

2011

Dickinson Township Cumberland County, PA

DRAFT Subdivision and Land Development Ordinance

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Background Provisions

Section 101 Short Title

This Ordinance shall be known, and may be cited as, the "Dickinson Township Subdivision and Land Development Ordinance of 2012"

Section 102 Purpose

The purpose of this Subdivision and Land Development Ordinance is to regulate and control the subdivision and development of land within Dickinson Township, so as to provide sites suitable for human habitation, commercial and industrial operations, and other uses for which land may be developed, thereby creating conditions favorable to the health, safety and welfare of the community and consistent with the goals of the Comprehensive Plan of Dickinson Township

Section 103 Enabling Authority

The Board of Supervisors of Dickinson Township, Cumberland County, Pennsylvania, pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as enacted and amended, hereby enacts and ordains the following Ordinance governing subdivisions and land developments within the limits of the Township.

Section 104 Scope

- 104.A.** This Ordinance shall apply to all subdivision and land development plans for tracts of land located, in whole or in part, in Dickinson Township regardless of whether development actually occurs within the Township.
- 104.B.** Where a developer and any subsequent landowner has substantially completed the required improvements in accordance with the approved application but has failed to complete any aspects of the approved development in accordance with the terms of such approval within five (5) years of such approval or any extension of time as many be granted by the Board of Supervisors. The developer and any subsequent landowner shall be subject to all changes in governing ordinances enacted sequent to the date of filling the preliminary plan provided that such governing ordinances do not preclude the developer from building in strict accordance with the approved plan.
- 104.C.** This Ordinance shall not affect any suit or prosecution pending or to be instituted, to enforce any provision of previous subdivision and land development ordinances. With respect to contract executed, or liability incurred prior to the effective date of this Ordinance no provision of this Ordinance be construed to waive the obligations imposed upon an applicant to complete a previously approved Preliminary or Final Plan application, including the installation of all required improvements, in strict compliance with the requirements of the effective Subdivision and Land Development Ordinance.
- 104.D.** No street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith, shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings thereon, unless and until authorized by this Ordinance.

- 104.E. No lot in a subdivision may be sold, no permit to erect or alter any building upon land in a subdivision or land development may be issued, and no building may be erected or altered in a subdivision or land development, unless and until a Final Subdivision or Land Development Plan application has been approved by the Board of Supervisors and the developer complies with Section 401.D.
- 104.F. This Ordinance does not impose any requirements upon subdivision or land development plans for which the Township is the applicant.

Section 105 Other Township Ordinances, Regulations and Requirements

All subdivision and land development plans are subject to the prevailing Township Zoning Ordinance, and all other applicable ordinances, regulations and requirements of the Township.

Section 106 Conflicts

Whenever there exists a conflict between a requirement of this Ordinance and other applicable ordinances, the more stringent requirement shall apply.

Section 107 Administration and Enforcement

The Board of Supervisors shall be responsible for the administration of this Ordinance. Unless otherwise provided herein, the Board of Supervisors hereby designates the Planning Commission as the body to provide reviews and make recommendations concerning all applications filed under this Ordinance. Primary administration and enforcement responsibility under this Ordinance shall be with an authorized Township official.

Section 108 Definitions

- 108.A. **Word Usage** - Words and phrases shall be presumed to be used in their ordinary context, unless such word or phrase is defined or interpreted differently within this section.
- 108.B. **Language Interpretation** - In this Ordinance, when not inconsistent with the context:
 - 1. Words in the present tense imply also the future tense.
 - 2. The singular includes the plural.
 - 3. The male gender includes the female gender.
 - 4. The term "person" includes an individual, partnership, corporation, unincorporated association, estate, or any other legally recognized entity.
 - 5. The terms "shall," "must," or "will" are always mandatory.
- 108.C. **Specific Terms** - The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this Ordinance.

AASHTO - American Association of State Highway and Transportation Officials

ACCESS DRIVE - An improved cartway designed and constructed to provide for vehicular movement between a street and the off-street parking and/or loading area for any use other than one single-family dwelling unit or farm.

ABUT - To touch or join at the edge or border; to border on; or to end at.

AGENT - Any person other than the developer, who, acting for the developer, submits subdivision and/or land development plans to the Township for the purpose of obtaining approval thereof and authorized to make representations.

ALLEY - A minor right-of-way, privately or publicly owned, primarily for service access to the rear or sides of properties..

APPLICANT - See developer.

APPLICATION FOR DEVELOPMENT - Every application required to be filed and approved prior to start of construction or development, including, but not limited to, an application for zoning approval, for the approval of a subdivision plat or plan, or for the approval of a land development plan.

BOARD OF SUPERVISORS - The governing body of Dickinson Township, Cumberland County, Pennsylvania.

CARTWAY - The paved surface of a street or access drive that is available for use by vehicular traffic.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at a street intersection defined by a line of sight between points at center lines.

COMMON AMENITIES - Certain additions, alterations or modifications constructed or made to, upon or in connection with realty as required by an approved subdivision plan or approved land development plan and which are not intended to be offered to the Township for dedication. (Also see definitions for Improvements and Required Improvements.)

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

COMMUNITY SEWAGE DISPOSAL SYSTEM - A system of conveyance, treatment and discharge that provides for the safe and healthful disposal of sewage generated by multiple principal uses that is not proposed to be owned and/ or operated by Dickinson Township or it's Authority. All community sewage disposal systems shall be approved and permitted by the Pennsylvania Department of Environmental Protection and be in accordance with the Township Act 537 Plan (Official Sewage Plan).

COMMUNITY WATER SYSTEM - A system of source, treatment, storage and/or distribution of domestic water supply to multiple principal uses that is not owned and/or operated by Dickinson Township or it's Authority, including their successors.

COMPREHENSIVE PLAN - The latest adopted version of the Dickinson Township Comprehensive Plan, including any freestanding supplemental documents, as may be amended.

CONDITIONAL USE - A use permitted in a particular zone pursuant to the provisions in Article VI of the MPC and in accordance with Section 805 of the Zoning Ordinance.

CONDOMINIUM - Real estate, portions of which in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980 as amended, are designated for separate ownership and the remainder of which is designed for common ownership solely by the owners of

those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONSULTANT - All professional consultants, other experts, attorneys and independent contractors retained by the Township to provide professional or expert advice or services to the Township in connection with the review and comment on the developer's plan or the construction, observation, inspection, review and/or approval of the public improvements and common amenities contemplated by the developer's plan.

COUNTY – The County of Cumberland, Pennsylvania.

COUNTY PLANNING COMMISSION - The Cumberland County Planning Department.

CURB - The raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic.

CURB LINE - The outside edge of the cartway.

DEDICATION - The deliberate assignment of land or interest in land by its owner to a public entity.

DEED - A written instrument whereby an estate in real property is conveyed.

DENSITY - A term used to express the allowable number of dwelling units per acre of land exclusive of unimproved public rights-of-way, and rights-of-way of public and private streets. In the case where a proposed development with more than one (1) principal use is to rely upon one or more private access drives rather than streets, the area devoted to the access drives that serve more than one (1) principal use and any adjoining curbs and sidewalks shall also be deducted from the calculation of acreage.

DETENTION BASIN – A structure designed to retard stormwater runoff by temporarily storing and releasing at a predetermined rate.

DEVELOPER - Any landowner, agent of such landowner, equitable owner, tenant with the legal standing of the landowner, or applicant for whom subdivision or land development plans are being or have been made.

DRIVEWAY - An improved cartway designed and constructed to accommodate vehicular movement between a street and a tract of land serving one single-family dwelling unit or a farm.

DWELLING - Any building or portion thereof designed and used exclusively for residential occupancy, including those listed below, but not including hospitals, nursing homes, hotels, motels, boarding, rooming and lodging houses, institutional houses, tourists courts, and the like, offering overnight accommodations for guests or patients.

DWELLING UNIT - A building or portion thereof arranged or designed for occupancy by not more than one family and having separate cooking and sanitary facilities.

EASEMENT - An interest in land owned by another person, consisting in the right to use or control the use of land, or areas above or below it, for a specific limited purpose. The grant of an easement reserves to the owner of the land all other incidents of ownership.

ECHO HOUSING (Elder Cottage Housing Opportunities) - A temporary dwelling unit placed on a property with another single family detached dwelling for occupancy by either an elderly, handicapped, or disabled person(s) related by blood, marriage, or adoption, to the occupants of the principal dwelling, or their care giving family members..

ELEVATION – The level of the ground adjacent to a structure, storage area, sign or other improvement.

ENGINEER - A professional engineer registered as such in the Commonwealth of Pennsylvania.

EROSION - The natural process by which the surface of land is worn away by water, wind, or chemical action.

EXCAVATION - Any activity by which earth, sand, gravel, rock, or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed and the resulting conditions.

FARM - A parcel of land that is used for one (1) or more agricultural operations, including but not necessarily limited to the raising of agricultural products, livestock, poultry, or the production of dairy products. A “farm” shall be understood to include a dwelling unit as well as all structures necessary for the housing of animals, storage of feed and equipment, and other operations customarily incidental to farm use.

FLOODPLAIN - An area of land adjacent to the channel of a watercourse below the flood elevation which has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source as regulated by Article 3, Chapter 92 of the Code of Dickinson Township.

FRONTAGE - The line of a lot coincident with an abutting right-of-way line of a street.

GRADE - A measurement of slope expressed in terms of percentage of vertical versus horizontal distance.

IMPERVIOUS SURFACE - A surface not readily penetrated by water under normal pressure associated with rainfall or other typical conditions associated with the proposed use. These typically include but are not limited to roads, access drives, interior drives, driveways, buildings, structures, sidewalks, off-street parking spaces, off-street loading spaces and paved recreation courts.

IMPROVEMENTS - Any structure or paving placed upon land, including the provision of underground or above-ground utilities, as well as any physical change to the surface of the land, including but not necessarily limited to grading, paving, the placement of stormwater management facilities, sidewalks, street signs, traffic control devices, and survey monuments and markers. This definition shall expressly exclude the tilling of soil.

LAND DEVELOPMENT - Any of the following activities:

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

- B. A subdivision of land.
- C. In accordance with Section 503(1.1) of the Act, the following activities are excluded from the definition of land development:
1. The conversion of an existing single-family detached dwelling, two-family dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; provided, however, that the addition of a non-residential or non-farm accessory building or buildings does not:
 - a. Exceed a total square footage of 2,000 square feet or 10% of the principal nonresidential or nonfarm building's square footage (as existed as of any addition of an accessory building or buildings made following the effective date of this Ordinance).
 - b. Create negative storm water impacts on existing storm water facilities or on neighboring properties.
 - c. Require the construction of additional access drive(s).
 - d. Relieve the need for DEP Sewer Planning Module or exemption.
 3. The addition or conversion of buildings, structures or rides within an amusement, theme and/or zoo park.

LAND SURVEYOR - A land surveyor registered in the Commonwealth of Pennsylvania.

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

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

LOT COVERAGE - A percentage of the lot area which may be covered with an impervious surface (e.g., buildings, driveways, parking area, sidewalks). To the extent a building or structure incorporates a green rooftop (as defined in the Dickinson Township Zoning Ordinance) such area shall not be considered to be impervious.

LOT LINE - A recorded boundary line of a lot; however, any edge of an adjoining street or other public or quasi-public right-of-way shall be interpreted as the lot line for the purposes of determining the location of the setbacks required by the Zoning Ordinance.

MINIMUM LOT AREA - The least amount of land area required to be to be associated with a principal use as specified within the Zoning Ordinance

MOBILEHOME - 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.

MOBILEHOME LOT - A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.

MOBILEHOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

MUNICIPALITY - The Township of Dickinson, Cumberland County, Pennsylvania.

ON-LOT SEWAGE DISPOSAL SYSTEMS, (ON-LOT SEWER SERVICE) - A system of conveyance, treatment, and discharge that provides for the safe and healthful disposal of sewage generated by one principal use within the confines of the lot on which the use is located, as approved by the Pennsylvania Department of Environmental Protection. This definition shall not prohibit the use of sewage plume easements that may extend beyond the property upon which the sewage is generated.

ON-LOT WATER SERVICE - The provision of water to a single user from a private source located on the user's lot.

OPEN SPACE - Any area of land or water, or a combination of land and water, within a development site that is free of improvement and impervious surfaces. Open spaces shall not include, among other things, areas devoted to buildings, structures, driveways, access drives, parking lots, street rights-of-way, and/or storm water detention basins, but can include required setbacks and private yards.

PA - Commonwealth of Pennsylvania

PA DCNR - Pennsylvania Department of Conservation and Natural Resources.

PA DEP - Pennsylvania Department of Environmental Protection.

PAVED - A condition of surface in which man-made materials are applied resulting in a durable, smooth, stable and dust free surface over which vehicles and pedestrians may pass. This definition shall expressly include asphalt, bituminous, concrete, masonry, permeable, geo-grids and other similar materials provided they are applied with sufficient depth and base to achieve the required durable, smooth, stable and dust free surface.

PEDESTRIAN EASEMENT - A right-of-way, municipally-owned or privately-owned, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

PennDOT - Pennsylvania Department of Transportation.

PERSON - An individual, partnership, corporation, limited liability corporation, limited liability partnership, firm, company, association, governmental entity, trustee, receiver, assignee, or similar representative.

PLAN - The map representing a tract of land including all supplementary data specified in this Ordinance. The following are the types of plans specified by this Ordinance:

- A. **As-Built**: A Plan, showing actual dimensions and actual locations of all streets and other public improvements as actually constructed.
- B. **Elderly Cottage Housing Opportunities (ECHO) Plan**: A plan specifically for a limited type of housing as defined and regulated in the Zoning.
- C. **Final Plan**: A subdivision and/or land development plan prepared for official recording as required by statute to define property rights, proposed streets and other public improvements.

- D. Lot Line Adjustment Plan: A plan for the sole purpose of Lot adding a parcel of land to an adjacent parcel and no additional lot is being created.
- E. Preliminary/Final Plan: A plan that represents the simultaneous submission of a preliminary plan and final plan.
- F. Preliminary Plan: A complete and exact subdivision and/or land development plan, the purpose of which is to authorize the preparation of Final Plans.
- G. Sketch Plan: An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings, with the general layout of a proposal for consideration prior to the formal submission of a plan.

PLANNING COMMISSION – The Planning Commission of Dickinson Township.

PUBLIC SEWER - A municipal or privately-owned sanitary sewer facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

PUBLIC UTILITIES - Use or extension thereof which is operated, owned or maintained by a municipality or municipal authority or which is privately owned and requires a “Certificate of Public Convenience” approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy or telephone service.

PUBLIC WATER - A municipal or privately-owned water supply system approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

REVIEW FEES - All professional consultant or expert fees paid or incurred by the Township in the course of preliminary or final plan review and comment or (including all review and comment leading to final plan recording) paid or incurred by the Township and arising out of or relating to the construction, observation, inspection, review, and/or approval of the public improvements or the common amenities contemplated by the developer’s plan.

REQUIRED IMPROVEMENTS - All additions, alterations or modifications constructed, or made to, upon or in connection with an approved land development plan or approved subdivision plan and which are the subject of financial security. Required improvements may include improvements and common amenities as those terms are defined herein. The scope of required improvements shall be based upon the approved land development or subdivision plan and may relate to or include, but shall not be limited to, traffic controls, streets, storm water management, sanitary sewers, water lines, recreational facilities, street trees, parking lots, access roads, buffer plantings, screening, lighting, soil/erosion/sedimentation controls, survey monuments and markers and with respect to all of the foregoing, all appurtenances related thereto.

RIGHT-OF-WAY - An area that may or may not be secured for public use and which may, but need not, be improved with streets, utilities, stormwater management facilities, traffic control facilities, curbs, sidewalks, bicycle lanes or paths, streetlights, and similar improvements for public benefit or enjoyment.

ROAD, ROADWAY - See the definition of “Street”.

SETBACK - The required horizontal distance between a setback line and a property or street line.

SETBACK LINE - A line within a property and parallel to a property line or street line which delineates the required minimum distance between some particular use of property and that property line or street line.

SPECIAL EXCEPTION - A use permitted in a particular Zone pursuant to the provisions of Articles VI and IX of the Act and approved by the Zoning Hearing Board in accordance with Section 704.C. of the Zoning Ordinance.

STANDARD CONSTRUCTION AND MATERIAL SPECIFICATIONS DOCUMENTS - A document containing construction and material specifications as maybe adopted and amended through a resolution of the Board of Supervisors.

STORM WATER MANAGEMENT - A program of controls and measures designed to regulate the quality and quantity of storm water runoff from a development, while promoting the protection and conservation of groundwater and groundwater recharge.

STORM WATER MANAGEMENT FACILITIES – Any structure, natural or man-made, that, due to its condition, design or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, and infiltration structures..

STREET - A public or private right-of-way, excluding driveways and access drives, intended for use as a means of vehicular and pedestrian circulation that provides a means of access to abutting property. The word “street” includes “thoroughfare,” “avenue,” “boulevard,” “court,” “drive,” “expressway,” “highway,” “lane,” “road,” and similar terms. This definition shall not include alleys as defined herein.

STREET CENTERLINE - A line laterally bisecting a street right-of-way into equal widths. Where the street right-of-way cannot be determined, the cartway centerline shall be deemed the street centerline.

STREET FURNITURE - Fixtures installed along the roadway, at or above grade level, including but not limited to, lamp posts, pedestrian lighting, fire hydrants, street signs, benches, trash cans, bike racks, newspaper boxes, water fountains, and planters.

STREET LINE OR RIGHT-OF-WAY LINE – The line defining the limit of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the right-of-way line currently in existence.

STREETSCAPE - The publicly-accessible area straddling public and/or private streets often located between building facades and including service lanes, sidewalks, pedestrian oriented spaces and pedestrian corridors.

STREAM - Any natural or man-made channel of conveyance of surface water with an annual or intermittent flow within a defined bed and bank.

STRUCTURE - Any manmade object, including buildings, having an ascertainable stationary location on or in land or water, whether or not affixed to the land, excluding stormwater management retention/detention basins and related inlet and/or outlet devices, sidewalks, driveways leading directly to a public street, and public utility lines and appurtenances. Structures shall not include such things as sandboxes, decorative fountains, swing sets, birdhouses, birdfeeders, mailboxes, and any other similar nonpermanent improvements.

SUBDIVISION - The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or

devises, transfer of ownership, or building or lot development. The subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL COMPLETION - Where, in the judgment of the Township Engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted pursuant to Section 509 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended) 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.

SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the fair market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

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

TOWNSHIP - Dickinson Township.

TOWNSHIP ENGINEER - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Dickinson Township.

TOWNSHIP SOLICITOR - The attorney firm appointed by the Board of Supervisors or duly authorized by the Board of Supervisors.

TRAFFIC CALMING DEVICES - All measures, systems and programs described in the Commonwealth of Pennsylvania Department of Transportation, Bureau of Highway Safety and Traffic Engineering, Publication 383, dated January 2001 and known as "Pennsylvania's Traffic Calming Handbook" and all revisions and updates thereto and any successor publications thereto, hereinafter referred to as "Pub. 383".

UNIT OF OCCUPANCY - A unit the use of which is not subordinate or customarily incidental to a principal unit. A unit of occupancy can be an independent unit within a building or a separate, detached building.

VARIANCE - Relief granted pursuant to the provisions of Articles VI and IX of the Act upon application to the Zoning Hearing Board in accordance with Section 704.D. of the Zoning Ordinance.

WAIVER - A process for alleviating specific requirements imposed by this Ordinance, pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended.

WATERCOURSE - A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water carrying or holding surface water, whether natural or artificial..

WATERSHED - All the land from which water drains into a particular watercourse.

WETLANDS - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas, and which shall be identified using that method of the following that delineates the greatest area of wetlands:

- A. The United States Army Corps of Engineers Technical Report Y87-1, Corps of Engineers Wetlands Delineation Manual;
- B. The United States Environmental Protection Agency Wetlands Identification Delineation Manual, Volume I, Rational, Wetland Parameters, and Overview of Jurisdictional Approach, Volume II, Field Methodology, as most recently updated or modified; or,
- C. The Pennsylvania Department of Environmental Protection's Resources Wetlands Identification and Delineation, Chapter 105 Dam Safety and Waterways Management Rules and Regulations, as most recently updated or modified.

YARD - An area between the permitted use and/or structures and the site's property lines.

ZONING OFFICER - The duly constituted municipal official designated to administer and enforce the Zoning Ordinance in accordance with its literal terms.

ZONING ORDINANCE - The Official Zoning Ordinance of Dickinson Township.

Procedures for: Processing Plans and Waivers, Authorization for Start of Work, Construction Observation, and Dedication of Improvements

Section 201 General

201.A. General Description of Procedures - Each application for review of a subdivision and/or land development shall be made on a form prescribed by the Township. The procedures for consideration of a subdivision and/or land development include:

1. Optional Procedures

- a. Pre-application Review (Section 202.A.) - This procedure provides the applicant an opportunity to receive recommendations and guidance from the Township staff, while the project is at an early stage.
- b. Sketch Plan Review (Section 202.B.) - This procedure provides the applicant a formal review process to receive recommendations and guidance from the Township staff, consultants and Planning Commission.

2. Mandatory Procedures

- a. Preliminary/Final Plan Application (Section 203.B.) - This procedure is a combined submission of a Preliminary Plan and Final Plan application.
- b. Preliminary Plan Application Followed By Final Plan Application (Section 203.C.) - This procedure is for receiving separate approval of a Preliminary Plan application before submission of a Final Plan application. This procedure accommodates phased development and other procedural benefits that are derived from a multi-level submission process.

3. Special Procedures

- a. ECHO Housing (Section 204.B.1.) - This type of housing is defined and regulated in the Zoning Ordinance and is not required to comply with the processing procedure specified in this Ordinance.
- b. Revised Final Plan Application (Section 204.B.2.) - This procedure is for correction of an obvious error or a minor alteration in a previously-approved application.
- c. Lot Line Adjustment Plan Application (Section 204.B.3.) - This procedure is for an addition of a parcel of land to an abutting lot with no additional lot being created.

201.B. Discretionary Procedures - Procedures described in this Ordinance that are not mandated by the

provisions of the MPC, are discretionary as to the Township's obligation. Failure of the Township to abide by such procedures shall not invalidate any action taken herein. However, all procedures are mandatory as to the applicant, unless waived by the Board of Supervisors, pursuant to Section 205.

- 201.C. Township Staff and Consultant Review** - Each application is subject to Township staff and consultant review prior to recommendation by the Planning Commission and decision by the Board of Supervisors. The applicant is not entitled to participate in, or be present at, any Township staff or consultant review; however, where deemed appropriate, the applicant and/or agent may be invited to attend.
- 201.D. Decision By Board of Supervisors** - The official Township decision on any application filed under this Ordinance rests solely with the Board of Supervisors.
- 201.E. Special Exception or Conditional Use** - Whenever the Zoning Ordinance provides that the use proposed by the applicant constitutes a use by special exception or a conditional use, the applicant shall obtain such special exception or conditional use approval from the Zoning Hearing Board or the Board of Supervisors, as applicable, prior to the submission of an application for Preliminary/Final Plan or Final Plan approval. The application shall conform to any conditions which have been imposed upon the granting of such special exception or conditional use by the Zoning Hearing Board or the Board of Supervisors, as applicable.
- 201.F. Variance** - Whenever the applicant proposes to develop a subdivision and/or land development in a manner that would require a variance from any requirements of the Zoning Ordinance, the applicant shall obtain such variance from the Zoning Hearing Board prior to the submission of an application for Preliminary/Final Plan or Final Plan. The application shall conform to any conditions which have been imposed upon the granting of such variance or variances by the Zoning Hearing Board.
- 201.G. Application Revisions After Submission** - Revisions or additions to the application are not permitted after the Planning Commission makes a recommendation to the Board of Supervisors. Only the material acted upon by the Planning Commission will be considered by the Board of Supervisors.
- 201.H. Schedule for Review and Action**
1. The time frame for review and action with respect to subdivision and/or land development plan applications shall be as set forth in the MPC.
 2. At such time and under such circumstances as the Township staff and consultants shall determine that Planning Commission and/or Board of Supervisors review is appropriate, the application shall be placed on the next available Planning Commission or Board of Supervisors agenda and the applicant so notified. Attendance at the Planning Commission and Board of Supervisors meetings by the applicant or agent is expected.
- 201.I. Fees** - The Township shall establish by resolution certain fees to be paid at the time of filing an application for plan review. Upon filing of an application, the Township shall establish an account in the name of the applicant and bill to the account those fees and expenses incurred in the course of review as permitted by law. Any failure by the applicant to pay such fees as required by the application shall constitute grounds for rejection of the application.
- 201.J. Effect of Plan Notes** - All notes on an approved plan shall be deemed mandatory and constitute requirements, obligations, covenants, or restrictions, all of which shall run with the land and bind the applicant and its agents, servants, employees, contractors, transferees, grantees, heirs, successors, and assigns.
- 201.K. Submission of Multiple Design Concepts** – The submission of more than one (1) design concept for the same property is allowed, provided each design concept is a separate, independent,

application and fee. Each submission shall reference withdrawal of all other design concepts when approval of the application is attained. No applicant is entitled to approval of multiple design concepts for the same property.

201.L. Applicant's Duty of Good Faith

1. Upon the filing of an application for review under this Ordinance, the applicant shall exercise good faith and promptly address or otherwise respond substantively to the review comments and requirements of the Township and its staff and consultants.
2. It is the duty of the applicant to move the application to completion in a prompt, timely, and diligent manner so as to enable formal action by the Planning Commission or Board of Supervisors, as the case may be, and to comply with all conditions of approval imposed by the Board of Supervisors, and to record the plan.
3. The Township is not obligated to accept an applicant's offer of a time extension or grant a continuance of any hearing, meeting, or review.

201.M. Unsworn Falsification to Authorities - All statements made, whether written or oral, to the Township in the course of the land development plan or subdivision plan procedures, shall be true and correct to the best of the knowledge, information and belief of the applicant or its agents and consultants, and with the understanding that any false statement is subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to "Unsworn Falsification to Authorities."

201.N. Submission Constitutes Public Record (Waiver of Copyright)

By making a submission under this Ordinance, the applicant acknowledges and agrees that all documents and other information submitted to the Township or its consultants pursuant hereto constitute public records within the meaning of the Pennsylvania Right to Know Law, Act 3 of 2008, as amended, and are subject to review and reproduction upon request in accordance with that Law and applicable Township requirements.

Section 202 Optional Review Procedures

202.A. Pre-application Procedure - The applicant may discuss plans under the Pre-application Procedure with Township staff prior to a formal submission under Sections 202.B, 203, 204, or 205. The purpose of the Pre-application Procedure is to afford the applicant an opportunity to receive input from the Township staff, while the project is at an early stage and before the formal filing of a plan. The Pre-application review shall not be considered submission of a plan for the purpose of determining approval, nor is this filing subject to Section 508 of the MPC. No legal rights attach to the Pre-application Procedure.

202.B. Sketch Plan Procedure

1. Purpose of Sketch Plan - The applicant may submit plans to the Township using this procedure before submission under Sections 203, 204 or 205. The purpose of the Sketch Plan review is to afford the applicant an opportunity to receive recommendations and guidance from Township staff, consultants and, if requested, the Planning Commission, while the project is at an early stage.
2. Submission Procedure - Applications may be submitted to the Township on any business day. However, Sketch Plans must be received by the Township no later than the third Wednesday of

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- the month in order to be considered for placement on the agenda. The Township reserves the right to determine in its sole discretion when an application will be placed on an agenda.
3. Application Requirement - All applications shall include an application form, application fee, plans, and supporting information as specified on the application form. The type and quality of the plans and supporting information contained in Section 301 are suggested and not mandatory. Information provided with the sketch plan application has a direct nexus to the level of assistance that is provided by the Township. Therefore, submission of a greater level of detailed information will result in a more comprehensive response by the Township.
 4. Review - The application is reviewed by Township staff, consultants and, if requested by the applicant, the Planning Commission. If the application notes a request for Planning Commission review, Township staff shall determine when the application will be placed on the Planning Commission agenda and notify the applicant. Attendance at the Planning Commission meeting by the applicant or agent is necessary to discuss all aspects of the application.
 5. Legal Rights - No legal rights attach to the Sketch Plan Procedure, and Section 508 of the MPC shall not apply.

Section 203 Mandatory Review Procedures

203.A. General - The filing of an application under this Section is mandatory for all subdivision and land development plans, except as provided in Section 204 Special Plan Procedures.

203.B. Preliminary/Final Plan Procedure

1. Purpose - The Preliminary/Final Plan provides the applicant a procedure for the combined submission of an application for Preliminary Plan and Final Plan. In the alternative, the applicant may sequentially submit a Preliminary Plan followed by Final Plan under Section 203.C.
2. Submission Procedure
 - a. The application may be submitted to the Township on any business day. However, the application must be received by the Township no later than the third Wednesday of the month in order to be considered for placement on the agenda. The Township reserves the right to determine in its sole discretion when an application will be placed on an agenda.
 - b. All conditional uses, special exceptions, and variances required by the application shall be obtained prior to submission of an application.
3. Submission to Other Agencies
 - a. The applicant shall to submit the Preliminary/Final Plan to the County Planning Commission, PENNDOT, County Conservation District, and any other applicable agency with jurisdiction and provide the Township with evidence of the submission.
 - b. Where a subdivision or land development abuts another municipality, the applicant shall, at the request of the Township, provide a courtesy copy of the plan to that municipality and provide the Township with evidence of the submission.
4. County Planning Department Review - The Township will not schedule an application for

action by the Board of Supervisors until the receipt of the County Planning Department report, or the expiration of thirty (30) calendar days from the date the application was forwarded to the County Planning Department.

5. Application Contents

- a. All applications shall include a completed application form, fee, plans, and all other required documents specified on the application form and Article 3. Upon filing the same shall constitute an “application for development” within the meaning of the MPC.
- b. Failure to fully complete the application form, provide all required information and fee, and follow all directives contained therein shall be grounds to reject the application as incomplete and therefore not filed within the meaning of Section 508 of the MPC. If an application is deemed incomplete, the time for review and action on the proposed subdivision and/or land development plan application shall not be deemed to have commenced.

6. Review for Completeness of Application

- a. Bases for Determination - To be complete, the submission shall contain:
 - i. Fully completed and executed application form;
 - ii. Application fee and escrow deposit;
 - iii. All required documents specified in the application form; and
 - iv. Correct number of copies of all documents.
- b. Complete Application - If determined to be complete, the application shall be deemed accepted for filing as of the date of receipt. Acceptance for filing shall not constitute a waiver of any deficiencies or irregularities.
- c. Incomplete Application - If determined to be incomplete, the application may be rejected. If rejected, the Township shall notify the applicant of the rejection within ten (10) days of receipt of the application.
- d. Appeal of Rejection - The applicant may, within seven (7) days of receipt of the notice of rejection, file with the Township an appeal of the rejection. Such appeal shall state the grounds for the appeal. The Board of Supervisors will consider the appeal at a public meeting within forty-five (45) calendar days of receipt of the appeal. The time period for action on the application is not extended by appeal if the applicant prevails.
- e. Legal Rights - No legal rights attach if the application is rejected, and Section 508 of the MPC shall not apply.

7. Staff and Consultant Review

- a. Review - Prior to review by the Planning Commission, the application is reviewed by the Township staff and consultants. Where applicable, the applicant may be invited to attend a review meeting with the Township staff and consultants.
- b. Review Letter - The Township staff and consultants shall issue a review letter. The review letter shall cite, where applicable, the legal authority in support of the comments contained therein.

8. Planning Commission Review

- a. Schedule - At such time and under such circumstances as the Township staff and consultants shall determine that Planning Commission consideration is appropriate, the application shall be placed on the next available meeting agenda and the applicant so notified.
- b. Attendance at Public Meeting - Attendance at the Planning Commission public meeting by the applicant or agent is expected. The applicant or agent must be prepared to discuss all aspects of the application.
- c. Deliberation and Recommendation - At the public meeting, the Planning Commission will consider the applicant's submission, Township staff and consultant review, other pertinent material, and public comment. The Planning Commission may:
 - i. Table action on the application.
 - ii. Take action on the application which may include a recommendation of approval, approval with conditions or denial.
- d. Recommendation to Board of Supervisors – The Township Planning Commission recommendations, staff review and consultant review will be provided in writing to the Board of Supervisors. Receipt of the Planning Commission recommendation is a prerequisite to review and action by the Board of Supervisors. Where applicable, the recommendations shall cite provisions of this Ordinance, as well as other pertinent ordinances, rules, regulations, specifications, and authority relied upon. The Board of Supervisors is not bound by the recommendations and may modify the same.
- e. Resubmission of Application - If the applicant revises the application pursuant to the discussion of the Planning Commission before action by the Planning Commission, the revised application shall be submitted to the Township according to Section 203.B with a brief narrative identifying the alterations.
- f. No Revisions After Recommendation - No revisions shall be made to the application after the Planning Commission recommendations. Only the application acted upon by the Planning Commission shall considered by the Board of Supervisors.

9. Board of Supervisors Decision

- a. Schedule - Following a Planning Commission recommendation, the application shall be placed on the next available Board of Supervisors agenda and the applicant so notified.
- b. Attendance at Public Meeting - Attendance at the Board of Supervisors public meeting by the applicant or agent is expected. The applicant or agent must be prepared to discuss all aspects of the application.
- c. Decision - Before rendering a decision on the application, the Board of Supervisors shall, at the public meeting, consider the application's submission, staff and consultant's review, other pertinent material and public comment. The Board of Supervisors is not bound by the Township Planning Commission recommendations, staff review or consultant review and may modify the same. The Board of Supervisors will announce their decision. A written decision will be delivered to the applicant.

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- d. Applicant Acceptance of Conditions - If the application is approved subject to modification or other conditions, the applicant or agent will be requested at the public meeting to verbally indicate acceptance or rejection of such modification or conditions.
 - e. Written Notification of Board of Supervisors Decision - Township staff shall provide written notice of the Board of Supervisors decision to the applicant, in accordance with the MPC.
 - f. Applicants Acceptance of the Conditions of Approval - The applicant shall provide the Township with a written acceptance of the conditions of approval. Refusal by the applicant to execute written acceptance of the conditions of approval shall constitute denial of the application.
10. Compliance With Conditions of Approval
- a. If the Board of Supervisors approves the application subject to conditions, documents evidencing compliance with such conditions (including but not limited to required financial security and improvement agreements as specified in Article 4) shall be submitted to the Township. The applicant shall include a brief narrative concerning the submitted data.
 - b. Where financial security and an improvements agreement are required as a condition of approval, the plan shall not be recorded until such time as the same are provided to the satisfaction of the Township.
 - c. The Township staff will advise the applicant when all conditions of approval have been satisfied.
 - d. After all conditions of approval are satisfied, the applicant shall present to the Township:
 - i. One (1) paper copy of all plan sheets and supporting material for the Township files; and
 - ii. One (1) electronic file of all plan sheets and supporting material formatted to the current Township specifications;
11. Plan Certification and Recording
- a. Number of Plans for Recording - After all conditions of approval are met, the applicant shall present to the Township four (4) paper copies; two (2) separate electronic copies of a PDF file and one (1) electronic SHAPE file for all plan sheets formatted to the current Township specifications and the number of plan sheet copies that are desired to be retained by the applicant. These plans are for the follows:
 - i. Two (2) paper copies of all plan sheets are for Township records.
 - ii. One (1) electronic PDF file and SHAPE file is for Township records.
 - iii. One (1) paper copy of all plan sheets is for County Planning Commission.
 - iv. One (1) electronic PDF file is for County Planning Commission.
 - v. One (1) paper copy of all plan sheets is for Cumberland County Recorder of Deeds.

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- vi. Number of the paper copy of all plan sheets desired to be retained by the applicant.
 - b. Standards for Plans to be Recorded - All plan copies shall be in black ink and bear original signatures on each certificate and seal of professional responsible for preparation of the plan.
 - c. Payment of Fees - No plan shall be released for recording until all consultant review fees are paid in full in accordance with this Ordinance and applicable resolutions.
 - d. Recording of Plans
 - (1) Upon certification by the Township, the Township shall submit the plans to the County Planning Commission for signature and thereafter the office of the Cumberland County Recorder of Deeds for recording.
 - (2) When all conditions of plan approval are satisfied, the plan shall be recorded in the office of the Cumberland County Recorder of Deeds within ninety (90) calendar days from the date of the Board of Supervisors certification of approval.
 - (3) No lot may be sold, construction initiated and/or earth disturbed until the plan is recorded in the office of the Cumberland County Recorder of Deeds. The Township will not issue further approvals or permits until the applicant meets all conditions of approval.
 - (4) Recording of the plan shall have the effect of an irrevocable offer to dedicate all streets and other areas designated for public use shown thereon, unless reserved by the landowner as hereinafter provided. Approval by the Board of Supervisors shall not impose any duty upon the Township concerning maintenance or improvement of any such dedicated street, or public use, until the Board of Supervisors shall have accepted the same by the prevailing procedure of the Township.

203.C. Preliminary Plan Approval Followed By Final Plan Approval

- 1. Purpose - This procedure provides a process for receiving separate approval of a Preliminary Plan Application and a Final Plan Application. This procedure may accommodate phased development and provide other benefits that are derived from a multi-level submission process.
- 2. Sequential Submission - The Preliminary Plan and Final Plan procedures are sequential. The Preliminary Plan procedure must be completed before approval of the Final Plan. The Final Plan shall be substantially consistent with the Preliminary Plan. The Final Plan may include phases of an approved Preliminary Plan, provided:
 - a. In a residential subdivision or land development, each phase shall contain the minimum number of dwelling units permitted by the MPC, unless a lesser number is approved by the Board of Supervisors in its discretion;
 - b. Each phase independently conforms to the Ordinance, regulations and other standards of the Township; and
 - c. Each phase independently results in a logical extension of streets, access drives, alleys, storm water management facilities, sanitary sewer facilities, water supply

facilities, and other required improvements.

3. Submission Procedure - The application shall be submitted in compliance with Section 203.B.2 through 4.
4. Application Contents - The application shall be in compliance with Section 203.B.5.
5. Application Process - The application shall be processed in compliance with Section 203.B.6 through 10.
6. Plan Certification and Recording - The Final Plan shall be processed in compliance with Section 203.B.11.

Section 204 Special Procedures

204.A. Eligibility for Special Procedure - Except as otherwise specified, a Special Procedure is at the sole discretion of the Township.

204.B. Type of Plans

1. ECHO Housing Plan - ECHO Housing, as regulated in the Zoning Ordinance, is not required to comply with the processing procedure specified in this Ordinance. The procedures of the Zoning Ordinance shall apply to ECHO housing.
2. Revised Final Plan - The procedures of Section 204.C. shall apply to a Revised Final Plan. A Revised Final Plan is limited to the following:
 - a. Correction of an obvious error in an approved application; or
 - b. Depiction of a minor alteration that is substantially consistent with an approved application.
3. Lot Line Adjustment Plan - The procedures of Section 204.C. shall apply to a Lot Line Adjustment Plan. A Lot Line Adjustment Plan is limited to the addition of a parcel of land to an abutting lot with no additional lot is being created.

204.C. Submission Procedure for Revised Final Plan and Lot Line Adjustment Plan - The application shall be submitted to the Township on any business day.

1. Submission Procedure - The application shall be submitted in compliance with Section 203.B. 2 through 4.
2. Application Requirement - The application shall be in compliance with Section 203.B.5.
3. Staff and Consultant Review - The application is reviewed by Township staff and consultants in accordance with Section 203.B.6 and 7. Township staff may refer the application to the Planning Commission for review in accordance with Section 203.B.8.
4. Board of Supervisors Decision - At such time and under such circumstances as the Township staff shall determine that Board of Supervisors consideration is appropriate, the application shall be placed on the next available agenda. The process for a Board of Supervisors decision will be in accordance with Section 203.B.9.

5. Compliance With Conditions of Approval - If the Board of Supervisors conditions its approval upon receipt of additional information, alterations, changes, or notifications, such data shall be submitted and/or alterations noted in compliance with Section 203.B.10.
6. Plan Certification and Recording - The application shall be processed in compliance with Section 203.B.11.

Section 205 Waiver Procedure

205.A. Purpose - A waiver is the remedy by which an applicant may receive a modification or deferment of an Ordinance requirement as it applies to a specific project.

205.B. Standards for Waiver - A waiver may be approved at the sole discretion of the Township provided that such a waiver will not be contrary to Section 512.1.(a) of the MPC.

205.C. Submission Procedure

1. Written Request - The request for a waiver shall be submitted in writing. The request shall include citation(s) to the specific ordinance provision(s) for which the waiver is sought, together with a statement setting forth the purpose and grounds for the request.
2. Planning Commission Review - At the public meeting, the Planning Commission shall consider Township staff and consultant review, the applicant's submission, and other pertinent material and public comment. The Planning Commission may recommend reasonable conditions that may attach to the waiver. The Planning Commission will make a recommendation to the Board of Supervisors.
3. Recommendation to Board of Supervisors - Based upon the recommendation of the Planning Commission, Township staff, and consultants will prepare and submit recommendations for consideration by the Board of Supervisors. Where applicable, the memorandum shall cite provisions of this Ordinance, as well as other pertinent ordinances, specifications, and authority relied upon or the reason therefore. The Board of Supervisors is not bound by the memorandum and may modify the same.
4. Schedule - At such time and under such circumstances as the Township staff and consultants shall determine that Board of Supervisors consideration is appropriate the waiver request may be placed on the next available Board of Supervisors agenda and the applicant so notified.
5. Attendance at Public Meeting - Attendance at the Board of Supervisors public meeting by the applicant or agent is expected. The applicant or agent must be prepared to support the grounds and basis for the waiver request.
6. Deliberation - At the public meeting, the Board of Supervisors shall consider Township staff and consultant reviews, the applicant's submission, and other relevant material and public comment. The Board of Supervisors shall decide the request and may attach reasonable conditions to any grant thereof.
7. Applicant Acceptance of Conditions - If the waiver is approved subject to modification or other conditions, the applicant will be requested at the public meeting to verbally indicate acceptance or rejection of such modification or conditions. Refusal by the applicant to accept modification or conditions of approval constitutes denial of the waiver.

8. Written Notification of Board of Supervisors Decision and Applicant's Acceptance - Township staff shall provide written notice of the Board of Supervisor's decision to the applicant personally or by mail to the last known address. The applicant shall provide the Township with a written approval or rejection of the Board of Supervisors decision. Refusal by the applicant to accept conditions of approval shall constitute denial of the waiver.
9. Sovereign Action By the Board of Supervisors - The Board of Supervisors may consider a waiver independent of the Planning Commission review procedure.

Section 206 Authorization for Start of Work

206.A Unless authorized by the Township, no work shall commence until:

1. All required permits and approvals are received;
2. The developer reimburses the Township for all review fees and any other sums due and owing which relate to the subject property;
3. The improvements agreement is executed;
4. The developer's expense escrow account is established and funded;
5. Approved financial security (if applicable) is provided;
6. Approved insurance is provided;
7. A pre-construction conference is conducted with Township staff; and
8. A notice to proceed is issued in writing by the Township.

Section 207 Construction Observation

207.A. Township Assignment of Representatives - The Township may, during the developer's course of construction, installation, erection, and completion of the required improvements, assign representatives to observe or inspect the performance of the developer's work. Such representatives are not authorized to revoke, alter, amend, enlarge, relax, or release any requirements or conditions of approval; approve or accept any portion of the developer's work; or issue instructions contrary to the requirements of the application or conditions of approval of the application. The presence of such representatives during the performance of the work, and any acceptance or approval by such representatives or the Township shall not relieve the developer of responsibility for work that is later determined by the Township to be defective.

207.B. Authorization for Township Observation - The construction, installation, erection, and completion of required improvements are subject to the observation and approval of the Township according to the improvements agreement, approved application and Township Standard Construction and Material Specifications Documents. The developer shall permit the Township to observe the work, to make reasonable observation(s) and re-observations, and to perform or conduct appropriate tests. In the event that any portion of the work is backfilled or concealed prior to observation and without the consent of the Township, the developer shall, if required by the Township, uncover such work at its sole cost and expense and make the same available for observation and/or testing.

207.C. Township Determination - The Township shall determine in its sole discretion, whether the required improvements comply with this Ordinance, the improvements agreement and the approved application.

Section 208 Offer and Acceptance of Dedication

208.A. Deemed Private Until Accepted

1. Until such time as an offer of dedication has been accepted by the Board of Supervisors, all improvements shall be deemed to be private and for the benefit of the project.
2. Dedication is not complete until it is authorized by the Board of Supervisors.
3. The Township shall have no responsibility for such improvements or property unless and until there occurs an acceptance of an offer of dedication.

208.B. Procedure for Township Engineer's Review of Improvements - Upon Township receipt of written notice from the developer indicating that the improvements are installed and ready for final Township inspection, the Township shall notify the Township Engineer, who shall inspect the work and determine if it is in compliance with the approved application and improvements agreement. Following the inspection, the Township Engineer shall notify the Township and developer of the results and if the Township Engineer determines that the work is complete, the developer may proceed with the dedication process. If the work is not complete, the developer shall take all necessary action to complete the improvements and notify the Township in accordance with this sub-section.

208.C. Requirements for Submission of an Offer of Dedication - No offer of dedication shall be submitted unless and until:

1. All requirements of the approved application and the improvements agreement have been fulfilled;
2. The Township Engineer confirms in writing that the improvements are installed in accordance with the approved application and improvements agreement;
3. The developer provides an as-built plan in compliance with the Standard Construction and Material Specifications Documents and including, where necessary, notes identifying all deviations from the approved plan;
4. The developer reimburses the Township for all review fees, costs, and any other sums due and owing which relate to the application;
5. The developer provides evidence of final acceptance of the improvements by all other applicable agencies;
6. The developer provides an executed maintenance guarantee to the satisfaction of the Township;
7. The developer provides a certification of clear title or other acceptable guarantees for any dedicated property; and
8. The developer provides all necessary instruments of conveyance to the satisfaction of the Township.

208.D. Standards for Conveyance

1. An interest in land or property shall be conveyed free and clear of all liens and encumbrances, for nominal consideration and by instrument approved by the Township solicitor.
2. As a condition of dedication of real property, the developer shall present a petition to the Township offering fee simple title by deed of dedication. With respect to streets, the deed shall include all real property and all improvements constructed therein, as set forth on the approved application, together with a diagram depicting the real property and improvements thereto. The deed of dedication shall be in the form of a special warranty deed and shall contain a metes and bounds description.
3. Unless otherwise authorized by the Township, all improvements shall be offered for dedication at the same time.
4. It shall be a violation of this Ordinance for any person to place or allow to be placed mechanic liens on land or improvements that are to be offered by bill of sale or otherwise conveyed to the Township.

208.E. Acceptance of Dedication – Acceptance of an offer of dedication shall be by resolution of the Board of Supervisors.

Article 3

Information To Be Shown On or Submitted With Subdivision and Land Development Plans

Section 301 Sketch Plan Drafting Standards

301.A. Purpose - The submission of a Sketch Plan Application does not constitute submission of a plan for the purpose of determining approval, and is not subject to Section 508 of the MPC. No legal rights are attached to the Sketch Plan. The Sketch Plan affords the applicant an opportunity to receive recommendations and guidance from Township staff, consultants, and the Planning Commission, while the project is at an early stage. The type and quality of information provided with the sketch plan has a direct nexus to the level of assistance that is provided by the Township. The Sketch Plan should be prepared accordance with the guidelines set forth in this section.

301.B. Drafting - The plan should be prepared according to the following:

1. Clearly and legibly drawn at a typical civil engineering scale and in no case may be drawn to a scale less than one hundred feet (100') to the inch.
2. Sheet size should be twenty-four inches by thirty-six inches (24" x 36"), or thirty inches by forty-two inches (30" x 42"). If the plan is prepared in two (2) or more sections, a key map showing the location of the sections should be placed on each sheet. If more than one (1) sheet is necessary, each sheet should be numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 2).
3. Plans should be legible in every detail to the satisfaction of the Township.
4. Profile sheets should include the corresponding horizontal alignment; utilities and storm water facilities should be located in a given area on the same sheet to show their interrelationship.

301.C. Project Identification and Location Data - Where appropriate, the plan should include the following:

1. Proposed project name or identifying title;
2. Name of the municipality in which the project is located and if in the vicinity of a municipal boundary line, identify the location of the boundary line;
3. Location map, drawn to a scale that clearly identifies the relationship of the property to at least two (2) intersections of existing street centerlines;
4. Name (if a corporation, partnership, etc. provide the full legal name, type of entity, State of registration/incorporation and address (if a Post Office Box also provide a physical address of the following:
 - a. Owner;
 - b. Applicant;
 - c. Authorized agent for the owner and applicant, if any; and

- d. Firm that prepared the plans.
5. Source of title to the land, as shown in the office of the Cumberland County Recorder of Deeds and if the property is subject to an equitable ownership, the name, address, and equity agreement should be identified.
6. Names of all landowners, and names/plan book record numbers of the last recorded plans for property located within two hundred feet (200') of the subject property;
7. Street address and Parcel Identification Number (PIN) assigned to the property by the Cumberland County Tax Assessment Office.
8. Plan date and the date(s) of all plan revisions.
9. North arrow, a graphic scale, and a written scale.
10. Total acreage and configuration of the entire existing property.
11. Zoning Ordinance Zone designation for the subject property and surrounding property;
12. Relevant Zone requirements for the subject property;
13. Date of decision, relief granted, and conditions imposed for any existing waivers, variances, special exceptions, conditional uses, existing nonconforming structures/uses, and previous conditions of plan and other regulatory approvals that are applicable to the plan and property;
14. Proposed land use, total proposed number of lots, number of units of occupancy, density, minimum lot size, lot coverage, building coverage, type of sanitary sewage disposal, type of water supply, and if applicable, name of authority providing sanitary sewage disposal and/or 15.
15. Building setback lines, with distances from the property and street right-of-way;
16. Buildings and other improvements to be demolished, and the construction sequence thereof;
17. Approximate lot line dimensions and lot areas for proposed lots;
18. Lots numbers for proposed lots in consecutive order;
19. Lands to be dedicated or reserved for public or private use; and
20. Vertical aerial photograph enlarged to a scale not less detailed than one inch equals four hundred feet (1"=400'), with the tract boundaries clearly marked.

301.D. Existing Features - The following existing features should be identified on the plan, when located on the subject property or within two hundred feet (200') thereof:

1. Topography - Existing contours, at a minimum vertical interval of two feet (2') for land with average natural slope of ten percent (10%) or less, and at a minimum vertical interval of five feet (5') for more steeply sloping land. Contours should be accompanied by the location of the benchmark within or immediately abutting to the subject property and a notation indicating the datum used. Contours plotted from the Cumberland County Geographic Information System mapping may only be used for plans which require no new streets, drainage swales, or other public improvements. Ridgelines and watershed boundaries should be identified.
2. Existing Land Use - All existing land uses on the subject property and adjoining properties, including across the street.

3. Natural and Cultural Features - As applicable, the information required by the Natural and Cultural Features Site Plan and Report prepared according to Article 5 of the Zoning Ordinance.
4. Man-Made Features - All existing man-made features, including, but not limited to, streets, access drives, driveways, alleys, farm roads, abandoned/paper roads, street signs/traffic controls, parking/loading facilities, pedestrian-ways, buildings, foundations, walls, wells, drainage fields, utilities, fire hydrants, masonry walls, bus stops, street furniture, lighting fixtures, refuse collection stations, quarries, above and below ground utilities, storm water management facilities, domestic water supply, and sanitary sewers.
5. Open Space/Recreation - Location of areas that have been in public use, including, but not limited to, pedestrian, equestrian and bicycle trails.
6. Encumbrances - All easements and any other restrictions or encumbrances which are or have been filed on record with the Cumberland County Recorder of Deeds for facilities such as, but not limited to, storm water, sanitary sewer, water supply, electric, solar farms, wind energy farms, telecommunication or telephone transmission line, gas pipeline, or petroleum products transmission line.

301.E. Proposed Features - The proposed features should be identified including, but not limited to:

1. Access drives, driveways, and alleys;
2. Buildings and conceptual building locations;
3. Utilities including but not limited to sanitary sewer, water and stormwater;
4. Landscaping;
5. Lighting;
6. Off-street loading;
7. Parking facilities;
8. Refuse collection stations;
9. Sidewalks and pedestrian paths;
10. Streets;
11. Rights-of-way and easements for all purposes;
12. Recreational facilities and open space features;
13. Streams, ponds, riparian buffers, wetlands and wetland buffers and other watercourses.
14. Proposed names for new streets, pavement markings, and traffic control devices; and
15. Location of each land use, if several types of uses are proposed.

Section 302 Preliminary/Final Plan Drafting Standards

302.A. General - The Preliminary/Final Plan Application shall be prepared by an engineer, land surveyor, landscape architect and/or other individuals registered in the Commonwealth of Pennsylvania to perform such duties. Metes and bounds descriptions shall be prepared by a land surveyor. The Preliminary/Final Plan shall show, be accompanied by and be prepared in accordance with the standards set forth in this Section.

302.B. Drafting - The plan shall be prepared according to the following:

1. Clearly and legibly drawn at a typical civil engineering scale and in no case may be drawn to a scale less than one hundred feet (100') to the inch.
2. Sheet size shall be twenty-four inches by thirty-six inches (24"x36"), or thirty inches by forty-two inches (30"x42"). If the plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 2). All sheets shall be folded to the size of eight and one-half inches by eleven inches (8½"x11").
3. Plan sheets shall be titled by the type of information being provided (e.g., existing conditions & demolition plan, overall site plan with easements and dedicated right-of-way, grading & drainage plan, utility plan, profile plan, soil erosion & sedimentation control/post construction stormwater management plan, details, and supplemental sheets).
4. Profile plans shall maintain a ration of 1:10 vertical to horizontal. Profile plans shall indentify the vertical and horizontal alignment for each proposed street, stormwater management facility, sanitary sewer facility, and water distribution facility, and shall include:
 - a. Vertical and horizontal alignment on the same sheet;
 - b. Utility structure identification numbers;
 - c. Vertical street alignment;
 - d. Existing (natural) and proposed grades along the street centerline;
 - e. Proposed street grades at the curb line within street intersections and within the turnaround of cul-de-sacs; and
 - f. Such other information as required by the Township.

302.C. Project Identification and Location Data - Where appropriate, the plan shall identify the following data:

1. Proposed project name or identifying title;
2. Municipality in which the project is to be located. The location of the boundary shall be shown if the property is located in the vicinity of a municipal boundary line;
3. Location map, drawn to a scale that clearly identifies the relationship of the property to at least two (2) intersections of existing road centerlines;
4. Name and address of the following. If the name is not a person (e.g., corporation, partnership), the information shall include the full legal name, type of entity, state of registration/incorporation,

and address of the principal office. Post office box address shall also include the physical street address;

- a. Owner
 - b. Applicant
 - c. Authorized agent for the owner and applicant, if any
 - d. Firm that prepared the plans
5. Source of title to the subject property (including agreements that establish equitable ownership), as shown in the office of the Cumberland County Recorder of Deeds;
 6. Existing easements or rights-of-way, including a plan note identifying the purpose, property rights and obligations area;
 7. Names of all landowners, and the names and plan book record numbers of the last recorded plans for property located within two hundred feet (200') of the subject property;
 8. Parcel Identification Number (PIN) assigned to the property by the Cumberland County Tax Assessment Office;
 9. Plan date and the date(s) of all plan revisions;
 10. North arrow, graphic scale, and written scale;
 11. Total existing subject property configuration with the acreage; and
 12. Name of Zoning Ordinance Zone designation for the subject property and surrounding land. In table format, the required and provided lot size and/or density, lot coverage, building coverage, and yard requirements of the Township Zoning Ordinance.

302.D. Existing Features - The plan shall identify the following features when located on or within two hundred feet (200') of the subject property. The Township may require the applicant to provide this information beyond the prescribed area when the item affects the property.

1. Property Boundaries - Lot lines, street right-of-way and easement lines with distance and bearings. The description shall not have an error of closure greater than one foot (1') in ten thousand feet (10,000'). If the landowner retains a single lot with a lot area in excess of ten (10) acres, the boundary of that lot may be identified as a deed-plotting and may be drawn at any legible scale.
2. Topography - Existing contours, at a minimum vertical interval of two feet (2') for land with average natural slope of ten percent (10%) or less, and at a minimum vertical interval of five feet (5') for more steeply sloping land. Contours shall be accompanied by the location of the benchmark within or immediately abutting to the subject property and a notation indicating the datum used. Ridgelines and watershed boundaries shall be identified.
3. Natural and Cultural Features - As applicable, the information required by the Natural and Cultural Features Site Plan and Report prepared according to Article 5 of the Zoning Ordinance.
4. Man-Made Features – Existing man-made features, including but not limited to:

- a. Streets including pavement limits, pavement markings, traffic control devices, names, and bus stops;
 - b. Access drives including pavement limits, pavement markings, traffic control devices, and names;
 - c. Alleys including pavement limits, pavement markings, and traffic control devices;
 - d. Driveways;
 - e. Sidewalks and pedestrian-ways;
 - f. Buildings;
 - g. Off-street parking areas including pavement limits, pavement markings, and traffic control devices;
 - h. Off-street loading area improvement including pavement limits, pavement markings and traffic control devices;
 - i. Stormwater management improvements and easements for stormwater conveyance and storage facilities including size, elevations, types of material and manhole locations and service connections;
 - j. Water and sanitary sewer systems including manhole locations and invert elevations, size, types of materials pipe locations, grade and size, valves, service connections, and fire hydrants;
 - k. Other utility and communication transmission line;
 - l. Outdoor lighting fixtures;
 - n. Surface waters (e.g. swimming pools, ponds and other watercourses);
 - o. Survey monuments and markers; and
 - p. Other features deemed necessary by the Township:
 - q. With respect to all of the above, all necessary dimensions and specifications.
5. Open Space/Recreation - Area(s) and improvements that are in public use, including, but not limited to, parks, athletic fields, pedestrian, equestrian and bicycle trails.
 6. Encumbrances - All easements and any other restrictions or encumbrances which are or have been filed on record with the Cumberland County Recorder of Deeds for facilities such as, but not limited to, storm water, sanitary sewer, water supply, electric, solar farms, wind energy farms, telecommunication or telephone transmission line, gas pipeline, or petroleum products transmission line.
 7. Other - Such other information as required by the Township.

302.E. Proposed Features – The plan shall identify the location and construction specifications for all proposed features and alteration of features that are included with the application. Proposed features including the following:

1. Lot lines, street centerline, street right-of-way and easement lines with dimensions in feet and decimals; bearings shall be in degrees, minutes and seconds. Descriptions shall read in a

clockwise direction. The description shall not have an error of closure greater than one foot (1') in ten thousand feet (10,000'). If the landowner retains a single lot with a lot area in excess of ten (10) acres, the boundary of that lot, if permitted by the Township, may be identified as a deed-plotting and may be drawn at a legible scale.

2. Street improvements and rights-of-way including pavement limits, pavement markings, traffic control devices, name and bus stops;
3. Typical cross-section of the entire street right-of-way for each proposed street and existing street that are proposed for modification. A cross-section for improvement to an existing street shall be provided for each fifty foot (50') station location, unless otherwise specified by the Township;
4. Access drive improvement including pavement limits, pavement markings, traffic control devices, name, and conceptual design of future access drive improvements and a conceptual design of future access drives for subdivision plans when required by the Township required;
5. Alley improvement and right-of-way including pavement limits, pavement markings, and traffic control devices;
6. Driveway improvement and conceptual design of future driveway improvement when required by the Township for subdivision plans;
7. Sidewalk and pedestrian-way improvement and right-of-way;
8. Building setback lines, isolation distances and other restriction lines with dimensions;
9. Buildings and other improvements to be demolished with construction sequence for demolition;
10. Buildings and conceptual locations of future buildings when required for subdivision plans;
11. Off-street parking areas including pavement limits, pavement markings, and traffic control devices;
12. Off-street loading areas including pavement limits, pavement markings, and traffic control devices;
13. Grading and first floor elevation of all buildings;
14. Stormwater management improvements and easements for stormwater conveyance and management facilities including size and types of materials, manhole and pipe locations, etc.;
15. Public and on-lot water and sanitary sewer systems including manhole locations and inverts, size and type of material, pipe locations, grade and size, valves, service connections, fire hydrants, wells, on-lot sewage disposal systems sites, rights-of way, easements and all other details required by the Township and Authority specifications, rules and regulations;
16. Other utility and communication transmission lines and rights-of-way;
17. Landscaping and detailed specifications;
18. Outdoor lighting plan identifying outdoor lighting fixtures and illumination levels;
19. Surface waters (e.g. swimming pools, streams, ponds, riparian buffers, wetlands and wetland buffers and other watercourses);
20. Location and area of lands to be dedicated or reserved for public or private use;

21. Open space areas and recreation areas and with respect to both, the required improvements to be construction thereon;
22. Survey monuments and markers including a note that all monuments and lot line markers are set or indicating when they will be set;
23. Rights-of-way and easements for areas that are proposed for restrictions and encumbrances including a plan note identifying the purpose, property rights and obligations area; and
24. Areas and facilities intended for dedication or sale to the Township or other public entity (ex., streets, utilities and other public property).
25. Such other information as required by the Township.

302.F. Plan Notes – The plans shall include the following notes and any other information deemed necessary by the Township.

1. Plan notes as specified in the Standard Plan Notes (available at the Township) and other information including but not limited to:
 - a. Access to State highway;
 - b. Planning Commission signature block;
 - c. Board of Supervisors signature block;
 - d. Certificate of ownership, acknowledgement of plan and offer of dedication;
 - e. Engineer's/surveyor's certification;
 - f. County Planning Commission signature block;
 - g. Plan sheet index;
 - h. Zoning data;
 - i. Site data;
 - j. Wetland note;
 - k. State Highway Occupancy Permit notice;
 - l. Stormwater management notes and
 - m. General plan notes.
2. A listing of all required outside agency permits and approvals.
3. Rights and responsibilities for proposed easements and rights-of-way that are not offered for dedication to the Township or other government agency.
4. Description of existing waivers, variances, special exceptions, conditional uses, nonconforming structures/uses, and other regulatory permits and approvals applicable to the property, including date of decision, relief granted, and conditions imposed.

5. Proposed relief that is necessary for the subject plan (e.g., waiver, variance, special exception, conditional use).
6. Developer's representation that to the best of its knowledge:
 - a. The project complies with and is not in violation of any applicable statutes, rules, regulations, ordinances, or orders of any governmental entity relating to hazardous wastes or substances with regard to the ownership or operation of the property;
 - b. The project has not received any request for information, notice of claim, demand or notification that it is or may be potentially responsible concerning any investigation or cleanup of any threatened or actual release of any hazardous wastes or substances at, on, about or under the property; and
 - c. The Township has not become an owner or operator with respect to the property within the meaning of the Comprehensive Environmental Response Compensation and Liability Act of 1980, by virtue of holding any easement or right-of-way shown on this plan

302.G. Plans, Reports and Studies

1. Future Concept Plan - When, in the opinion of the Township, the Application significantly impacts the undeveloped portion of the property which is the subject of the application a Future Concept Plan drawn to the standards of a Sketch Plan, identifying a future development scheme, shall be provided.
2. Phase 1 Environmental Site Assessment - When property rights are to be conveyed to the Township or otherwise required by the Township, the applications shall include a Phase 1 environmental site assessment which shall be in conformance with the scope and limitations of the American Society for Testing and Materials (ASTM) Standard Practice for Environmental Site Assessment Process (ASTM E-1 527-05) as subsequently amended, and United States Environmental Protection Agency (U.S. EPA) Title 40 Code of Federal Regulations Part 312, Standard Practices for All Appropriate Inquiries (40 CFR Part 312).
3. Storm Water Management Report - Projects that include regulated activities as defined in the Dickinson Township Stormwater Management Ordinance shall include the storm water management plans and reports required by said Ordinance.
4. American Association of State Highway and Transportation Officials (AASHTO) Turning Template Plan – Except for a single family residential subdivision plan, the Applicant shall provide AASHTO turning templates which demonstrates that streets, alleys, and access drives can safely accommodate the anticipated design maneuver. AASHTO turning templates for the design vehicle shall be used to demonstrate the adequacy of the design. Design vehicles shall not encroach into other lanes or impede the safe flow of traffic. Standard Design Vehicles are as follows:
 - a. Residential Access: AASHTO Type "P" vehicle.
 - b. Multi-Family Residential Access: AASHTO Type "SU" vehicle.
 - c. Commercial Access: AASHTO Type "SU" vehicle, unless proposed facility warrants use of a larger design vehicle. Facilities serviced by larger vehicles shall be designed for the AASHTO Type "WB-62" with a regular cab tractor, unless the Applicant verifies that an alternate design vehicle is applicable.
5. Traffic Impact Study

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- a. General - Traffic Impact Study shall be submitted for every plan which involves one or more of the following:
 - (i) Generation of greater than two hundred fifty (250) new, daily average, and weekday average vehicle trips (total of inbound and outbound),
 - (ii) Generation of fifty (50) or more new AM or PM peak hour trips during the peak hour of the adjacent streets,
 - (iii) In the opinion of the Board of Supervisors, there are traffic situations in the local area such as but not limited to high accident location, confusing intersection, congested intersection,
 - (iv) In the opinion of the Board of Supervisors, there is questionable capability on the existing road system to handle increased traffic, or
 - (v) The Zoning Ordinance requires a Traffic Impact Study.
 - b. The Traffic Impact Study shall be prepared in accordance with PennDOT Publications 201 and 282; Institute of Transportation Engineers' (ITE) Recommended Practice "Traffic Access and Impact Studies for Site Development"; and shall conform to the following.
 - c. Area and Scope of Traffic Impact Study - The Traffic Impact Study area and scope shall be based on the characteristics of the surrounding area and the impact of the plan on the area. The intersections to be included in the Study shall be adjacent to the site or have direct impact upon the access to the site. The intersections shall be mutually agreed upon by the Board of Supervisors, with the advice of the Township Engineer and the traffic engineer preparing the Study. The Board of Supervisors shall resolve any disputes between the Township Engineer and the traffic engineer.
 - d. Preparation by Transportation Engineer Required - The Traffic Impact Study shall be prepared by a Professional Engineer registered in PA.
 - e. Horizon Year - The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full buildout and occupancy. The buildout year shall be referred to as the horizon year in the remainder of this Ordinance, and shall be a minimum of ten (10) years.
 - f. Traffic Data, Projections and Analysis Periods
 - i. Traffic data used in the Study shall not be more than one (1) year old.
 - ii. Estimates of non-site traffic shall be made, and will consist of traffic generated by all other developments within the study area for which preliminary and/or final plans have been approved and traffic from background traffic growth in and around the study area. Non-site traffic may be estimated using the "build-up" technique, or, by way of area transportation plan data or modeled volumes. Background growth compounded annually shall be established using the greater trends or growth rates from PennDOT and the County Planning Commission.
 - iii. Analyses shall be conducted for the AM and PM peak hour periods. If the study area includes an intersection on an arterial roadway, or if the proposed development includes retail related uses, then the Saturday peak hour period shall be analyzed. Where the peak hour of the generator does not coincide with the peak hour of the adjacent street, then the peak hour of the generator shall also be analyzed.

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- g. Trip Generation Rates Required –
- i. The Traffic Impact Study shall include a table showing the categories and quantities of land uses, with the corresponding trip generation rates or equations (with justification for selection of one or the other), and resulting number of trips. The trip generation rates used must be either from the latest edition of *Trip Generation* by ITE, or from a local study of corresponding land uses and quantities. All sources must be referenced in the Study. The anticipated types and volumes of truck traffic using the site shall be identified.
 - ii. The methodology for determining trip generations shall be mutually agreed upon by the Board of Supervisors, with the advice of the Township Engineer and the traffic engineer preparing the Study. The Board of Supervisors shall resolve any disputes between the Township Engineer and the traffic engineer.
- h. Consideration of Pass-By or Shared Trips - If pass-by trips or shared trips are a major consideration for the land use in question, studies and interviews at similar land uses must be conducted or referenced.
- i. Rate Sums - Any significant difference between the sums of single-use rates and proposed mixed-use estimates must be justified in the Study.
- j. Explanations Required - The reasoning and data used in developing a trip generation rate for special/unusual generators must be justified and explained in the Study.
- k. Definition of Influence Area
- i. Prior to trip distribution of site-generated trips, an influence area must be defined which contains eighty percent (80%) or more of the trip ends that will be attracted to the development. A market study can be used to establish the limits of an influence area, if available. If no market study is available, an influence area should be estimated based on a reasonable documented estimate. The influence area can also be based on a reasonable maximum convenient travel time to the site, or delineating area boundaries based on locations of competing developments.
 - ii. Other methods, such as using trip data from an existing development with similar characteristics, or using an existing origin-destination survey of trips within the area, can be used in place of the influence area to delineate the boundaries of the impact.
- l. Estimates of Trip Distribution Required
- i. Trip distribution can be estimated using (1) analogy, (2) trip distribution model, or (3) surrogate data.
 - ii. The methodology for determining trip distribution shall be mutually agreed upon by the Board of Supervisors, with the advice of the Township Engineer and the traffic engineer preparing the Study. The Board of Supervisors shall resolve any disputes between the Township Engineer and the traffic engineer.
 - iii. Whichever method is used, trip distribution must be estimated and analyzed for the horizon year. A multi-use development may require more than one distribution and coinciding assignment for each phase (e.g., residential and retail phases on the same site). Consideration must also be given to whether inbound and outbound trips will have similar distributions.

- m. Trip Assignments
 - i. Assignments must be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected (and perceived) minimum travel times. In addition, multiple paths should often be assigned between origins and destinations to achieve realistic estimates, rather than assigning all of the trips to the route with the shortest travel time. The assignments must be carried through the external site access points and, in large projects (those producing five hundred [500] or more additional peak direction trips to or from the site during the development's peak hour), through the internal roadways. When the site has more than one access driveway, logical routing and possibly multiple paths should be used to obtain realistic driveway volumes. The assignment should reflect conditions at the time of the analysis. Assignments can be accomplished either manually or with applicable computer models.
 - ii. The methodology for determining trip assignments shall be mutually agreed upon by the Board of Supervisors, with the advice of the Township Engineer and the traffic engineer preparing the Study. The Board of Supervisors shall resolve any disputes between the Township Engineer and the traffic engineer.
 - iii. If a thorough analysis is required to account for pass-by trips, such analysis shall determine the percentage of pass-by trips in the total trips generated using *methodology*; estimate a trip distribution for the pass-by trips ;perform two separate trip assignments, based on the new and pass-by trip distributions; and combine the pass-by and new trip assignment.
 - iv. Upon completion of the initial site traffic assignment, the results should be reviewed to see if the volumes appear logical, given characteristics of the road system and trip distribution. Adjustments should be made if the initial results do not appear to be logical or reasonable.
- n. Total Traffic Impacts - Traffic estimates for any site with current traffic activity must reflect not only new traffic associated with the site's redevelopment, but also the trips subtracted from the traffic stream because of the removal of a land use. The Traffic Impact Study should clearly depict the total traffic estimate and its components.
- o. Analysis
 - i. Traffic analyses shall be completed for the existing conditions and opening day buildout year and horizon year, both without and with development. Analyses may consider proposed roadway improvements only if said improvements have funding committed by the sponsoring agency.
 - ii. Capacity analysis must be performed at each of the major street and project site access intersection locations (signalized and unsignalized) within the Study area. In addition, analyses must be completed for roadway segments, deemed sensitive to site traffic within the Study area. These may include such segments as weaving sections, ramps, internal site roadways, parking facility access points, and reservoirs for vehicles queuing off-site and on-site. Other locations may be deemed appropriate depending on the situation.
 - iii. The recommended level of service analysis procedures detailed in the most recent edition of the *Highway Capacity Manual* must be followed. The operational analyses in the *Highway Capacity Manual* should be used for analyzing existing conditions, traffic impacts, access requirements, or other future conditions for which traffic, geometric and control parameters can be established.

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- iv. Where a Level of Service (LOS) “F” results, the associated delay shall be noted in the study. Existing peak hour factors and site specific truck and roadway grade percentages shall be utilized.
 - v. Traffic Signal Warrant analyses evaluating all warrant criteria shall be completed for each unsignalized intersection which is shown to have an approach operating at an LOS “E” or “F.”
 - vi. Where traffic signals exist or are proposed, analyses of the need for signalized left-turn phases shall be completed in accordance with PENNDOT Publication 149.
 - vii. Queue length analyses shall be completed for each lane group. The need for acceleration and deceleration lanes shall be presented in the study. The need for right- and left-turn lanes shall also be evaluated. For both signalized and unsignalized intersections, PENNDOT Publication 46 shall be used as the basis for determining the need and required lengths for said lanes.
 - viii. Accident data for the most recent three-year period shall be presented and analyzed for trends, type of accidents and causation factors.
- p. Required Levels of Service - The Traffic Impact Study shall identify the improvements necessary to meet the goals of the Study. The applicant shall be responsible for the improvements required to meet PennDOT and/or Township requirements as may be modified by the Township to:
- i. Provide safe and efficient movement of traffic within the site and on surrounding roads.
 - ii. Minimize the impact of the project upon non-site trips.
- q. Documentation Required - A Traffic Impact Study shall be prepared to document the purpose, procedures, findings, conclusions, and recommendations of the Study. The Township may, by waiver, allow an abbreviated Traffic Impact Study when sufficient data is available to identify levels of service and required improvements, provided the applicant contributes a fair share of the improvement cost.
- i. The documentation for a Traffic Impact Study shall include, at a minimum:
 - [a] Statement of purpose and objectives.
 - [b] Description of the site and study area. This site description shall include the size and location of existing and proposed land uses, current zoning, project phasing and opening/buildout year. Provide a description of the internal transportation system, including proposed vehicular, pedestrian and bicycle circulation, recommendations for traffic control and traffic calming devices and parking conditions. Provide a description of the external transportation system to include functional classification, ADT, right-of-way, cartway and shoulder widths, posted speed limits, and intersection controls and channelization.
 - [c] Existing conditions in the area of the development.
 - [d] Recorded or approved nearby development.

- [e] Trip generation, trip distribution, and modal split.
 - [f] Projected future traffic volumes.
 - [g] An assessment of the change in roadway operating conditions resulting from the development traffic.
 - [h] Recommendations for site access and transportation improvements needed to maintain traffic flow to, from, within, and past the site at an acceptable and safe level of service.
 - [i] An estimate of pedestrian trips generated by the proposed development, and a distribution of those trips. Also include a description in the study of pedestrian facilities in and near the proposed development.
- ii. The analysis shall be presented in a straightforward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations.
 - iii. The recommendations shall specify the time period within which the improvements should be made (particularly if the improvements are associated with various phases of the development construction), and any monitoring of operating conditions and improvements that may be required.
 - iv.) Data shall be presented in tables, graphs, maps, and diagrams wherever possible for clarity and ease of review.
 - v. To facilitate examination by the Township Planning Commission and Board of Supervisors, an executive summary of one or two pages shall be provided, concisely summarizing the purpose, conclusions and recommendations.
 - vi. The study documentation outlined above provides a framework for site traffic access/impact studies. Some studies will be easily documented using this outline. However, the specific issues to be addressed, local study requirements and the Study results may warrant additional sections.
6. Park and Recreation Study - A Park and Recreation Study is required for developments that generate the demand for greater than two (2) acres of park and open space under Section 524 of this Ordinance, whether or not there is an offer of dedication. The Park and Recreation Study shall be prepared by a Certified Park and Recreation Practitioner (CPRP) with the following minimum considerations:
- a. Description of the total projected number of residents in their respective age groups.
 - b. Description of those existing public recreation facilities located within a one-half mile radius of the site.
 - c. Description of the adequacy of existing recreation facilities to serve the proposed residents, taking into consideration current usage.
 - d. Analysis of potential for any recreation facilities to be provided by the applicant to accommodate new residents and/or compensate for any anticipated deficiencies of the Township's recreational facilities.
 - e. Description of any recreation facilities to be provided by the applicant.

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- f. Analysis on the relationship of the proposal to the programs of the Township Park and Recreation Commission.
 - g. Description of responsibility for maintenance of any recreational facilities to be provided by the applicant.
 - h. Description of accessibility of the proposed facilities to general Township residents.
 - i. Description of any contributions in accordance with Section 524 of this Ordinance (Park and Recreation Lands) that the applicant plans to make for Township recreation to compensate for expected impacts.
 - j. Source of standards used in the data presented.
7. Natural and Cultural Features - As applicable, the information required by the Natural and Cultural Features Site Plan and Report prepared according to Article 5 of the Zoning Ordinance.
 8. Fiscal Impact Report
 - a. When, in the opinion of the Township, the development may generate a significant impact to the current fiscal characteristic of the Township and/or School District, a fiscal impact report shall be submitted. The purpose of the report is to identify the service needs associated with the development.
 - b. Services for Analysis - The report shall estimate the service needs of the proposed development in the delivery of the following services, including personnel, vehicles, equipment, facilities, and housing for:
 - i. Education;
 - ii. Public Works (e.g., roads, sanitary sewer, water supply, drainage systems);
 - iii. Fire and Emergency Medical Services;
 9. Water Resources Impact Report
 - a. A Water Resources Impact Report is required for applications involving ten thousand (10,000) gallons per day or greater. The purpose of the study is to determine if there is an adequate water supply to serve the proposed use, and to estimate the impact of the additional water use on existing nearby wells, underlying aquifers, and surface water bodies. Applications are required to provide adequate water supply.
 - a. The Report shall be prepared by a qualified hydrogeologist or qualified professional engineer registered in the Commonwealth of Pennsylvania. The analysis shall include the following:
 - i. Calculations of the projected water needs using the criteria set forth in Public Water Supply Manual, Bureau of Water Quality Management, Publication Number 15, PA DEP, Harrisburg, PA and Guide for Determination of Required Fire Flow, by the Insurance Services Office (ISO) as modified;
 - ii. Geological map of the area within a one (1) mile radius of the property;
 - iii. Location of all closed depressions, faults, lineaments, fracture traces, ghost lakes, sinkholes, caverns, underground shafts, etc., within one-quarter (¼) mile of the property;

- iv. Location of all existing and proposed wells within one-quarter ($\frac{1}{4}$) mile of the site and of all large withdrawal wells ten thousand (10,000) gallons per day or greater within one (1) mile of the property;
 - v. Location of all existing and proposed on-lot septic systems within one-quarter ($\frac{1}{4}$) mile of the property;
 - vi. Location of all streams, perennial and intermittent, and all known point and non-point sources of pollution within one-quarter ($\frac{1}{4}$) mile of the site;
 - vii. Description of the aquifer characteristics underlying the site and their long-term drought recharge capability based on site-specific investigation. Analysis is not required to perform pumping tests and may base the discussion of long-term drought recharge capability on accepted published data;
 - viii. Based on the drought recharge capability and the calculated daily groundwater withdrawals of the project, a hydrologic budget shall be estimated for the property itself and for the area within a one-quarter ($\frac{1}{4}$) mile radius of the site;
 - ix. A determination, aided by the results of the hydrologic budget, of whether the potential exists for adverse effects on the hydrologic environment by the proposed subdivision or land development; and
 - x. A statement of qualifications of the person(s) preparing the study.
- b. In addition to the above, developments proposing to construct a public water supply and distribution system shall follow regulations outlined in the Pennsylvania Department of Environmental Protection (DEP) Public Water Supply Manual, Part II Community Design Standards, latest edition, along with the American Water Works Association (AWWA) Standard for Water Wells, ANSI/AWWA A 100, latest edition, as referenced in the DEP Manual.

All aspects of the construction, testing and sampling of a new water supply shall be as directed by a hydrogeologist acceptable to the Township. A DEP-certified laboratory shall collect and analyze samples for all parameters required by DEP for new-sources. To supplement requirements of DEP and AWWA:

- i. During the test, a representative number of existing wells within a $\frac{1}{2}$ -mile radius of the proposed well shall be monitored for changes from the static water level. If existing wells are not available, a sufficient number of monitor wells shall be constructed at locations directed by DEP or the Township's hydrogeological consultant. If monitor wells are drilled, the applicant shall provide to the Township perpetual easements allowing the Township access for continuing monitoring of water levels; and
 - ii. Discharge during testing shall be directed away from the site by a method and to a point acceptable to the Township. Flooding on adjacent properties shall be avoided, and adequate erosion and sedimentation controls shall be implemented.
- c. A comprehensive report shall be issued to the Township for review by its hydrogeological consultant and DEP. The report shall include all data required to obtain a Public Water Supply Permit from DEP, including:
- i. A topographic plan showing locations of the proposed well(s) and monitor wells;
 - ii. All drilling, testing and sampling data;

- iii. Analysis and interpretation of the data related to the impact on the groundwater supply and existing wells;
- iv. Conclusions drawn from the analysis related to the appropriateness of the site for the proposed well; and
- v. Credentials of the professional preparing the report.

Submission to the Township shall include any and all applications, Reports, or supplemental information submitted to PA DEP.

An applicant that is required to drill monitoring wells as part of the Report shall provide to the Township a perpetual easement allowing the Township access to the monitoring wells for the purpose of ongoing monitoring of water levels in the Township.

10. Additional Studies and Reports - The Township may require the applicant to prepare studies, data and reports that address the proposal's coordination with the existing facilities necessary to service the development and Township according to the standards of this Ordinance, or to the level of service that existed prior to the development.

302.H. Other Information - Prior to application approval, and where applicable, the application shall include the following information.

1. Current deed for the subject property.
2. Controlling agreements for easements and rights-of-way that are not offered for dedication to public use.
3. Controlling agreements from adjacent property owners where the natural drainage discharge is altered.
4. When sewage disposal service is individual on-lot sewage disposal systems, a report as to the feasibility of on-lot sewage disposal systems.
5. When sewage and/or water service is to be provided by a public system, notice from the agency, authority, or utility which states that it can adequately serve the development; and
6. Proposed deed restrictions, easements, protective covenants, restrictive covenants, and homeowners association documents that are referenced on the plan.

302.I. Prerequisite to Recording – The following requirements must be satisfied prior to recording:

1. Notice from PA DEP that a Sewer Facilities Plan Revision or Exemption has been approved.
2. Notice of approval of Cumberland County Conservation District.
3. Notice of all required permits, security, and approvals for the plan from State and Federal agencies with jurisdiction.
4. When sewage and/or water service is to be provided by public system, notice from the agency, authority, or utility which states that it can adequately serve the subdivision shall be provided.
5. Deed of dedication to the Township for all areas that are fully improved and offered for dedication to the Township.

6. Bill of sale for all improvements offered for dedication to the Township.
7. Subdivision and Land Development Improvement Agreement.
8. Controlling agreements for easements and rights-of-way that are not offered for dedication to public use.
9. Controlling agreements from adjacent property owners where the natural drainage discharge is altered.

Section 303 Preliminary Plan Drafting Standards

- 303.A. General** - The Preliminary Plan shall be prepared by an engineer, land surveyor, landscape architect and/or other individuals registered in the Commonwealth of Pennsylvania to perform such duties. Land surveyors shall prepare metes and bounds descriptions. The plan shall show, be accompanied by, or be prepared in accordance with, the following:
- 303.B. Drafting** - The same standards as required for a preliminary/final plan in Section 302.B.
- 303.C. Project Identification and Location Data** - The same standards as required for a preliminary/final plan in Section 302.C.
- 303.D. Existing Features** - The same standards as required for a preliminary/final plan in Section 302.D.
- 303.E. Proposed Features** - The same standards as required for a preliminary/final plan in Section 302.E.
- 304.F. Plan Notes** - The same standards as required for a Preliminary/Final Plan in Section 302.F.
- 303.G. Plans, Reports, and Studies** - The same standards as required for a preliminary/final plan in Section 302.G.
- 303.H. Other Information** – The following data:
1. Current deed for the subject property;
 2. When sewage disposal service is individual on-lot sewage disposal systems, a report as to the feasibility of on-lot sewage disposal systems; and
 3. Proposed deed restrictions, easements, protective covenants, and restrictive covenants that are referenced on the plan.

Section 304 Final Plan

- 304.A. General** - The Final Plan Application shall be prepared by an engineer, land surveyor, landscape architect and/or other individual registered in the Commonwealth of Pennsylvania to perform such duties. Land surveyors shall prepare metes and bounds descriptions. The Final Plan shall show, be accompanied by, or be prepared in accordance with the standards set forth in this Section.
- 304.B. Drafting** - The same standards as required for a preliminary/final plan in Section 302.B.
- 304.C. Project Identification and Location Data** - The same standards as required for a preliminary/final plan in Section 302.C.

- 304.D. Existing Features** - The same standards as required for a preliminary/final plan in Section 302.D.
- 304.E. Proposed Features** - The same standards as required for a preliminary/final plan in Section 302.E.
- 304.F. Plan Notes** - The same standards as required for a Preliminary/Final Plan in Section 302.F.
- 303.G. Plans, Reports, and Studies** - The same standards as required for a preliminary/final plan in Section 302.G.
- 304.H. Other Information** - The same standards as required for a preliminary/final plan in Section 302.H.
- 304.I. Prerequisite to Recording** - The same standards as required for a preliminary/final plan in Section 302.I.

Section 305 Lot Line Adjustment Plan

The Lot Line Adjustment Plan Application shall be prepared according to the Final Plan standards in Section 304.

Section 306 As-Built Plan

As-Built Plans shall be prepared by an engineer or land surveyor registered in the Commonwealth of Pennsylvania to perform such duties. Land surveyors shall prepare metes and bounds descriptions. Registered professionals with appropriate expertise shall prepare designs that entail their expertise. The As-Built Plan shall clearly label and note any deviation from the approved drawings. If any deviation from the approved drawings alter the findings, conclusions or calculations from the reports required in Sections 302.G., the As-Built Plan shall include an amended report.

Section 307 Revised Final Plan

The Revised Final Plan Application shall be prepared according to the Final Plan standards in Section 304.

Consultant Review Fees, Developers Expense Escrow Accounts, Improvements Agreements, Financial Securities, & Maintenance Guarantees

Section 401 General

- 401.A. Compliance with Ordinance** - No project shall be considered in compliance with this Ordinance until the developer constructs and installs all required improvements and common amenities according to the approved plan, Township motion of approval, improvements agreement, permits, and all applicable laws, ordinances, and resolutions including, but not limited to, those relating to review fees, inspection fees, and security.
- 401.B. Developer's Responsibility** - The developer shall pay all costs connected with the design, acquisition of materials, acquisition or interest in lands, installation of improvements, cost of dedication related to required improvements or public amenities, and Township fees. The developer shall obtain and maintain in full force and effect all required approvals and permits. The developer shall comply with this Ordinance and all resolutions relating to payment of consultant review fees and maintain a developer's expense escrow account.
- 401.C. Required Submission** - The developer of projects that include required public improvements or common amenities shall provide the Township, and where relevant the Township Authority, an executed improvement guarantee (whether by posting financial security or installation of required improvements pursuant to a preliminary plan), and up-to-date expense escrow. With an offer of dedication, the developer is required to provide dedication documents, easement documents, bills of sale, and maintenance guarantee.
- 401.D. Private Work** - Work to be executed by the developer pursuant to the approved plan or improvements agreement shall not be considered "Public Work" within the meaning of the Pennsylvania Prevailing Wage Act, and funds received by the Township from a security established pursuant to this Ordinance shall not be considered "funds of a public body." The bidding requirements of the Second class Township Code shall not apply.
- 401.E. Security for Utilities** - Financial security as otherwise required by this Article does not apply to sanitary sewer and water supply facilities that are:
1. Installed under the jurisdiction and pursuant to the rules and regulations of a public utility or an Authority other than the Township Authority, and
 2. Subject to financial security to assure proper completion, and maintenance thereof is posted in accordance with the regulations of the controlling public utility or Authority,
- 401.F. Security for State Routes** - Financial security as otherwise required by this Article does not apply when financial security is required by, and provided to, PennDOT in connection with the issuance of a Highway Occupancy Permit pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428) known as the "State Highway Law".
- 401.G. Developer Default** - Where required improvements and common amenities have not been properly or timely completed, or where the developer otherwise breaches any of the terms and

conditions of the improvements agreement; the Township may claim against the financial security posted by the developer and undertake to install, construct, erect and/or complete such portions of the improvements as are then not completed, repaired or replaced as well as any portions of the improvements deemed defective or deficient, or otherwise cure the developer's default or breach. The Township may use the security to pay for all costs (including fees for engineers, attorneys and other necessary consultants) incurred in identifying, inspecting, enforcing and completing the work. To complete the work, the Township may do some or all of the work using its own labor force (and reimburse itself for all of the direct and indirect costs thereof including, but not limited to, employee wage and benefits costs, insurances, and engineering, legal and consulting fees) and/or may contract directly with third parties. The Township shall not be required to bid any work, and the developer shall become immediately responsible to pay to the Township any deficiency incurred as a result of the default or breach. The above notwithstanding, the Township shall retain all other rights and remedies to secure compliance with the conditions of plan approval, the terms of the improvements agreement and completion of the work.

401.H. Violations of Improvements Agreement – In addition to any other remedies at law or equity, any violation of this Article, including the terms of any improvements agreement shall be subject to the penalties and remedies afforded by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended.

Section 402 Consultant Review Fees

402.A. Developer Responsibility to Reimburse Township - In accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended and any improvements agreement pursuant to this Ordinance, the developer shall reimburse the Township for all professional consultant review fees as herein defined. No construction contemplated by a plan shall commence and no recording of a plan shall occur until all consultant review fees paid or incurred by the Township are reimbursed by the developer.

402.B. Definition of Reimbursable Fees – “Reimbursable Fees” include all consultants, administrative document processing, construction observation, review of the project, legal costs including, but not limited to, the preparation of an improvements agreement, notary and recording fees incurred in connection with the recording of the plans, agreements, deeds of dedication, easements, and other legal instruments and such other fees as may be incurred.

402.C. Payment Schedule - No construction of public improvements or common amenities contemplated by a Preliminary Plan shall commence and no recording of a Final Plan shall occur until all consultant review fees paid or incurred by the Township are paid by the developer in accordance with this Ordinance, applicable resolutions and/or the improvements agreement, as applicable.

402.D. Duty to Replenish Account - Where established by resolution or an improvements agreement, the developer shall at all times properly fund an escrow account. Any failure of the Township to notify the developer of a deficiency in an escrow account and/or any failure to demand escrow account replenishment, shall not constitute a defense to, or waiver of, any claim by the Township to be reimbursed for the consultant review fee paid or incurred by the Township in connection with the review and approval of the developer's plan or the construction, observation, inspection, review and approval of the public improvements and common amenities contemplated by the developer's Plan.

402.E. Expense Escrow Account - Following Plan approval and as a condition of recording a Final Plan, in order to fund and secure the developer's obligations hereunder, the developer shall enter into an appropriate agreement with the Township and a developers expense escrow account pursuant to Section 403 of this Ordinance.

402.H. Interest Charged on Unpaid Fees - In the event that the Township issues an invoice for charges

in excess of the existing expense escrow account balance, in addition to the obligation to replenish the expense escrow account, the developer shall pay all sums due and owing as reflected on the invoice within fifteen (15) calendar days of the date thereof. Thereafter, the unpaid balance of fees shall incur interest at the rate of one and one-half percent (1.5%) per month, not to exceed eighteen percent (18%) per annum (not compounded).

- 402.I. Failure to Maintain Adequate Funds** - A failure by the developer to timely replenish an escrow account or to pay the Township's bill for consultant review fees may in the sole discretion of the Township result in the imposition of any or all of the preventive remedies found in the Municipalities Planning Code, Act 247 of 1968, as reenacted and amended and/or the issuance of a "Stop-Work Order." In addition to these remedies the Township shall retain the right to initiate and prosecute actions at law or in equity to obtain payment and/or reimbursement of consultant review fees. In the event that the Township shall initiate suit to recover consultant review fees, the Township shall be entitled to claim and recover all costs allowed by law.
- 402.J. Fee Disputes** - If, in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended, a developer disputes the reasonableness or necessity of a consultant review fee, any appeal taken and perfected shall not constitute a supersedeas nor shall it stay the developer's obligations to pay or reimburse the Township hereunder, and the developer shall pay to the Township the full amount of the consultant review fees then due and owing without deducting from the sum in dispute.

Section 403 Developer's Expense Escrow Account

- 403.A. General Requirements** - The developer shall provide an escrow at the time an application for subdivision or land development is filed with the Township. The escrow is for reimbursement to the Township for consultant review fees and other associated cost and fees relating to the project. The escrow account shall comply with the provisions of the approved Township resolution. The escrow account shall be held in a non-interest bearing account, in the name of, and be administered by, the Township for payment of all costs incurred by the Township and to be reimbursed by the developer pursuant to this Ordinance. The account shall be irrevocable and the funds may not be withdrawn or reduced in amount by other than the Township.
- 403.B. Duty to Replenish** - At such time as the funds held in the expense escrow account are depleted by eighty percent (80%) prior to project close-out, the developer shall deposit into the expense escrow account additional funds as shall be determined by the Township, not to exceed the original escrow amount. Such funds shall be provided to the Township within ten (10) business days of the date of the Township's written request for same. Any failure of the Township to notify the developer of a deficiency in an escrow account or any failure to demand escrow account replenishment, shall not constitute a defense to, or waiver of, any claim by the Township to be reimbursed for review fees paid or incurred by the Township in connection with the review, observation, and comment on the developer's plan, and construction of the public improvements and common amenities contemplated by the developer's preliminary or final plan.
- 403.C. Failure to Replenish Escrow Account** - Failure by the developer to timely replenish an escrow account or to pay the Township's bill for consultant review fees shall constitute a violation of this Ordinance and in the sole discretion of the Township, result in the imposition of any or all of the preventive remedies provided under the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended; immediately issue a stop work order; and/or pursue any other remedy available in law and equity. In the event that the Township shall initiate suit to recover consultant review fees, the Township shall be entitled to claim and recover all costs, witness fees, and reasonable attorney fees relating to the prosecution of the claim.

403.D. Violation of Developer's Expense Escrow Account - Failure to comply with the developer's escrow account shall constitute a violation of this Ordinance. Any violation of this provision shall authorize the Township to pursue all remedies available under the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended; immediately issue a stop work order; and/or pursue any other remedy available in law and equity.

403.E. Return of Escrow Funds - Upon final project close-out the developers escrow account shall be closed and all remaining sums returned to the developer.

Section 404 Improvements Agreement

404.A. Required Agreement - Where an approved or conditionally approved plan includes public improvements or common amenities, the developer shall enter into a written improvements agreement providing for construction standards, financial security, expense escrow funds, maintenance guarantees, insurance, indemnification and such other matters as the Township shall deem necessary to carry out the plan and the conditions of approval.

404.B. Insurance - The improvements agreement shall include, at a minimum, the following provisions related to insurance. Upon request, full copies of the insurance policy shall be provided to the Township. Failure to comply with this Section shall constitute a violation of this Ordinance.

1. Comprehensive Commercial General Liability Insurance policy including:
 - a. Coverage for "premises operations" and "products and completed operations" coverage, all in the amount prescribed by the Township.
 - b. An endorsement naming as additional insured "Dickinson Township and its Boards, Commissions and Authorities (including the individual members thereof) and their elected and appointed officers, officials, employees, professional consultants and agents" for any and all claims arising out of or relating to the plan, or the conditions of approval of the plan, or any work performed by or on behalf of the developer in connection with the plan or conditions of approval of the plan.
 - c. An endorsement making the policy primary over all other insurance policies issued to the Township, and an endorsement that it shall not be canceled unless thirty (30) days written notice is provided to the Township.
 - d. An assignment of the policy to the specific project and full availability of the complete coverage and limits of the policy to the project.
 - e. All parties executing the improvements agreement named as insured under the policy.
2. Commercial Motor Vehicle Insurance coverage.
3. Workmen's Compensation coverage, as required by law.

404.C. Indemnification - The developer shall indemnify, defend and hold harmless "Dickinson Township and its Boards, Commissions and Authorities (including the individual members thereof) and their elected and appointed officers, officials, employees, professional consultants and agents" from demands, claims, suits, actions or judgments of and from all damages or expenses on account of personal injury, death or property damage arising out of or relating to the plan, or the conditions of approval of the plan, or any work performed by or on behalf of the developer in connection with the plan or conditions of approval of the plan.

404.D. Assignment of Improvements Agreement - The improvements agreement shall not be assigned without the prior written approval of the Township and under terms and conditions acceptable to the Township. No assignment shall relieve the assignor of its duties and obligations to the Township under the improvements agreement.

Section 405 Financial Security

405.A. Requirement of Financial Security - Upon final plan approval by the Township Board of Supervisors and in lieu of completing the improvements of a plat prior to final plan approval, an improvements agreement shall be executed by the developer, providing for financial security. Financial security shall be calculated and provided in accordance the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended, this ordinance, conditions of plan approval, and applicable Township resolutions.

405.B. Forms of Security – Unless otherwise permitted by the Township, financial security shall be in the form allowed by law. Acceptable financial institutions shall include Federal institutions, authorized to conduct such business within the Commonwealth and maintain an office in the greater Harrisburg area where claims against the security may be presented.

405.C. Amount of Financial Security - The financial security shall be in an amount equal to one hundred ten percent (110%) of the cost of completion (which includes contingency allowances), estimated as of ninety (90) days following the date scheduled for completion. If conditional final plan approval by the Board of Supervisors has not been received and all conditions of final plan approval (if any) have not been fulfilled prior to the developer's submission of the financial security estimate, the Township may require a revision of the estimate to reflect changed conditions.

405.D. General Construction Schedule - The submission of a financial security estimate to the Township shall be accompanied by a general construction schedule including the estimated dates of commencement and completion for the project. For projects with an anticipated duration greater than one (1) year, the developer's engineer shall adjust the financial security estimate to reflect an increase of ten percent (10%) per year for every year thereafter.

405.E. Posting of Additional Security - If the financial security estimate fails to adequately address or excludes any necessary items of the project because of oversight, because the need for the same was not anticipated by the engineers preparing or reviewing the plan and/or the cost estimates submitted pursuant thereto, or because of unanticipated field conditions, then the developer nevertheless shall be solely responsible for the installation, construction, erection and/or completion of the same and the cost thereof, and the Township, upon discovery that items of the project are not included in the engineering estimate or that the estimate is not properly calculated or is understated, may require the developer to post additional security in an amount adequate to address the deficiency as a condition precedent to proceeding with the development.

405.F. Adjustment of Security - If a project is not completed by the one (1) year anniversary of the approval of the financial security estimate by the Township Engineer, or if the posting of financial security has not occurred within six (6) months of the date of approval of the estimate by the Township Engineer's office, the Township Engineer's office shall annotate the Improvements Security Release Certification forms to reflect one hundred ten percent (110%) of the cost for the completion of the remaining improvements estimated as of ninety (90) days following the original date scheduled for completion or a rescheduled date of completion.

- 405.G. Term of Security** - The developer shall maintain security for a minimum of ninety (90) calendar days after scheduled completion date of construction unless a different date is established in the developers agreement.
- 405.H. Approved Claim Form** - As a condition of financial security, the developer shall provide the Township a sample claim form, acceptable to the financial institution, for use by the Township in making claims against the security.
- 405.I. Irrevocable Security** - The financial security shall be irrevocable during the term thereof, and automatically renewable unless thirty (30) days written notice is provided to the Township. The amount of security shall not be reduced except pursuant to written and signed authority by an authorized Township official. Minutes of meetings of the Board of Supervisors or other Township authorities authorizing the reduction in financial security shall not constitute written authorization hereunder.
- 405.J. Assignment of Security** - The security shall not be assignable to other parties without prior written approval of the Township. A general assignment of the security is not a release of liability from the assignor.
- 405.K. Reduction of Security** - The Township shall reduce the amount of financial security in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended, and applicable Township resolutions.

Section 406 Maintenance Guarantee

- 406.A. Warranty on Structural Integrity and Function** - The developer warrants the structural integrity and function of all improvements to be conveyed or offered for dedication to the Township in accordance with the design and improvements agreement for an eighteen (18) month period following the date of acceptance of the conveyance or dedication. During the warranty period, the developer shall repair, restore, or replace all work determined by the Township to be defective.
- 406.B. Required Maintenance Guarantee** – A maintenance guarantee shall be provided by the developer to secure its obligation to repair, restore, or replace defective work that effects the structural integrity and function of all required improvements that are offered for dedication or conveyance to the Township. The maintenance guarantee shall be submitted as a condition of the Township acceptance of the offer of dedication.
- 406.C. Duration of Maintenance Guarantee** - The maintenance guarantee shall be in effect for a period of eighteen (18) months from the date of acceptance of dedication or sale to the Township.
- 406.D. Amount of Security** – Security for the maintenance guarantee shall be fifteen percent (15%) of the actual cost of installation of the required improvements.
- 406.E. Type of Security** – Unless otherwise agreed to by the Township, the maintenance guarantee shall be the same form used to secure the construction of improvements.
- 406.F. Irrevocable Maintenance Guarantee** - The maintenance guarantee shall be irrevocable and may not be withdrawn or reduced in amount without the consent of the Township.

Design Standards

Section 501 General

501.A. Other Standards and Requirements

1. The standards and requirements contained in this Article shall apply as minimum design standards for subdivisions and/or land developments. Whenever other Township ordinances, rules, resolutions, or regulations impose more restrictive standards and requirements than those contained herein, the more restrictive shall apply.
2. Unless otherwise specified, all references in this Ordinance to documents, regulations, ordinances, rules and other material are to the latest edition, including amendments, replacements, revisions and/or superseding.
3. Subdivisions and/or land developments shall be designed to comply with:
 - a. Dickinson Township Zoning Ordinance;
 - b. Dickinson Township Official Map (upon adoption);
 - c. Rules and regulations of the Dickinson Township Municipal Authority;
 - d. Dickinson Township Standard Construction and Material Specifications (upon adoption);
 - e. Dickinson Township Stormwater Management Ordinance;
 - f. Regulations of Pennsylvania Department of Environmental Protection;
 - g. Pennsylvania Department of Transportation Design Manual Part 2, Highway Design;
 - h. AASHTO A Policy on Geometric Design of Highways and Streets;
 - i. All applicable local, State and Federal rules and regulations, and
 - j. Commonly accepted engineering standards.
4. Where no written standard applies, the development shall be designed to an acceptable industry standard as determined by the Township Engineer.
5. Applications involving property located within the Rural Resources Zone or Agricultural Zone shall comply with Sections 200.E.5 and Section 201.E.6 of the Zoning Ordinance, respectively.
6. Whenever the Township Zoning Ordinance provides that the use proposed by the developer for subdivision and/or land development approval shall constitute a use by special exception or a conditional use, the plan shall be designed and developed in accordance with any conditions which have been imposed by the Zoning Hearing Board or the Board of Supervisors, as applicable.
7. Whenever the developer proposes to develop a subdivision and/or land development in a manner that would require a variance from any requirements of the Township Zoning Ordinance, the plan shall be designed and developed in accordance with any conditions which have been

imposed upon the granting of such variance or variances by the Zoning Hearing Board.

8. The developer shall obtain all required easements and rights-of-way to the satisfaction of the Township. Under no circumstance shall the Township be obligated to secure easements or rights-of-way. All easements and rights-of-way shall be in the form of a written agreement prepared to the satisfaction of the Township.

501.B. Environmental Protection - Characteristics, such as site configuration, geology, soil, topography, body of water, ecology, vegetation, structures, road network, visual features and past/present use shall be considered in the design of the proposal. To the greatest extent possible, designs should preserve the natural features of the site, avoid areas of environmental sensitivity, and minimize negative impacts and alteration of natural features.

501.C. Land Requirements - No subdivision and/or land development shall occur in such a way that would threaten the public health and safety including hazards of toxic substances, traffic hazards, explosive hazards and/or fire hazards. Land shall be suitable for the purpose for which it is to be subdivided and/or developed. Land subject to hazardous conditions, such as open quarries, mines, mine shafts, sinkholes, limestone solution channels, unconsolidated fill, flooding, excessive erosion, unsafe water supply or hazardous or toxic site pollution, shall not be approved for subdivision and/or land development until the developer has provided, or has legally committed to provide, adequate measures to overcome or eliminate, mitigate and/or safeguard against such hazards, in the determination of the Board of Supervisors, to the best of their knowledge. However, the Township accepts no responsibility to identify or to guarantee their resolution.

501.D. Coordination With Nearby Development - A subdivision and/or land development and its street pattern shall be coordinated with existing or approved nearby developments or neighborhoods, to develop the area and the community harmoniously, and to prevent conflicts between neighboring development.

501.E. Design Goals - The development shall be designed to minimize impervious cover and to mitigate adverse effects of shadow, noise, glare, odor, traffic, drainage, and utilities on neighboring properties.

501.F. Conformance With Adopted Plans - Design of the development shall take into consideration or where required, comply with all adopted Township, County and State plans for the Township and surrounding community.

Section 502 Proposed Streets

502.A. General

1. Arrangement of Streets - Streets shall be designed to:
 - a. Permit the safe, efficient, and orderly movement of vehicles and facilitate adequate access for emergency vehicles;
 - b. Provide, when possible, two directions of vehicular access to and within a development;
 - c. Meet the needs of the present and future population;
 - d. Provide a simple and logical pattern;
 - e. Function under a hierarchy system where the intensity of intersections decreases as traffic volumes and speed increase;
 - f. Respect the natural features and topography;

- g. Present an attractive streetscape; and
 - h. Harmonize with existing streets forms and patterns.
2. Street Classification - Classifications for proposed streets are as follows:
- a. **ARTERIAL** - A street used primarily for through traffic that maximizes mobility over land access through infrequent driveway intersections. This type of roadway typically connects urban centers with outlying communities and employment or shopping centers.
 - b. **COLLECTOR** - A street used primarily for moving traffic from local streets to the major system of arterial streets and/or linking those streets to community wide activity centers, including but not limited to the large residential developments, commercial and industrial areas, smaller rural settlements.
 - c. **LOCAL** - A street used primarily for immediate access to adjoining land uses and are generally separated from through traffic. These roads are generally intended for transportation within a particular neighborhood, serving internally developed areas, while in outlying rural areas, local roads tend to run for great distances and serve more individual properties.

502.B. Street Function

- 1. Where the Township deems appropriate, streets shall be designed to form continuations of streets with similar function and to access streets of a greater function.
- 2. Local streets shall be laid out to discourage use as a collector street or arterial, and discourage excessive speeds.
- 3. Where vehicular circulation and safety considerations necessitate providing for street access to adjacent property, streets shall be extended by dedication to the boundary of such property. Streets shall provide an interconnected network of for efficient trips within the neighborhood and more appropriately accommodates pedestrian, and bicycle oriented trips.
- 4. Unless required by the Zoning Ordinance, no vehicular access is permitted along an arterial street when alternative access is possible from a street of less classification.
- 5. Access to arterial streets should be designed for use by adjoining properties to coordinate and reduce the number of access points. Shared access drives, feeder roads, marginal access streets, reverse frontage lots, or other such treatment should be utilized to reduce the number of intersections along arterial streets.

502.C. Street Provisions for Future Development

- 1. Where the Township deems appropriate, areas shall be reserved for future streets in conjunction with the development of adjacent land. Areas reserved for future streets shall include sufficient area to establish street and lot grades and the extent of area necessary to construct the street. The Township may require the extension of sanitary sewer and water supply lines within the future street. An agreement satisfactory to the Township shall be submitted for the construction and future removal of the temporary turnaround.
- 2. Wherever there exist a dedicated or platted area reserved for future streets along the boundary of a property being developed, the adjacent street shall be extended into the proposed project.

3. When connecting a proposed street to an existing temporary cul-de-sac, such connection, and all work required to restore the adjacent lots in the area of the existing turnaround shall be the responsibility of the developer proposing the connection.

502.D. Street Sign, Traffic Controls, and Street Names - Street signs, traffic controls and parking controls shall be constructed and installed by the developer according to the specifications of the Township and PennDOT. Streets that are continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets within the same postal area. All new street names are subject to Township approval.

502.E. Vertical Street Alignment

1. Street Grade - Vertical street alignments shall be measured along the centerline. The minimum grade of all streets shall be one percent (1%) unless in a transition between a crest or sag. The maximum grade for streets shall not exceed ten percent (10%). Local streets, where access is also available over streets with ten percent (10%) or less, may have grades up to twelve percent (12%). A cul-de-sac street shall not exceed ten percent (10%) and the cross-slope of a turnaround shall not exceed five percent (5%). It should be noted that street grades do not waive the requirement that sidewalks shall conform with the latest edition of the Americans With Disabilities Act Accessibility Guidelines.
2. Vertical Curve - Vertical curves shall be used in changes of grade exceeding one percent (1%). The minimum lengths (in feet) of vertical curves shall be according to AASHTO *A Policy on Geometric Design of Highways and Streets*. Vertical curves shall be consistent with the proposed posted speed limit. The development plan must identify the designated design speed for each street. The designated design speed is subject to Township approval. The posted speed limit shall not exceed the design speed limit.
3. Street Grade at Street Intersection - A leveling area shall be provided where the approaching grade, within one hundred feet (100') of the centerline intersection, exceeds seven percent (7%) on streets at a four-way street intersection, or the terminating street at a three-way intersection. Such leveling area shall have a maximum grade of five percent (5%) for a minimum length of one hundred feet (100') measured from the intersection of the centerlines.
4. Street Grade at Street Turnaround - The grade, in all directions, within the diameter of a turnaround and along the curb line at the terminus of a permanent cul-de-sac shall be at least one percent (1%) and not exceed five percent (5%) in all directions.
5. Street Side Slope - All areas within the street right-of-way shall be graded substantially consistent with the street centerline. The maximum slopes of banks located outside of the street right-of-way, and guide rail protection shall be constructed according to Dickinson Township Standard Construction and Material Specifications.

502.F. Horizontal Street Alignment

1. Horizontal Curves - Horizontal curves shall be used at all angle changes. Horizontal street alignments shall be measured along the centerline. Single, long radius curves shall be used, rather than a series of curves with varying radii and/or a series of short curves separated by short, straight segments. The minimum centerline radii for horizontal curves shall be according to AASHTO *A Policy on Geometric Design of Highways and Streets*. Horizontal street alignments shall be consistent with the proposed posted speed limit. The development plan must identify the designated design speed for each street. The designated design speed is subject to Township approval. The posted speed limit shall not exceed the design speed limit.
2. Perimeter Street - Where streets are located along the perimeter of a property, the developer shall provide building setback lines, grading and clear sight triangles within the adjacent properties. Permission for these encroachments shall be obtained by the developer in the

form of an easement or right-of-way agreement from the adjacent landowner.

3. Cartway Alignment - The centerline of the street cartway shall correspond with the centerline of the street right-of-way.
4. Intersection - Right angle intersections shall be used whenever possible. No street shall intersect another at a centerline angle of less than seventy-five degrees (75°), or more than one hundred and five degrees (105°). Intersections shall be approached on all sides by a straight centerline with a minimum length of fifty feet (50').

502.G. Street Right-of-Way, Cartway Width, and Improvement Specification - All streets shall be designed and constructed in accordance with:

1. The Standard Construction and Material Specifications, PennDOT *Design Manual Part 2, Highway Design, and AASHTO A Policy on Geometric Design of Highways and Streets*.
2. A minimum street right-of-way width of fifty feet (50') and cartway width of twenty-eight feet (28') shall be provided. However, streets serving a residential land use density (as defined in the Zoning Ordinance) in excess of six (6) dwelling units per acre shall provide a minimum street right-of-way width of sixty feet (60') and cartway width of thirty-six feet (36').

502.H. Traffic Calming Measures - The Township may require the installation of "traffic calming measures" for streets and access drives. Traffic calming measures are devices, systems and programs described in PennDOT, Bureau of Highway Safety and Traffic Engineering, Publication 383, dated January 2001 and known as "Pennsylvania's Traffic Calming Handbook" (Publication No. 383). The criteria used to determine the necessity, location, design, and construction of traffic calming measures, including all related warnings, signs, and markings shall be in accordance with accepted traffic engineering principles and Publication No. 383.

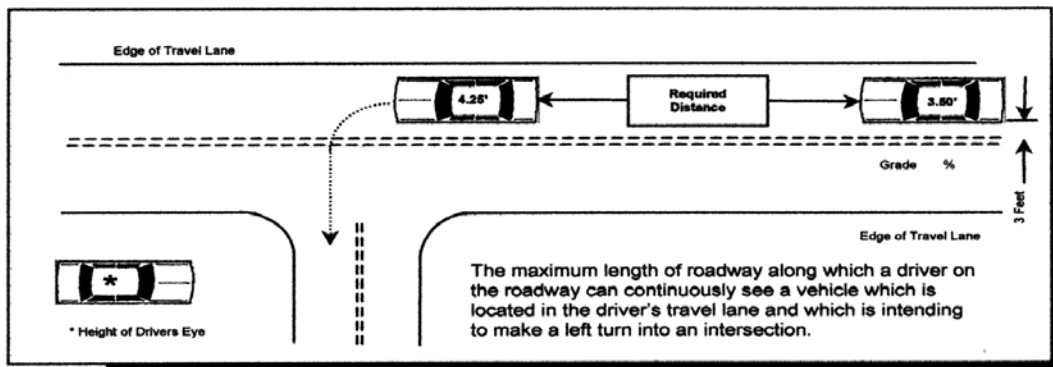
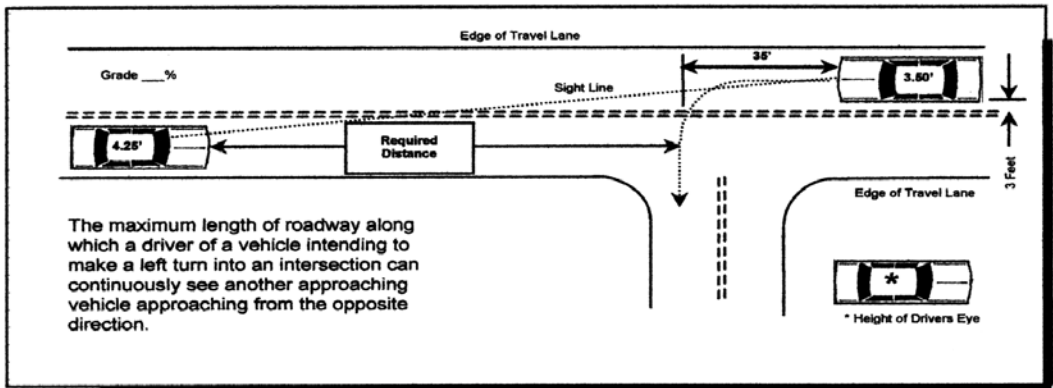
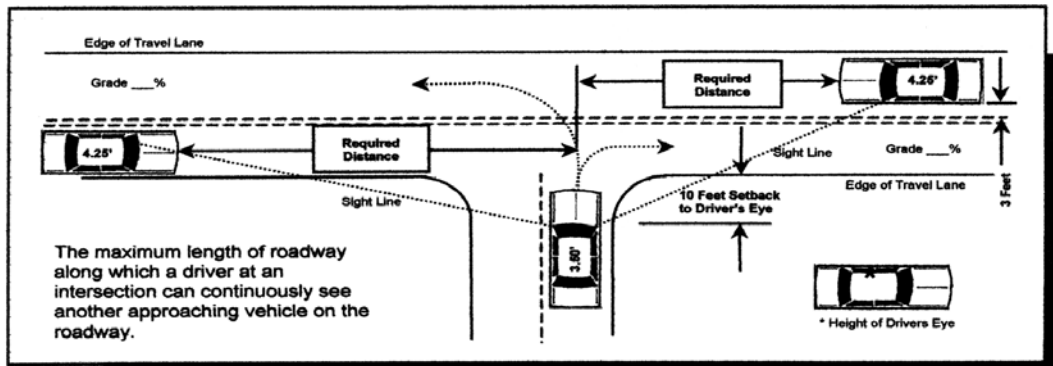
502.I. Street Intersection

1. State Route - All intersections with a State Route shall be subject to the approval of PennDOT. The developer shall include Township comments with the submission of a PennDOT Highway Occupancy Permit.
2. Multiple Intersections - Multiple intersections involving the junction of more than two (2) streets are prohibited. Only three-and four-way intersections are permitted.
3. Separation - Streets shall intersect with a common street centerline or be offset according to the following standards:
 - a. When the streets involved are local streets, the streets shall be separated by a distance of one hundred fifty feet (150') between centerlines, measured along the centerline of the street being intersected.
 - b. When one (1) or more streets involved are collector streets, the streets shall be separated by a distance of four hundred feet (400') between centerlines, measured along the centerline of the street being intersected,
 - c. When one or more of the streets involved are arterial streets, the streets shall be separated by a distance of one thousand feet (1,000') between centerlines, measured along the centerline of the street being intersected.
4. Radii - The cartway edge at intersections shall be:
 - a. Designed for the largest vehicle anticipated to use the intersection. The minimum radii shall conform to PennDOT *Design Manual Part 2, Highway Design, and AASHTO*

Design Manual, Exhibit 9-20, Edge of Traveled Way for Turns at Intersections.

- b. Rounded with a minimum fifty-five foot (55') tangential arc for arterial and collector streets, and thirty feet (30') tangential arc for local streets.
 - c. Provided with acceleration and/or deceleration lanes when deemed by the Township to be necessary.
 - d. Substantially concentric with the street right-of-way edge.
5. Clear Sight Triangle - On corner lots, there shall be provided and maintained a clear sight triangle of at least one hundred feet (100'), as measured along the centerline from the intersecting roads. No structure, planting, excavation, nor other visual obstruction shall be permitted above a height of thirty inches (30") and below a height of ten feet (10'). All such clear sight triangles shall be depicted upon proposed subdivision and land development plans. A public right-of-way shall be reserved for removing any visual obstruction within the clear sight triangle.
6. Safe Stopping Distance - All intersections shall be designed to comply with the minimum sight distance requirements, as described in 67 PA Code §441 .8(h)(2)(iv) and PennDOT Publication 282, page 27, as amended.
- a. The diagrams below and the following measurement procedures, shall be used to establish the minimum sight distance for vehicles intending to cross over a travel lane, and to the rear of a vehicle intending to turn left into an access. See PennDOT Publication 282, page 18, Note 1(a) for information on measuring sight distance for vehicles exiting an access location.
 - b. To measure sight distance between a vehicle intending to turn left into an access and a vehicle approaching in the opposite direction, the position of the driver of the turning vehicle is taken to be thirty-five feet (35') in advance of the driveway centerline (allows a twenty-five foot [25'] turning radius, plus ten foot [10'] distance from the front of the car to the driver's eye).
 - c. The available sight distance is measured from the centerline of the intersection to the point where an approaching vehicle can first be seen. The eye height of the driver intending to turn left is established at three and one-half feet (3½"). The eye height of the driver of the vehicle approaching the intersection from the opposite direction is established at four and one-quarter feet (4¼').
 - d. To measure sight distance for a motorist approaching a vehicle stopped to make a left-turn into an intersection from the rear of the left-turning vehicle is taken to be forty-five feet (45') from the centerline of the intersection (allows a twenty-five foot [25'] turning radius, plus twenty foot [20'] for the length of the vehicle).
 - e. The available sight distance is measured from the rear of the left-turning vehicle, to the point where approaching vehicles can first see the vehicle waiting to turn left. The eye height of the approaching driver is established at three and one-half feet (3½'). The eye height of the driver of the vehicle waiting to turn left is established at four and one-quarter feet (4¼').
 - f. To determine roadway grades when measuring sight distance, an average grade should be calculated over the length of roadway in which the approaching motorist will physically apply the brakes of the vehicle. This length of roadway can be determined by subtracting the perception/reaction time component of the minimum safe stopping sight distance equation from the measured sight distance. See Pennsylvania Code 67, §441 .8(h)(2)(iv).

- g. The prevailing speed of traffic shall be considered when evaluating the available sight distance for an intersection. If it is evident that prevailing speeds are higher than the posted speed limit, and the available sight distance is near to the sight distance required for the posted speed limit, an 85th percentile speed should be measured near the intersection. The 85th percentile speed would then be used to calculate the minimum safe stopping sight distance requirements.



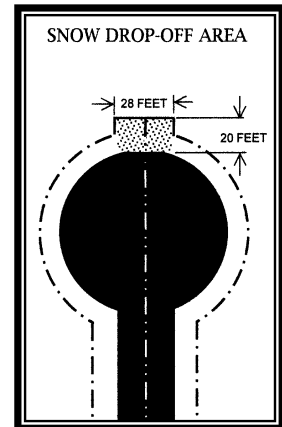
- 7. Sight Distance at Intersections - All intersections shall be designed to comply with the minimum sight distance requirements, as described in Pennsylvania Department of Transportation Design Manual Part 2, Highway Design, and AASHTO A Policy on Geometric Design of Highways and Streets..

502.J. Cul-de-Sac Street - A cul-de-sac is not permitted, unless required by an existing natural or manmade feature and approved at the discretion of the Board of Supervisors.

- 1. Length - Temporary or permanent cul-de-sac streets shall have a minimum length of two hundred fifty feet (250') and not exceed one thousand feet (1,000') in length or provide

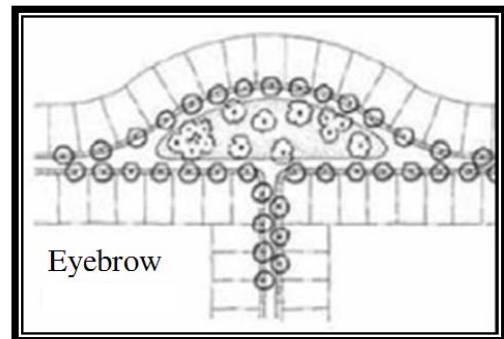
access to greater than twenty-five (25) residential dwelling units. The cul-de-sac length is measured from the center of the cul-de-sac turnaround to the centerline of a street that does not terminate in a cul-de-sac.

2. **Turnaround** - All cul-de-sac streets, whether permanently or temporarily designed, shall be provided with a fully-paved, closed-end, turnaround at a minimum width/ diameter of one hundred feet (100') and a right-of-way width/diameter of one hundred twenty feet (120'). The use of a temporary turnaround shall be guaranteed by a temporary easement until the street is extended. At the time that a temporary cul-de-sac is extended, the area located within the temporary turnaround shall be released to the abutting landowner. A right side centerline offset for the turnaround is desired. A left side centerline offset of the turnaround is prohibited.
3. **Snow Drop-Off** - A snow drop-off area shall be provided at the terminus of the turnaround area. The snow drop-off area shall be twenty-eight feet (28') wide and twenty feet (20') deep from the street curb line. The area shall be centered on the centerline of the street as the street approaches the turnaround area. The area shall be free of utility terminal boxes, mailboxes, and other facilities that may hamper snow storage, or may require accessibility during snow periods. If applicable, street curb located with the snow drop-off area shall be depressed and sidewalks shall be located outside the area. The snow drop-off area shall be constructed and maintained with a paved surface of concrete or bituminous material, or another stable surface material as approved by the Township.



502.K. Eyebrow and Loop Streets

1. **Design** – These streets are a semicircular shaped streets, providing one-way circulation to and from a through street with an interior green space, containing trees, shrubs and ground cover located between the through street and the eyebrow and/or loop street. These streets shall maintain a minimum pavement width of twenty feet (20'), and the minimum radii specified on the eyebrow street diagram below.
2. **Maximum Length** – These streets shall have a maximum length of one thousand feet (1,000') or provide access to no greater than twenty-five (25) residential dwelling units.
3. **Private Ownership** – These streets and the interior green space shall be privately owned and maintained as a private street.



502.L. Vehicle Access to Lots and Units of Occupancy - The location and number of vehicle access points (streets, access drives) shall be adequate for, and appropriate to, the size and nature of the land use. Development that generates greater than two hundred twenty five (225) average daily vehicle trips per day shall have at least two (2) vehicular access points.

502.M. Street Trees - Street trees shall be provided according to Section 520.H.

502.N. Private Street - Private streets shall meet all street design standards of this Ordinance. Approval of a private street shall be at the discretion of the Board of Supervisors. Applications proposing private streets shall include a written operation, maintenance, future use, and ownership document that shall be recorded with the office of the Cumberland County Recorder of Deeds in conjunction with

the Final Plan. The developer shall provide to the Township any and all private street documents for review and approval.

Section 503 Improvements to Existing Street

- 503.A.** For the purpose of determining the extent of onsite improvements, as defined by the MPC, to be required of a developer hereunder, and where necessary for the ingress to or egress from the subdivision or land development; the entire width of a street abutting the developer's property including right-of-way shall be deemed to be onsite.
- 503.B.** Where a subdivision or land development abuts in whole or in part an existing street intersection, all property abutting each side or corner of the street intersection shall be deemed to abut the street for the purpose of determining whether improvements are deemed onsite.
- 503.C.** Where deemed to be onsite, existing street improvements shall be modified to correct a paved street surface that does not conform with this Ordinance, or the Standard Construction and Material Specifications.
- 503.D.** Where a subdivision or land development requires the construction of onsite improvements, as identified by an approved traffic impact study, including but not limited to signalization, the same shall be designed, constructed, and installed at the developer's sole cost and expense. If a traffic impact study is not performed, the developer shall install at its sole cost and expense all onsite improvements required by accepted traffic engineering principles.

Section 504 Alley

- 504.A.** **Limited Use of Alleys** - The use of alleys is limited to providing a secondary means of access to the side and/or rear of those lots with street frontage and designed to discourage through traffic.
- 504.B.** **Building Setback** - No part of any building shall be located within four feet (4') of the cartway of an alley.
- 504.C.** **Design Standards** - Alleys shall be designed in accordance with the street standards in Sections 502.A., 502.B., 502.C., 502.E., 502.F., 502.H., 502.I and 502.N.
- 504.D.** **Cul-de-Sac** - An alley shall not terminate in a dead-end or cul-de-sac.
- 504.E.** **Width of Right-of-way & Cartway** - A minimum right-of-way width of eighteen feet (18') and a minimum cartway width of sixteen feet (16') shall be provided for alleys.
- 504.F.** **Private Ownership** - Alleys shall be privately owned. Applications that propose private alleys shall include a written operation, maintenance, future use and ownership document that shall be recorded with the office of the Cumberland County Recorder of Deeds in conjunction with the Final Plan. The developer shall provide to the Township any and all private alley documents for review and approval.
- 504.G.** **Construction Standards** - All alleys shall be designed and constructed in accordance with of the Dickinson Township Standard Construction and Material Specifications and of PennDOT *Design Manual Part 2, Highway Design*, and AASHTO *A Policy on Geometric Design of Highways and Streets*.

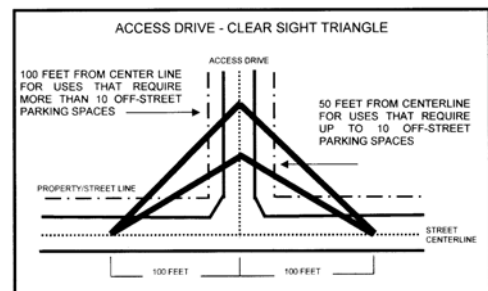
Section 505 Driveway

- 505.A. Driveways shall conform to the standards contained in the Township Zoning Ordinance. The Township may require the subdivision plan to identify the potential location of driveways when site conditions may limit available driveway locations.
- 505.B. Driveway intersections with a State Route shall be subject to the approval of PennDOT. The developer shall include Township comments with the submission of a PennDOT Highway Occupancy Permit.

Section 506 Access Drive

Access drives are improved cartway designed and constructed to provide for vehicular movement between a street and the off-street parking and/or loading area for any use other than one single-family dwelling unit or farm. Access drives shall conform to the following:

- 506.A. **Number Per Lot** - The number of access drives intersecting with a street may not exceed two (2) per lot. A waiver for additional access points may be requested to meet exceptional circumstances, such as intensity of development and extensive road frontage.
- 506.B. **Vertical Alignment** - The vertical alignments of access drives shall conform to the specifications for streets, as stated in Section 502.E.
- 506.C. **Horizontal Alignment** - The horizontal alignments of access drives shall be measured along the centerline. Horizontal curves shall be used at all angle changes more than two degrees (2°). All curves shall be tangential arcs. The minimum horizontal curve radius shall be seventy-five feet (75').
- 506.D. **Intersection** - All access drive intersections shall be:
 1. Subject to approval of PennDOT when intersecting a State Route. The applicant shall include Township comments with the submission of a PennDOT Highway Occupancy Permit. Evidence of such submission is required with the Preliminary Plan submission.
 2. Set back one hundred feet (100') from a street intersection (measured from the right-of-way line).
 3. Setback one hundred feet (100') from the intersection of other access drive (measured from cartway edges).
 4. Set back ten feet (10') from any side and/or rear property lines; however, this setback, except when located along the property line of a joint parking lot, is shared by adjoining uses.
 5. Where possible, an access drive shall be located across from another access drive intersection on the opposite side of the street;
 6. Access drives that serve more than ten (10) off-street parking spaces shall, at their intersection with a street, provide a clear sight triangle of at least one hundred feet (100'), as measured along the centerline from the intersecting access drive and street.
 7. Access drives that serve less than ten (10) off-street parking spaces shall, at their intersection with a street, provide a clear sight triangle of at



least one hundred feet (100'), measured along the centerline from the intersecting street and fifty feet (50') measured along the centerline from the intersecting access drive.

The clear sight triangle shall be maintained by the property owner. No structure, planting, excavation, nor other visual obstruction shall be permitted above a height of thirty inches (30") and below a height of ten feet (10'). All such clear sight triangles shall be depicted upon proposed subdivision and land development plans. A public right-of-way shall be reserved for removing any visual obstruction within the clear sight triangle.

8. Designed in accordance with Sections 502.I.2., 502.I.4., 502.I.6 and 502.I.7.
9. The Township may require acceleration and/or deceleration lanes when warranted by traffic speed, traffic volume, or other traffic flow characteristics.

506.E. Cul-de-Sac

1. A cul-de-sac is not permitted, unless required by an existing natural or manmade feature and approved at the discretion of the Board of Supervisors.
2. Access drives which form a cul-de-sac shall not exceed one thousand feet (1,000') in length, measured from the centerline intersection of a street or access drive which is not a cul-de-sac. Access drive cul-de-sacs that do not terminate in a parking compound shall be provided at the terminus with a fully paved turnaround with a minimum diameter of one hundred feet (100').
3. The Township may permit an alternative turnaround design, including a turnaround incorporated in a parking court or a landscaped island, provided safe movement of traffic is assured.

506.F. Parking - When vehicular parking is prohibited along access drives, the prohibition must be acknowledged on the plan and properly signed along the cartway.

506.G. Improvement - The cartway of all access drives shall be constructed to the street improvement specification stated in Section 502.G., except for right-of-way and cartway width.

506.H. Cartway Width - The following table specifies various access drive width requirements (not applicable to access aisles in vehicular parking facilities):

Function	Required Cartway Width
Two lanes of traffic	18 feet
One lane of traffic*	9 feet
*The one-way direction of traffic must be identified on the plan and along the cartway.	

506.I. Side Slope - The maximum slopes of banks located within twenty feet (20') of the cartway shall not exceed three to one (3:1) for fills and two to one (2:1) for cuts. The Board of Supervisors may accept steeper slopes to avoid disruption of significant natural features, provided safety and maintenance issues are addressed.

Guide rail protection is required along embankments when a barrier is indicated, as warranted in latest version of Design Manual Part 2, Highway Design, Pennsylvania Department of Transportation. Guide rail shall be constructed according to the PennDOT standards.

506.J. Access Drive Signs, Traffic Controls and Name Signs - Access drive signs, including name, traffic controls and parking controls shall be constructed and installed by the developer according to the specifications of the Township and PennDOT. Name signs shall provide six inch (6") high letters

on a maximum size sign of eight inches by thirty-six inches (8"x36"). Name signs shall be in reflector white on a green background (see PennDOT Publication 236M). High intensity or high performance sheeting (Type III or IV) shall be used for all signs (see PennDOT Publication 408M).

Access drives that are continuations of existing access drives shall be known by the same name. Names for new access drives shall not duplicate or closely resemble names of existing streets or access drives within the same postal area. All new names are subject to approval by the Township, and Centre County Emergency Management and local U.S. Postal Office.

Section 507 Bicycle Paths & Recreation Trails

507.A. Bicycle Paths - Bicycle paths shall be provided, when designated on or as part of an official plan or map, or as otherwise required by the Township. Bicycle lanes located within a street right-of-way shall conform to PennDOT specifications.

507.B. Recreation Trails

1. Recreation trails shall be provided, when designated on or as a part of an official plan or map, or as otherwise required by the Township.
2. Trail surface materials shall conform to the Standard Construction and Material Specifications.
3. Trail width shall be a minimum width of eight feet (8').
4. Trails shall be located in common open space area or in a minimum sixteen feet (16') wide easement.
5. Marked crosswalks shall be provided within vehicular travel ways intersecting trails according to PennDOT standards.
6. The intersection of a trail and a street shall conform to the clear sight triangle and safe stopping distance according to PennDOT standards.
7. Recreation trails shall conform with the latest edition of the Americans With Disabilities Act Accessibility Guidelines.

507.C. Non-Licensed Vehicle Crossings - Non-licensed vehicle crossings (e.g., bicycle, carriage, golf carts, off-road vehicles, and snowmobiles) of a street, alley, access drive, or driveway shall conform to PennDOT standards.

Section 508 Vehicular Parking

508.A. Single-Family Dwelling – All parking for single-family dwellings shall conform with the Zoning Ordinance. The provisions of this Section do not apply for single family dwelling parking.

508.B. Other Requirements –Vehicular parking standards of the Zoning Ordinance shall apply.

508.C. Surface - All parking lots shall be constructed and maintained with a paved surface of concrete or bituminous materials, or another approved dust-free surface.

508.D. Parking Space - The minimum parking space sizes for parallel parking is twenty-two feet by eight feet (22' x 8') and non-parallel parking is eighteen feet by nine feet (18' x 9').

508.E. Access Aisle - Parking areas shall be designed so that each vehicle may proceed to and from the parking space without requiring the moving of any other vehicle. Aisles shall provide vehicular access within a parking compound and entrance/exit area for individual parking spaces. Aisles may not be used to intersect streets. All aisles shall have the minimum widths indicated in the following table:

Angle of Parking	Width of Aisle in Feet (One-Way Traffic)	Width of Aisle in Feet (Two-Way Traffic)
90 Degrees	22	22
60 Degrees	14.5	20
45 Degrees	12	18
Parallel	11	22

All aisles in areas where there is no parking permitted shall be eleven (11) feet wide for each lane of traffic.

All dead-end parking lots shall be designed to provide sufficient backup area for all end stalls.

508.F. Parking Space Separation from Landscaping and Sidewalks - Curbs or other protective devices shall separate parking spaces from projecting into sidewalks and insure no greater than two and one-half (2½) feet overhang into the interior landscaped area.

508.G. Horizontal Radii - Not less than a four (4) feet radius shall provided for all horizontal curves in parking areas.

508.H. Pavement Marking - All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and interior drives. The lines of all parking spaces and interior drives (including directional arrows, etc.) shall be solid white and four inches (4") in width. Painted lines, arrows and dividers shall be provided and maintained to control parking, and to direct vehicular circulation.

508.I. Side and Rear Yard Setback - A parking facility shall be setback from a street or neighboring property according to the following table. Required or provided landscaped strip, sidewalk and street furniture may be located within the setback.

Number of Spaces	Landscape Strip Width Measured from Street Right-of-Way
Less than 100	10 feet
100 to 250	15 feet
Over 250	20 feet

508.J. Perimeter and Interior Landscaping - Off-street surface parking lots that contain twenty (20) or more parking spaces shall provide landscaping in accordance with Section 520.

508.K. Lighting Parking Facility - Adequate lighting shall be provided if the parking lot is to be used at night. The lighting shall comply with Section 513.

508.L. Speed Bumps and Traffic Calming Devices

1. When provided, speed bumps and traffic calming measures shall conform to PENNDOT, Bureau of Highway Safety and Traffic Engineering, Publication 383, dated January 2001 and known as "Pennsylvania's Traffic Calming Handbook" (Publication No. 383). The criteria used

to determine the necessity, location, design, and construction of traffic calming measures, including all related warnings, signs, and markings shall be in accordance with accepted traffic engineering principles and Publication No. 383.

2. Speed bumps shall be setback at least fifty feet (50') from the street right-of-way of local or collector road, and at least one hundred feet (100') from the street right-of-way of any arterial street.

508.M. Joint Parking Lots - Except as permitted by Section 315.D. of the Zoning Ordinance, parking lots may be designed to serve a more than one (1) use, provided that the number of spaces is not less than the sum of the spaces that would be required for each use if calculated separately.

508.N. Handicapped Parking - Parking spaces for handicapped persons shall be governed by the latest guidelines described under the Americans With Disabilities Act.

Section 509 Off-Street Loading

509.A. Other Requirements –Off-Street Loading standards of the Zoning Ordinance shall apply.

509.B. Location - Ground level loading areas may be located in the side and rear yard. No exterior portion of a loading facility and its access drive shall be located within fifty feet (50') of a residential zone.

509.C. Access - Every loading space shall be connected to a street by means of an access drive. The access drive shall be at least twenty-four feet (24') wide for two-way travel, or fifteen feet (15') wide for one-way travel, exclusive of any parts of the curb and gutters.

509.D. Circulation - Off-street loading spaces shall be designed so that there will be no need for service vehicles to back over streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots.

509.E. Lighting – Adequate lighting shall be provided if the loading area is to be used at night. The lighting shall comply with Section 513.

509.F. Surface - The surface of the loading area and the access drive that serves the loading area shall be constructed according to the Local Street standards.

509.G. Required Size - The following minimum loading space sizes (excluding access drives, entrances and exits) shall be provided. The “Facility” shall be defined according to the Zoning Ordinance.

Facility	Length	Width	Height (When Covered or Obstructed)
Industrial, Wholesale, and Commercial (over 25,000 square feet gross floor area per use)	63 feet	12 feet	15 feet
All Other Uses	33 feet	12 feet	15 feet

509.H. Landscape Screening - A fifteen foot (15') wide landscape screen shall surround all off-street loading facilities. The landscape screen shall be designed in accordance with Section 520.

Section 510 Sidewalk

510.A. Warrants

1. Sidewalks shall be provided along all street frontages within the Mixed Use Zone and

Commercial Zone as designated in the Zoning Ordinance.

2. Sidewalks shall be provided:
 - a. To continue existing sidewalk systems to the terminus of a service area or block;
 - b. To provide access to vehicular parking compounds, school bus zones, or recreational facilities; and
 - c. To provide access to and/or within commercial, industrial or other community facilities.

510.B. Location

1. Sidewalks located along streets shall be set back five feet (5') from the edge of the street cartway.
2. Sidewalks, which are not located along streets, shall be physically divided from the vehicle area by curb or eight foot (9') wide landscaped strip.

510.C. Improvement Standard – Sidewalks shall conform to the Standard Construction and Material Specifications.

510.D. Width - Sidewalks shall have a minimum width of four feet (4').

510.E. Vertical Alignment - Sidewalks shall be graded to discharge storm water runoff. A minimum cross slope of two percent (2%) shall be provided. The maximum slopes of banks located along sidewalks shall not exceed three to one (3:1) for fills and two to one (2:1) for cuts, measured perpendicular to the sidewalk.

510.F. Maintenance and Repair - Maintenance and repair costs for sidewalks are the sole responsibility of the landowner.

510.G. ADA Requirement - Sidewalks shall conform with the latest edition of the Americans With Disabilities Act Accessibility Guidelines.

Section 511 Curb and Shoulder

511.A. Warrants - Curbs are not required along streets except where sidewalks are provided, storm drainage conditions cannot be maintained within a swale, or where unusual or particular conditions prevail with respect to traffic, on-street parking, and/or safety of pedestrians.

511.B. Improvement Standard - Curbs shall be constructed in accordance with the Standard Construction and Material Specifications.

511.C. ADA Requirement - Curbs shall conform to the latest edition of the Americans With Disabilities Act Accessibility Guidelines.

511.D. Shoulders - Shoulders shall be provided along all streets without curbs. Shoulders shall be constructed in accordance with the Standard Construction and Material Specifications.

Section 512 Block and Lot

512.A. General - The configuration of blocks and lots shall be based upon the lot area requirements of the Township Zoning Ordinance, traffic circulation, salient natural features, existing man-made

features, and land use. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.

512.B. Residential Block - All blocks in a residential subdivision shall have a maximum length of one thousand, six hundred feet (1,600') and the minimum width to accommodate back-to-back lots that conform to the prevailing standards.

512.C. Nonresidential Block - Block configurations in nonresidential areas shall be based primarily upon safe and efficient traffic circulation, and salient natural features.

512.D. Lot Configuration

1. Side lot lines shall be at right angle or radial to street lines, whenever practical.
2. Lot lines shall, wherever feasible, follow municipal boundaries, rather than cross them.
3. Lots with areas that are two (2) or more times the minimum area requirements shall, wherever feasible, be designed with configurations that allow for additional subdivision. The Township may require a sketch plan of such large lots that indicates the potential future subdivision is generally in conformance with the design standards.
4. All lots shall front on a street. Satisfactory guarantee of the street construction shall be provided to the Township, when a lot is provided with street frontage solely from a proposed street that is located within an adjoining municipality.
5. Lots that front upon two parallel streets, or upon two streets that do not intersect (also known as through lots), shall comply with the Township Zoning Ordinance.
6. All lots and remnants of land (areas remaining after subdivision) shall conform to the lot size and configuration requirements.

512.E. Lot Line Adjustment - A parcel of land that is added to an existing lot of record shall:

1. Not increase a dimensional nonconformity. However, any existing dimensional nonconformity may be reduced by right, even if the reduction does not entirely eliminate the dimensional nonconformity. Except as provided in the Township Zoning Ordinance, no extension or enlargement of a dimensional nonconformity is permitted.
2. Delineate the area to be transferred and the deletion of an existing lot line.
3. Include the following notes with suitable references to relevant information to be inserted in the blank underlined spaces:
 - a. *"The property transfer will result in the recording of a deed with the Cumberland County Recorder of Deeds simultaneous with recording the plan. A copy of the recorded deed will be provided to the Township within seven (7) calendar days of its recording."*
 - b. *"I/We hereby certify that, as the owners of adjacent land (Deed Reference No. _____) to the parcel shown as lands of _____ on this plan, it is my/our intention to acquire said parcel upon approval and recording of this plan. I/we hereby agree to incorporate Lot No. _____ with my/our adjacent landholdings into one (1) tract of land with one (1) encompassing description within ninety (90) calendar days of transfer to my/our ownership. I/We further agree to provide a copy of the recorded deed to Dickinson Township within seven (7) calendar days of its recording."*

512.F. Rural Resource Zone - Lots that carry a right of further subdivision or development, as provided in Section 200.E.5. of the Zoning Ordinance, shall clearly denote the lots that the future subdivision or development right is assigned.

512.G. Agricultural Zone – Lots that carry a right of further subdivision or development, as provided in Section 201.E.6. of the Zoning Ordinance, shall clearly denote the lots that the future subdivision or development right is assigned.

512.H. Disposal Plume Easements - In accordance with Section 323.C. of the Zoning Ordinance, with the Agricultural Zone a sewage disposal plume by easement may be used in-lieu of increased permitted lot size. Such easement shall be in a form acceptable to the Township solicitor and be approved by PA DEP through the sewer module review process.

SECTION 513 LIGHTING REQUIREMENTS

513.A. Adoptions by Reference

1. Unless superseded by requirements of this Ordinance, the "IESNA Lighting Handbook," most recent edition, as published by the Illuminating Engineering Society of North America (IESNA), is hereby adopted by reference and made a part hereof as if fully set out in this Section.
2. Unless superseded by requirements of this Ordinance, the publication, "American National Standard, Nomenclature and Definitions for Illuminating Engineering", most recent edition, as published by the Illuminating Engineering Society of North America (IESNA) and approved by the American National Standards Institute, Inc. (ANSI), and referred to in this Section as "The ANSI/IESNA Lighting Definitions," is hereby adopted by reference and made a part hereof as if fully set out in this Section.
3. In addition to the specific requirements established in this Section, the design calculations for outdoor lighting installations shall be in accordance with the IESNA Lighting Handbook. This includes, but is not limited to, technical definitions, terminology, calculation methods and procedures, photometric classifications, and photometric testing procedures. Luminance selection should be based on the usage of the area to be illuminated, the level of activity, and nighttime security requirements.

513.B. Lighting Encroachment - Lighting shall be arranged so as to deflect light away from any adjoining properties and public streets. The light source shall be directed, hooded, shielded, or controlled so as not to light adjacent properties and public streets. Luminaries shall not:

1. Cast light on a public street in excess of one (1) foot-candle measured at the street centerline; or
2. Cast light on a residential property in exceed one tenth (0.2) foot-candle measured at the property line.

513.C. Illumination Levels - Lighting shall be provided within the range of permitted lighting levels as specified in the following table.

1. Luminaries used in public areas such as roadway lighting, parking lots and for exterior building illumination shall be designed to provide the minimum illumination recommended by the IESNA in the most current edition of the IESNA Lighting Handbook.
2. The maximum average lighting levels shall not exceed the standards provided below.

MAXIMUM AVERAGE LIGHT LEVELS	
Location	Foot-Candles
Landscape Highlights	2
Building Facades	3
Parking Areas for Multi-Family Residential Uses	3
Sidewalks and Other Pedestrian Walkways	3
Streets	3
Parking Areas for Non-Residential Uses	5
Building Entrance	5
General Storage areas for Non-Residential Uses	8
Non-Residential Vehicular Entrance	10
Vehicular Display Areas	10
Loading Areas Associated with a Non-Residential Use	20
Under Canopies	30
Externally Illuminated Sign	30

3. Athletic fields and other outdoor arenas shall not exceed the minimum illumination recommended by the IESNA in the most current edition of the IESNA Lighting Handbook.
4. For those areas not specified, the Board of Supervisors will set an appropriate level on a case-by-case basis in keeping with the intent of this ordinance;
5. The foot-candle level readings shall be taken after dark with the light meter held 6" above the ground with the meter facing the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the illumination intensity.
6. A maximum uniformity light level ratio in all parking areas, sidewalks and other pedestrian walkways, shall average a minimum of 6:1.

513.D. Height

1. The maximum height for a light source, except for recreational lighting, is the maximum permitted building height of the Zoning Ordinance.
2. The maximum mounting height for recreational lighting shall be as follows:

Recreation Activity	Maximum Mounting Height
Basketball	20'
Football	70'
Soccer, Lacrosse, Field Hockey, Rugby and other similar field sports	70'
Baseball 200' Radius	60'
Baseball 300' Radius	90'
Golf Driving Range	30"

Recreation Activity	Maximum Mounting Height
Miniature Golf	20'
Swimming Pool Aprons	20'
Tennis	20'
Track	20'

- No light sources shall be located on the roof unless said light enhances the architectural features of the building.

513.E. Location - Outdoor light fixture shall be setback a minimum horizontal distance equal to its height from each property line but in no case less than 10' from a street right of way and 5' from all side or rear lot lines.

513.F. Hours of Operation

- Whenever practicable, outdoor lighting installations shall include timers, dimmers, and/or motion-sensors to reduce overall energy consumption and eliminate unneeded lighting, particularly after 11 p.m.
 - Outdoor lighting, which serves commercial or industrial uses that do not operate after dark must be turned off one (1) hour after closing except for, approved security lighting.
 - Commercial or industrial uses that offer services after dark, outdoor lighting may be utilized during the nighttime hours provided the commercial or industrial use is open for service. Once the commercial or industrial uses closes, the outdoor lighting must be turned off one (1) hour after closing except for security lighting.
 - Exterior lighting for security surveillance purposes shall be arranged, and of sufficient illumination, to enable the detection of suspicious movement. Security lighting for buildings/structures shall be directed toward the face of the building/structure, rather than the area around it, and shall not exceed a maximum illumination of five (5) footcandles.
3. Internally illuminated signs shall not exceed 1,000 initial lumens per square foot of sign face.

513.G. Canopy Lighting - Under-canopy lighting shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source at all lateral angles.

513.H. Exemptions

- All emergency lighting needed by the police, fire or other emergency services, as well as all vehicular luminaries, are exempt from the requirements of this ordinance.
- All hazard warning luminaries required by federal regulatory agencies are exempt from the requirements of this article, except that all such must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.
- Luminaries used primarily for signal illumination may be mounted at any height required to ensure roadway safety, regardless of lumen rating.
- Seasonal holiday lighting and illumination of the American and state flags shall be exempt from the requirements of this ordinance, providing that such lighting does not produce glare on roadways and neighboring residential properties.

5. Sign illumination is regulated in the Zoning Ordinance.

Section 514 Easements

- 514.A.** Easements shall be provided for public or shared facilities, services and utilities.
- 514.B.** Easements shall be located in a manner that minimizes disruption of the use or land.
- 514.C.** Nothing shall be placed, planted, set, or constructed within an easement that would adversely affect the function of the easement or conflict with the easement agreement.
- 514.D.** All existing and proposed easements shall be identified on the plan and shall include a boundary line description in accordance with the lot line description standard of this Ordinance.
- 514.E.** When deemed appropriate by the Township, the plan shall identify the entity to which the easement is granted and the terms thereof.
- 514.F.** Each easement depicted on the plan shall be the subject of a written agreement to be recorded in the office of the Cumberland County Recorder of Deeds. Any easement agreement which includes the Township or Authority as parties is subject to Township approval. Each agreement shall be recorded concurrently with the final plan.
- 514.G.** Every deed for property that is burdened by an easement shall contain a notice thereof on the deed.
- 514.H.** Sanitary sewer, water supply and storm water easements shall have a minimum horizontal width of thirty feet (30') unless a greater width is required by the Township. In the case of a shared easement, sufficient area shall be provided to allow a minimum horizontal separation of ten feet (10') between the facilities, and from the edge of the easement boundary.
- 514.I.** Where an existing utility (i.e., electric or telephone transmission or petroleum product transmission line) traverses a property, the developer shall identify the easement or right-of-way and provide a plan note certifying compliance with any existing easement or right-of-way.

Section 515 Survey Monuments and Markers

- 515.A.** Survey monuments and markers shall be provided according to the following:
1. Permanent stone or concrete monuments shall be accurately placed along one side of the right-of-way lines of each street and on the property lines of the parent property. Monuments shall be placed at the intersection of all street lines forming angles, changes in direction, and at the end of each curved line. An intermediate monument shall be placed wherever topographical or other conditions make it impossible to sight between two otherwise required monuments.
 2. Markers shall be set at all points where lot lines intersect curves and/or other property lines.
 3. Monuments shall be of concrete or stone, with a flat top having a minimum width or diameter of four inches (4") and a minimum length of thirty inches (30"). Concrete monuments shall be marked with a three-quarter inch ($\frac{3}{4}$ ") copper or brass dowel; stone or pre-cast monuments shall be marked on the top with a proper inscription and a drill hole.
 4. Markers shall consist of iron pipes or steel bars at least thirty inches (30") long and not less than a three-quarter inch ($\frac{3}{4}$ ") diameter.

5. All monuments and markers shall be placed by a registered land surveyor so that the scored or marked point shall coincide exactly with the point of intersection of the lines being monumented or marked.
6. All monuments/markers shall be set flush with the finished grade, except for temporary placement and/or woodland conditions.
7. Existing and proposed monuments and lot line markers shall be delineated on the plan.
8. The developer shall certify that the survey monuments and markers are placed by a registered land surveyor

Section 516 Stormwater Management

Stormwater management shall conform to the requirements of the Dickinson Township Stormwater Management Ordinance.

Section 517 Floodplain

All subdivision and land development plans shall conform to Chapter 92 (Floodplain Management) of the Code of Dickinson Township.

Section 518 Wetland

All subdivision and land development plans shall comply with Section 512 of the Zoning Ordinance.

Section 519 Riparian Buffer

All subdivision and land development plans shall comply with Section 511 of the Zoning Ordinance.

Section 520 Landscaping

- 520.A. Native Plants** - Native plant materials should be incorporated in all designs. The use of native plant material help to improve water quality, provide additional and improved wildlife habitat, and typically adapt to local conditions which then require less maintenance. Native plants must be used near greenways, suburban forested areas, and wetlands. Select native plants must be used in riparian buffers as listed in Section 511.E.2. of the Zoning Ordinance.
- 520.B. Non-Native Plants** - Non-native plants may be included in place of a native plant if it is not considered invasive and the plant does not introduce pests or diseases. A non-native plant may be incorporated into designs when they prove to be better suited for the soil, environment, or spatial constraints, stress mitigation, and integration into the surrounding ecosystem.
- 520.C. Invasive Plants** - Invasive plants, as defined by the Pennsylvania Department of Conservation and Natural Resources (DCNR) may not be used in any planting scheme.
- 520.D. Existing Vegetation** - Any existing vegetation that is in appropriate locations, of an acceptable species and quality may be used to fulfill landscaping or buffering requirements.

520.E. Existing Wooded Area - Existing wooded areas shall be protected to prevent unnecessary destruction. Healthy trees with a caliper of twelve inches (12") or more, as measured at a height of four and one-half feet (4½') above existing grade, shall not be removed, unless their location interferes with a planned improvement that cannot be relocated to coordinate with the existing wooded areas. At least twenty-five percent (25%) of the number of trees (size described above) that exist at the time of plan submission shall be maintained or replaced immediately following construction. Plans shall be submitted showing the location of existing tree masses and proposed construction in conformance with this section. The Township may require an assessment of the number of trees by a forester or landscape architect.

520.F. Ground Cover - Ground cover shall be provided on all areas of the project to prevent soil erosion. All areas which are not covered by paving, stone, or other solid material shall be protected with a suitable ground cover, consisting of spreading plants including sods and grasses less than eighteen (18) inches in height.

520.G. Landscape Material

1. Plantings shall be typical of their species and variety; have normal growth habits, well-developed branches, densely foliated, vigorous, fibrous root systems and shall be free from disease, insects, insect eggs, and larvae. Plantings shall be selected from stock that was grown under climatic conditions similar to the locality of the property. All planting shall be performed in conformance with good nursery and landscape practice. Plantings shall be properly maintained and replaced if dead.
2. Planting materials shall meet the following criteria:
 - a. Shade trees shall be a minimum trunk caliper of two inches (2") at a height of six inches (6") above finished grade.
 - b. Flowering and/or ornamental trees shall be a minimum trunk caliper of one and one-half inches (1½") at a height of six inches (6") above finished grade.
 - c. Evergreen trees shall be a minimum height of six feet (6').
 - d. Shrubs shall be a minimum diameter of twenty-four inches (24").
 - e. Any tree or shrub which dies shall be replaced within thirty (30) days, season permitting.
 - f. All landscaping and screening treatments shall be properly maintained.
3. Requirements for the measurements, branching, grading, quality, balling, and burlapping of trees shall follow the code standards recommended by the American Association of Nurserymen, Inc., in the American Standard for Nursery Stock, ANSI Z60.1-2004.

520.H. Street Trees - All Street trees shall be provided by the Applicant in accordance with the following standards:

1. Street trees shall be located between five feet (5') and ten feet (10') outside of the street right-of-Way line.
2. Two (2) street trees shall be planted every 100 linear foot of street measured at the centerline.
3. Street tree spacing shall be based on the size of the tree canopy at maturity. Trees with a canopy of less than thirty (30) feet shall be spaced no closer than 30 feet on center.
4. When more massing is appropriate for improvements, such as benches and other street furniture, grouping of street trees is allowed.

5. The trees shall be nursery grown in a climate similar to that of the locality of the project. Varieties of street trees shall be subject to Township approval. Street trees may include, but are not limited to, the following:

Red Maple - <i>Acer rubrum</i>	Blackgum, Sourgum - <i>Nyssa sylvatica</i>
Sugar Maple - <i>Acer saccharum</i>	American Hophornbeam - <i>Ostrya virginiana</i>
River Birch - <i>Betula nigra</i>	Sycamore - <i>Platanus occidentalis</i>
Common Hackberry - <i>Celtis occidentalis</i>	White Oak - <i>Quercus alba</i>
American Yellowwood - <i>Cladrastis kentuckea</i>	Shingle Oak - <i>Quercus imbricaria</i>
American Beech - <i>Fagus grandifolia</i>	Chestnut Oak - <i>Quercus montana</i>
White Ash - <i>Fraxinus americana</i>	Red Oak - <i>Quercus rubra</i>
Green Ash - <i>Fraxinus pennsylvanica</i>	Swamp White Oak - <i>Quercus bicolor</i>
Thomless Honeylocust - <i>Gleditsia triacanthos inermis</i>	Basswood, American Linden - <i>Tilia americana</i>
Sweetgum - <i>Liquidambar styraciflua</i>	Red Oak - <i>Quercus rubra</i>
Tuliptree - <i>Liriodendron tulipifera</i>	

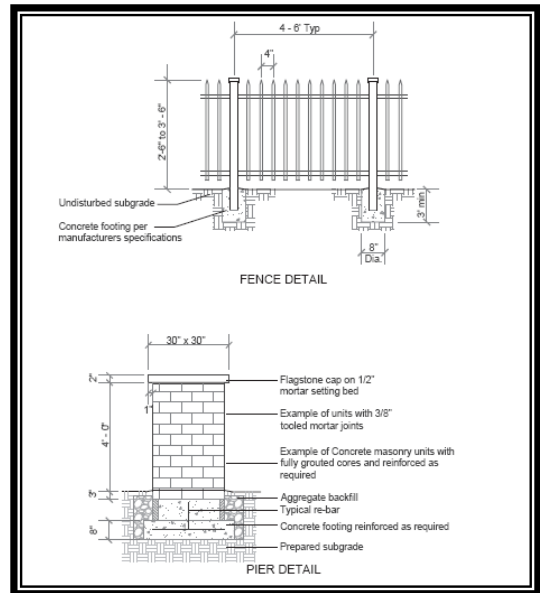
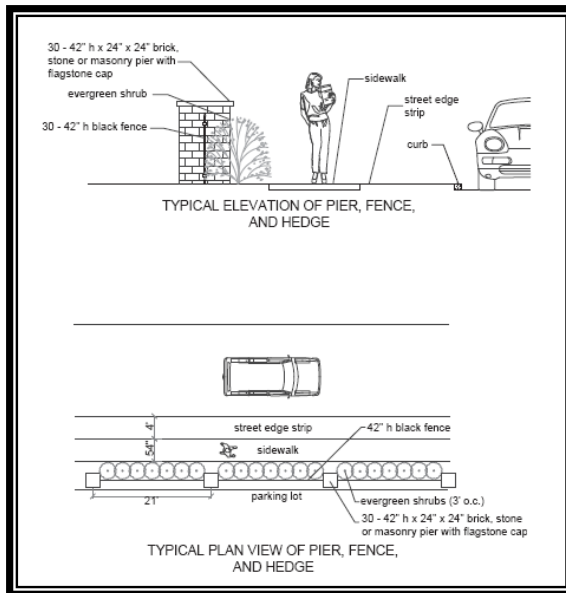
6. All trees shall have a normal habit of growth and shall be sound, healthy, and vigorous; they shall be free from disease, insects, insect eggs, and larvae.
7. The trunk caliper, measured at a height of six (6) inches above finish grade shall be a minimum of two (2) inches.
8. Tree planting depth shall bear the same relationship to the finished grade as the top of the root ball or original grade of origin.
9. Street trees shall not be planted within the street right-of-way or other easements. Tree growth shall not interfere with the street cartway, sidewalk, signage, easements, clear sight triangles, utility lines, storm water management facilities or other planned features of the development. Within the Clear Sight Triangle, typical branching shall not be within ten (10) feet of ground level after ten (10) years of growth.
10. No one species shall comprise more than thirty-three percent (33%) of the entire number of Street trees in a particular development

520.I. Landscape Strip and Interior Landscaping

1. Materials - Any required landscaping shall include a combination of deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees, and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than eighty percent (80%) of the required landscape area shall be vegetative in composition, and no outdoor storage shall be permitted within required landscape areas.
2. Trees - At least one (1) shade tree shall be provided for each eight hundred (800) square feet, or fraction, of required landscape area in the parking lot. All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the yard.
3. Off-Street Parking - Off-street surface parking lots that contain twenty (20) or more parking spaces shall provide a parking lot landscape planting area of five (5) square feet per parking space. The required landscaping may be used to define sidewalk areas, parking areas, pedestrian areas, and travel lanes. When the required amount of landscape planting area encumbers the parking lot and traffic circulation functions, up to fifty (50) percent of the required landscape planting area may be located at the entrance and/or perimeter to the parking lot.

520.J. Screening.

1. **Security Visibility** - In order to provide for security surveillance and minimize the potential for crime, all landscaping and screening shall, to the greatest extent possible, be sited, massed, and scaled to maintain visibility of doors and first floor windows from the street and from within the development. Planting patterns shall not obstruct sight lines or create isolated areas, especially near pedestrian walking paths.
2. **Screening Elements** - Any required landscape screening shall include a combination of evergreens (trees, hedges or shrubs), walls, fences, earth berms, or other approved similar materials. Wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screening shall be arranged to block the ground level views between grade, and a height of six feet (6'). Landscape screens must achieve this visual blockage within two (2) years of installation.
3. **General Screening** - Loading docks, trash collection areas, outdoor storage, and similar facilities shall be screened from adjacent residential property and public streets with material of the same quality and appearance as those used on the building. Such areas shall be screened with a combination of architectural masonry, fencing and/or landscaping with a height of at least six (6) feet. At least two-thirds (2/3) of the area must be screened. The screened fence abutting a LDR or MU Zone must be at least ninety percent (90%) opaque. The screened fence abutting all other Zones must be at least fifty percent (50%) opaque.
4. **Off-street Parking** - Off-street surface parking lots that contain twenty (20) or more parking spaces or located adjacent to a neighboring residential use shall be screened for at least fifty percent (50%) of the view from the public right-of-way. Such screen shall be any combination of a three and one-half (3½) foot high masonry wall, fence or earthen berms with landscape material. Below is an illustrative example of pier, fence and hedge screening.



520.K. Planting Guidelines

1. All planting shall be performed in conformance with good nursery and landscape practice. Plant materials shall conform to the standards recommended by the American Association of Nurserymen, Inc., in the American Standard for Nursery Stock, ANSI Z60.1-2004.
2. Planting designs are encouraged to share planting space for optimal root growth whenever possible. Continuous planting areas vs. isolated planting boxes are encouraged. Staking and wiring of trees shall include a maintenance plan note that staking and wiring will be removed within one year of planting.

Section 521 Steep Slopes

All subdivision and land development plans shall comply with Section 513 of the Zoning Ordinance.

Section 522 Sanitary Sewage Disposal

- 522.A.** Prior to final plan approval or at the sole discretion of the Township as a condition thereof, all sewage facilities planning shall be completed and all approvals obtained.
- 522.B.** The developer shall provide a sanitary sewage disposal facility consistent with the:
1. Pennsylvania Sewage Facilities Act, Act 537 of 1966,
 2. Dickinson Township Act 537 Official Plan for sanitary sewer, and
 3. Any other Ordinance or resolution of the Township and its Authorities.
- 522.C.** Sanitary sewer systems shall be designed and constructed in accordance with the prevailing rules, specifications and regulations of the PA DEP, the Township and its Authorities.
- 522.D.** When sanitary sewage disposal is provided by means other than by an individual on-lot system for use by a single unit of occupancy, the Final Plan Application shall include written notice from the service provider of their approval of the design, acceptance of a financial guarantee and commitment to service (Certificate of Capacity).
- 522.E.** Individual on-lot sanitary sewage disposal systems (OLDS) shall conform to the on-lot sewage disposal system requirements of the PA DEP.

Section 523 Water Supply and Fire Hydrants

- 523.A.** Water supply systems shall be designed and constructed in accordance with the prevailing rules and regulations of the PA DEP and the Township.
- 523.B.** All developments shall connect to the Township public water supply system provided capacity is available.
- 523.C.** Where the Township determines public water supply system cannot feasibly be provided to the proposed development, and the average residential lot size is less than thirty thousand (30,000) square feet, a private centralized water supply system shall be provided by the developer. Fire hydrants shall be provided in all private centralized water supply systems which will serve more than twenty-five (25) lots or dwelling units. Private centralized water systems are subject to Township approval, and compliance with the standards of Pennsylvania Department of Environmental Resource. Suitable agreements shall be established for the ownership and maintenance of the private centralized water system. A private centralized water system shall be designed and constructed in a manner that would permit adequate connection to a public water supply system in the future.
- 523.D.** Where the Township determines public water supply system cannot feasibly be provided to the proposed development, and individual on-lot water supply systems are to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system, and the systems shall conform to criteria as set forth by the Pennsylvania Department of Environmental Resources and the Township.

- 523.E.** Fire hydrants shall be provided wherever the water supply system contains sufficient capability, or will in the near future, with or without developer assistance. Type and location of fire hydrants shall meet the specifications of the fire department that services the project. Location and fitting types shall be in accordance with the standards of the applicable fire department.
- 523.F.** If water is to be provided by means other than by an individual on-site water supply system (wells that are owned and maintained by the individual lot owners), the Final Plan Application shall include written notice from the service provider its approval of the design, acceptance of a financial guarantee and commitment to service.

Section 524 Park and Recreation Lands

524.A. Requirements for Reservation of Park and/or Recreation Lands

1. Every proposed subdivision of land and/or land development regulated by this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247 of 1968, reenacted, and amended, shall provide land for dedication which is suitable for park and/or recreation.
2. The amount of land required to be dedicated shall be as established by resolution of the Board of Supervisors
3. All land proposed for dedication as park and/or recreation land shall comply with the standards set forth in Section 524.B.
4. In lieu of the dedication of land, the developer may propose the following or a combination of the following, subject to approval of the Board of Supervisors.
 - a. Dedication of land for park and/or recreation purposes,
 - b. Payment of a recreation fee,
 - c. Construction of park and/or recreational facilities,
 - d. Private reservation of park and/or recreation land, or
 - e. A combination of the above.
5. If the developer receives approval from the Board of Supervisors for the payment of a fee in lieu of dedication of all or some of the required park and/or recreation land, then the fee shall be calculated on the basis of the most current fee schedule as adopted by resolution of the Board of Supervisors. If at the time of plan submission the developer is domiciled on one of the lots thereon, said lot shall not be included in this calculation.
6. If the developer elects to pay a fee in lieu of the dedication of park and/or recreation land, then such payment, if approved by the Board of Supervisors, shall be deemed a condition of plan approval and shall be paid to the Township at the time of execution of the improvements agreement with the Township or if no improvements agreement is necessary, then prior to recording the approved plan.
7. All fees paid pursuant to this Section shall be placed in an interest bearing account and accounted for separately from other Township funds, and such funds shall not be used for any purpose inconsistent with the applicable provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, reenacted and amended.
8. The requirements of Section 524 shall be in addition to, and not in lieu of:
 - a. Open space which is required to be provided in connection with certain uses,

developments, subdivisions and/or other residential living arrangements pursuant to the Zoning Ordinance; and

- b. Any private park and/or recreation land provided by the developer for the benefit of the residents thereof, unless approved by the Board of Supervisors pursuant to Section 524.A.4.d

524.B. General Standards for Park and/or Recreation Land Set-Aside by the Developer

1. Unless otherwise approved by the Board of Supervisors, where the developer elects to fulfill the requirements of this Article through an offer of dedication of land to the Township, the developer shall demonstrate to the satisfaction of the Township that the land will support a legitimate park and recreation use considering were relevant the following factors:
 - a. Consistency with the Township Comprehensive Plan;
 - b. Consistency with the Township Official Map;
 - c. Availability for use by the public;
 - d. Location entirely within Dickinson Township.
 - e. Means for public ingress and egress.
 - f. Accessibility to essential utilities and services.
 - g. Ability to accommodate vehicle parking facilities.
 - h. Suitability of land characteristics for the intended use, including but not limited to configuration, natural and cultural features, and man-made features;
 - i. Compatibility with surrounding neighborhood;
 - j. Proximity to other community facilities; and
 - k. Such other factors that the Township may deem relative.
2. Whether publicly dedicated or privately reserved, proposed recreation areas shall:
 - a. Be easily and safely accessible from all areas of the development to be served, have good ingress and egress and have direct access to a public roadway. However, no public vehicular roadways shall traverse the recreation area.
 - b. Be contiguous and regular in shape.
 - c. Have suitable topography and soil conditions for use and development as a recreation area.
 - d. Have a minimum of seventy-five percent (75%) of the required area with a maximum slope of seven percent (7%).
 - e. Have a twenty-five-percent (25%) maximum of the required area be within floodplain or wetland areas.
 - f. Be easily accessible to all essential utilities contained within the subdivision such as public water, power and sewer. However, no utility easements or rights-of-way shall

traverse the recreation area. Stormwater management structures and facilities shall not be included within any recreational or open space area.

- g. Not contain any materials which would be termed "hazardous wastes" under applicable state and federal statutes, not contain any petroleum products and not contain any underground storage tanks or locations from which underground storage tanks were removed.
- h. Be suitable for development as a particular type of park, as categorized by the National Recreation and Park Association's National Park, Recreation and Open Space Standards and Guidelines, 1983, and updates.

Section 525 Carbonate Geology

All subdivision and land development plans shall comply with Section 514 of the Zoning Ordinance.

Section 526 Pennsylvania Natural Diversity Inventory (DNDI)

All subdivision and land developments shall conform to Section 515 of the Township Zoning Ordinance.

Section 527 Pennsylvania Scenic River Corridor Protection

All subdivision and land developments shall conform to Section 516 of the Township Zoning Ordinance.

Section 528 Appalachian Trail Corridor Protection

All subdivision and land developments shall conform to Section 517 of the Township Zoning Ordinance.

Section 529 Historic Site Protection

All subdivision and land developments shall conform to Section 518 of the Township Zoning Ordinance.

Article 6

Moblehome Park

Section 601 General

The standards and requirements contained in this Article and the Township Zoning Ordinance shall apply as minimum design standards for mobilehome parks. Whenever other Township ordinances or regulations impose more restrictive standards and requirements than those contained herein, the more restrictive shall apply.

Section 602 Procedure

All proposed mobilehome parks, and expansions to existing mobilehome parks, shall conform to the procedural and application requirements of this Ordinance for subdivision and land development (see Article 2, Article 3, and Article 4).

Section 603 Design Standards

- 603.A. General** - The standards and requirements contained in Article 5 shall apply as minimum design standards for subdivisions and/or land developments.
- 603.B. Driveways and Joint Use Driveways** - Driveways to manufactured homes must access onto the interior street or access drive system of the mobilehome park. Direct driveway access to an existing adjoining public street is prohibited.
- 603.C. Intersections** - A fifty-five foot (55") tangential arc shall be provided at the cartway edge for all intersections of both streets and access drives.
- 603.D. Sidewalks** - Sidewalks shall be provided along both sides of streets and access drives and, where applicable connect mobilehomes to parking compounds and service buildings.
- 603.E. Public Sanitary Sewage Disposal** - Each mobilehome unit shall be directly connected to and served by public sewer.
- 603.F. Public Water Supply and Fire Hydrants** - Each mobilehome unit shall be directly connected to and served by public water.

Administration and Enforcement

Section 701 General

It shall be in violation of this Ordinance for any person to perform or commence the following without first complying with all applicable provisions of this Ordinance:

- 701.A. Lay out, construct, open, transfer, and/or dedicate any street, sanitary sewer, storm sewer, water main or other improvement for public use, travel or other purposes, when part of a subdivision or land development,
- 701.B. Sell, transfer or enter into an agreement to sell or transfer any land in or relating to a subdivision or land development,
- 701.C. Construction or erection of any building or structure which constitute a land development or which otherwise require a land development or subdivision approval, or
- 701.D. Commencement of site grading or site improvements associated with a land development or subdivision unless otherwise authorized by the Township.

Section 702 Enforcement of Security

The Township may enforce any security posted pursuant to this Ordinance for the construction of any required improvements which have not been constructed or installed in accordance with this Ordinance, the improvements agreement, or the conditions of plan approval. If the balance of the security is insufficient to pay the costs of installation, repair or correction of the required improvements, the Township may institute proceedings at law or in equity to recover sums spent or to otherwise secure the completion of the work.

Section 703 Township Not Engaged in Development

Township review and approval of a plan or the subsequent observation and approval of required improvements, shall not constitute land development on behalf of or by the Township or otherwise cause the Township to be engaged in the process of land development. By submitting an application under this Ordinance, the developer hereby agrees to indemnify, defend, and hold harmless the Township and all its agents, servants, employees, officials and consultants of and from any and all claims, demands, causes of action or suits which arise out of or relate to the review, approval, construction or observation of the developer's plan and required improvements.

Section 704 Developer Responsibility

Absent the receipt of a waiver approved by the Township in accordance with this Ordinance, the developer shall comply with the requirements of this Ordinance, the conditions of plan approval, the improvements agreement and all applicable laws and regulations. The approval of a plan or the construction of required improvements in violation of any of the above does not constitute a waiver or otherwise absolve the developer of responsibility for full compliance with all of the requirements relative to a subdivision or land development.

Section 705 Erroneous Approval

- 705.A. Fraudulent, Misleading or Materially Inaccurate Information** - The approval of a plan by the Township based upon any fraudulent, misleading or materially inaccurate information shall be voidable at the sole discretion of the Township.
- 705.B. Approvals in Violation of Ordinance** – Notwithstanding approval of the plan by the Township, the developer shall not be relieved of the obligation to comply with all applicable ordinances, laws and regulations.
- 705.C. Remedies** – Upon discovery of an erroneous approval under Section 705.A. or Section 705.B. the developer may be subject to the remedies contained in this Article and the modification or revision of the approved plan to correct the defect. Unless authorized by the Township, processing of the plan or performance of work there under shall cease.

Section 706 Preventive Remedies

- 706.A.** In addition to any other available remedies, the Township may institute and maintain appropriate actions at law or in equity to:
1. Restrain, correct, or abate violations;
 2. Prevent unlawful construction; and
 3. 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.
- 706.B.** The Township may refuse to issue any permit, refuse to issue an approval, or revoke a permit or an approval that is 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 5 of the MPC. This authority to deny or revoke such a permit or revoke approval shall apply to any of the following persons:
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; and
 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 had actual or constructive knowledge of the violation.
- 706.C.** 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 violation occurred.

Section 707 Enforcement Remedies

- 707.A.** Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 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 district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day (5) following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- 707.B.** 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.
- 707.C.** 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.
- 707.D.** Magisterial District Judge shall have initial jurisdiction in proceedings brought under Section 703 of this Ordinance.

Section 708 Remedies Not Exclusive

Remedies available to the Township as set forth in this Ordinance shall not be deemed to be exclusive and, in addition to such remedies the Township shall have available all other appropriate remedies at law or in equity.

Section 709 Severability

The provisions of this Ordinance are severable, and should any Article, Section, subsection, paragraph, clause, phrase, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such determination shall not affect the validity of the Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid.

Section 710 Repeal

The Subdivision and Land Development Ordinance of the Township of Dickinson, Ordinance No. 3-1997, as enacted and ordained on July 29, 1997, and as subsequently amended, is hereby repealed in its entirety; provided, however, that this repeal shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue, or prosecute, as the case may be, any proceeding at law or in equity pertaining to any act done which would have constituted a violation of the Subdivision and Land Development Ordinance No. 3-1997, as amended. All provisions of the Subdivision and Land Development Ordinance No. 3-1997, as amended, shall remain in full force and effect, and are not repealed hereby, as they pertain to such acts, and to the processing of such plans filed prior to the effective date of this Ordinance only to the extent protected from the effect of intervening ordinances by Section 508(4) of the Pennsylvania Municipalities Planning Code.

Section 711 Adoption and Effective Date

This Subdivision and Land Development Ordinance shall become effective five (5) calendar days after its enactment by the Board of Supervisors of Dickinson Township, County of Cumberland, Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this ____ day of _____, 2012, by the Board of Supervisors of the Township of Dickinson of Cumberland County, Pennsylvania, by a lawful session duly assembled.

BOARD OF SUPERVISORS OF DICKINSON TOWNSHIP

By: _____
Chairman

Vice-Chairman

Supervisor

ATTESTED:

_____ Secretary