded area having a total canopy cover of 10,000 square feet or more and consisting of 50% of the trees having a 10-inch or greater diameter at a 4½ foot height.	0.5	10.50	5.25
Existing young woodland having a total canopy area of 10,000 square feet or more and consisting of 70% of the trees having 2.5 inch or greater diameter at a 4½ foot height.	0.5	2.01	0 ⁽⁵⁾

(4) * * *

(5) * * *