



# **DELAWARE TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

**ADOPTED NOVEMBER 7, 2022,  
EFFECTIVE DATE JANUARY 1, 2023**

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE  
for  
DELAWARE TOWNSHIP  
NORTHUMBERLAND COUNTY, PENNSYLVANIA**

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Subdivision and Land Development Ordinance  
For  
Delaware Township  
Northumberland County, Pennsylvania

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## **Article 1 - General Provisions**

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## **Article 1**

### **General Provisions**

#### **1.1 Title**

This Ordinance shall be known as and may be cited and referenced to as the “Delaware Township Subdivision and Land Development Ordinance”.

#### **1.2 Adoption Authority**

This Ordinance is adopted by the Delaware Township Board of Supervisors under authority granted by the provisions of Article V of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, (53 P.S. 10101 et seq.) as reenacted and amended.

#### **1.3 Enforcement Authority**

The Delaware Township Board of Supervisors is empowered to regulate subdivisions and land developments within the Township limits as provided for under the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, (53 P.S. 10101 et seq.) as reenacted and amended. As such all persons are required to submit to the Township a subdivision and/or land development plan for any activity that constitutes a subdivision or land development as defined in this ordinance.

The Board of Supervisors hereby designates the Township Planning Commission as the official agency for review and recommendation of approval and disapproval of all subdivision and land development as set forth in this Ordinance. However, it is further provided that the Board of Supervisors shall retain for itself all decisions on preliminary and final plans for subdivision and land development.

#### **1.4 Purposes**

The purpose of this ordinance is to promote the health, safety and general welfare of the citizens of Delaware Township through the establishment of uniform standards and procedures for the regulation of subdivision and land development activity within Delaware Township, Northumberland County, Pennsylvania. It is intended that the coordination of development throughout the Township will be of mutual long-term benefit to developers, purchasers of property, to the Township, local officials and the general public. The Board of Supervisors hereby cite the following as the specific purposes for which this Ordinance was ordained and enacted:

**1.4.1** To guide the future growth and development of the community in accordance with the Comprehensive Plan.

**1.4.2** To provide for adequate light, air, and privacy, to secure safety from fire,



flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.

- 1.4.3** To protect the character and the social and economic stability of all parts of the Township and to encourage the orderly and beneficial development of all parts of the Township.
- 1.4.4** To protect and conserve the value of land throughout the Township and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- 1.4.5** To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and public improvements and facilities.
- 1.4.6** To provide the most beneficial relationship between uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard for the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- 1.4.7** To establish reasonable standards of design and procedures for subdivisions, resubdivisions, and land developments, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
- 1.4.8** To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision or development.
- 1.4.9** To prevent the pollution of air, streams, river, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the municipality in order to retain the integrity, stability, and beauty of the municipality and the value of the land.
- 1.4.10** To retain the natural beauty and topography of the Township and to insure appropriate development with regard to these natural features.
- 1.4.11** To provide for open spaces through the most efficient design and layout of the land, while preserving the density of land as established in the Zoning Ordinance.
- 1.4.12** To ensure that land which is subject to flooding or subsidence shall be made safe for the purpose for which such land is proposed to be used, or that such land shall be set aside for uses which shall not endanger life or property or

further aggravate or increase the existing problem.

- 1.4.13** To promote the consideration of and compliance with other Federal, State, County, and Township acts, codes, laws, ordinances, plans, regulations and statutes, including the Township comprehensive plan.
- 1.4.14** To ensure that provisions are made for encouraging and promoting flexibility, economy and ingenuity in the layout and design of subdivisions and land developments, and for encouraging practices which are in accordance with modern and evolving principles of site planning and development.
- 1.4.15** To provide uniform standards and procedures for the preparation and recording of plans with the Recorder of Deeds of and for Northumberland County so that land records of the county are accurate and complete.

## **1.5 Jurisdiction**

- 1.5.1** The provisions contained herein shall apply to all subdivision of land and development application within the corporate boundaries of the Township.
- 1.5.2** No land shall be subdivided or developed within the corporate boundaries of the Township until:
  - 1.5.2.1** the subdivider, developer, or his agent shall submit a preliminary or final plan of the parcel to the Township Planning Commission through its administrator for review and recommendation;
  - 1.5.2.2** obtain approval of the preliminary and final plans by the Board of Supervisors; and
  - 1.5.2.3** file the approved final plan with the Northumberland County Recorder of Deeds.
- 1.5.3** No zoning permit or certificate of zoning compliance shall be issued for any parcel or plat of land which was created by subdivision or land development after the effective date of, and not in conformity with, the provisions of these subdivision and land development regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these regulations.

## **1.6 Effect of Adoption**

### **1.6.1 General**

No subdivision or land development of any lot, tract or parcel of land within Delaware Township shall be made, no street, sanitary sewer, storm sewer,

water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.

#### **1.6.2 Pending or Approved Applications**

The provisions of this Ordinance shall not affect any application for subdivision or land development that is pending approval prior to the effective date of this Ordinance. Such applications shall comply with regulations in effect at the time the application is filed. In addition, no provision of this Ordinance shall adversely affect the right of an applicant to complete any aspect of a plan that was approved prior to the effective date of this ordinance in accordance with the terms of such approval within five years from the date of first approval.

#### **1.6.3 Recording Required**

All subdivision and land development plans approved by Delaware Township in accordance with this ordinance shall be recorded in the office of the Recorder of Deeds of and for Northumberland County, Pennsylvania within 90 days of the date of approval affixed to the plan. Failure to record the plan within the 90 day period shall render the plan null and void, as if it were never approved.

#### **1.6.4 County Review**

All applications for subdivision and land development approval with the Township shall be forwarded upon receipt to the Northumberland County Planning Commission for review and report. The Township shall not take action on said plans until the County report is received or until the expiration of thirty (30) days from the date the plans were forwarded to the County.

### **1.7 Interpretation and Conflicts**

#### **1.7.1 Interpretation**

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare of the residents of the Township.

#### **1.7.2 Conflict with Public Provisions**

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where

any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

### **1.7.3 Conflict with Private Provisions**

If the requirements of this Ordinance conflict with those contained in deed restriction, covenants, easements, or other private agreements, the requirements that are more restrictive or which impose higher standards shall govern, provided that the private provisions are otherwise valid.

## **1.8 Repeals**

The enactment of this Ordinance shall act as a repeal of the Delaware Township Subdivision and Land Development Ordinance of September 5, 1995, as amended. A certified copy of this Ordinance shall be filed with the County Planning Commission and with the County Law Library. Repeal of said Ordinance shall not be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause or causes of action accrued or existing under any Ordinance repealed hereby; nor shall any right or remedy be lost, impaired, or affected by this Ordinance.

## **1.9 Severability**

Should a court of competent jurisdiction declare any section, subsection, or provisions of this Ordinance invalid, such decision shall not affect the validity of this Ordinance as a whole, or any other part of the remaining provisions of the Ordinance. The Delaware Township Board of Supervisors hereby declare that it would have enacted the remainder of this Ordinance event without any such part, provision or application.

## **1.10 Liability Disclaimer**

The grant of a permit or approval of a subdivision or land development plan shall not constitute a representation, guarantee, or warranty of any kind by the municipality or by an official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials or employees.

## **1.11 References**

Specific methods and publication referenced in this Ordinance shall, in all cases, refer to the latest available edition and shall include revisions, amendments, and/or replacements thereto.

**1.12 Effective Date**

ENACTED AND ORDAINED by the Board of Supervisors of the Township of Delaware, Northumberland County, Pennsylvania, this 7<sup>th</sup> day of November, 2022.

This Ordinance shall become effective January 1, 2023.

Delaware Township Board of Supervisors

By \_\_\_\_\_  
Chairman

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

Attest:

Secretary

## **Article 2 Definitions**

- 2.1 Definitions
- 2.2 General Terms
- 2.3 Specific Terms

## **Article 2**

### **Definitions**

#### **2.1 General**

Unless otherwise expressly stated, the following terms and words used herein shall, not the purposes of this Ordinance, have the meaning indicated in this Section.

#### **2.2 General Terms**

- 2.2.1** Words used in the present tense include the future tense; the singular number includes the plural; and the plural number includes the singular; words of masculine gender include feminine gender; and words feminine gender include masculine gender.
- 2.2.2** The word “includes” or “including” shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- 2.2.3** The word “applicant”, “person”, “subdivider”, “developer” and “owner” include an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
- 2.2.4** The word “lot” includes the word “plot” or “parcel”.
- 2.2.5** The word “structure” includes “building” and the use of either word shall be construed as if followed by the phrase “or a part thereof”.
- 2.2.6** The words “shall”, “must”, and “will” are mandatory; the word “may” is permissive.
- 2.2.7** The words “used or occupied” include the words “intended, designed, maintained, or arranged to be used, occupied or maintained”.
- 2.2.8** Periods of time stated as a number of days refer to consecutive calendar days, unless specified as “working days”.

#### **2.3 Specific Terms**

**ADT** – Average daily traffic volume.

**Accessory Building** – See Building, Accessory.

**Access Drive** – A vehicular approach or entry to or exit from a multi-unit residential or a non-residential land development.

**Administrator** - The person or persons designated by the Board of Supervisors to administer these regulations and to assist administratively the Planning Commission and other Boards and officers of the Township.

**Agricultural Land** – Land used, or available for use without substantial change, for agricultural operations whether for gain, pleasure, or sustenance.

**Agricultural Operation** – an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

**Alteration** - As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; also the changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

**Amusement Park** - A commercially operated park with a predominance of outdoor games and activities for entertainment including motorized, mechanical, aquatic or other devices that hold or carry passengers for amusement over a fixed or restricted area. Also typically includes booths for the sale of food and drink.

**Applicant** – A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors, and assigns.

**Application for Development** – Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan, or for the approval of a development plan. This shall include the required and necessary application form, plans, fees, and any other data or documentation submitted on behalf of a subdivision or land development.

**Association of Owners** - See Homeowner's Association.

**Backfill** – Material used to replace or the act of replacing the land surface with material removed during construction.

**Base Course** – The layer or layers of specified or selected material of designed thickness placed on a subbase or a subgrade to support a surface course.



**Berm** - A raised earthen mound with landscape plantings of sufficient height to constitute an effective screen providing maximum protection and immediate visual screening.

**Block** – A unit of land containing one or more lots which is entirely bounded by existing or proposed streets, public lands, cemeteries, railroads, rights-of-way, watercourses or any other barriers to contiguous development.

**BMP** (Best Management Practice) - Stormwater structures, facilities or techniques used to maintain or improve the water quality of surface runoff.

**Board of Supervisors** – The Board of Supervisors of Delaware Township, Northumberland County, Pennsylvania.

**Bridge** – A structure including supports having an opening measured along the center of the pavement of more than twenty (20) feet between supports (i.e. undercroppings, abutments) designed to convey vehicles, pedestrians, or other moving loads over a watercourse, railroad, public or private right-of-way, or any depression.

**Buffer Yard** – A portion of a site, together with any structures or landscape plantings, used and intended to provide a visual barrier between different land uses or to shield, block or provide other protection from noise, light, or nuisance between adjacent parcels of land. For the purposes of this Ordinance the buffer yard is the applicable building setback distance requirement and any additional buffer distance required under the Township Zoning Ordinance to lessen the impacts of incompatible land uses.

**Buildable Area** – The area of a lot remaining after the minimum rights-of-way, setbacks (front, rear, and side) and open space requirements have been met.

**Building** – Any combination of materials forming a structure which is designed, intended or arranged for the housing, sheltering, enclosure, or structural support of persons, animals, equipment, goods, process or property of any kind.

**Building, Accessory** – A detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, which is located on the same lot as that occupied by the principal building. An accessory building is not used for dwelling purposes nor normally occupied by personnel associated with any use.

**Building, Principal** – The main structure on a given lot, in which the principal use of the site is conducted.

**Building Setback Line, Front** – See **Yard, Front**.

**Building Setback Line, Rear** – See **Yard, Rear**.

**Building Setback Line, Side** – See **Yard, Side**.

**Caliper** - The outside diameter of trees measured for buffering and landscaping purposes at a point on the trunk six (6) inches above the natural ground line.

**Campground** - A portion of land used for the purpose of providing a space or spaces for two or more tents, trailers, or recreational vehicles for camping purposes regardless of whether or not a fee has been charged for the leasing, renting or occupancy of the space.

**Camping Space, Primitive Tent** - An unimproved site within a campground designed for the placement of a single tent for the exclusive use of its occupants intended and used for the purposes of overnight temporary stays associated with camping. Typically, modern conveniences such as utilities are not provided. It would likely have a fire pit.

**Camping Space, Standard Tent** - An improved site within a campground designed for the placement of a single tent for the exclusive use of its occupants intended and used for the purposes of overnight temporary stays associated with camping. It may have modern conveniences such as water and electric available, a tent pad, fire pit, and probably a picnic table.

**Camping Space, Recreational Vehicle** - An improved site within a campground designed for the placement of a single recreational vehicle for the exclusive use of its occupants intended and used for the purpose of overnight temporary stays associated with camping. Generally it has modern conveniences such as water, electric and possibly on-site sewer connections available.

**Carbonate** – A sediment formed by the organic or inorganic precipitation of mineral compounds characterized by the fundamental chemical ion CO<sub>3</sub>, the principal element in limestone and dolomite strata.

**Cartway** – The improved surface of a right-of-way that is available and intended for vehicular traffic in the form of a street, alley, or driveway.

**Centerline** – A line running parallel to and equidistant from both sides of the traveled portion of a street.

**Chairperson** – The Chairperson of the Delaware Township Planning Commission.

**Channel Protection Storage Volume (Cpv)** - The volume of stormwater from a site that must be captured to provide 24 hour extended detention of the one-year 24-hour storm event in order to protect stream channels from erosion. For streams with stocked or naturally reproducing trout extended detention shall be for 12 hours.

**Class A Concrete** – Cement concrete meeting the requirements set forth in the Pennsylvania Department of Transportation Publication 408.

**Clear Sight Triangle** – An area of unobstructed vision at street intersections or street and driveway intersections defined by lines of sight between points at a given distance from the intersection of street and/or driveway centerlines.

**Closed or Undrained Depression** – In a Karst geologic area, a distinct bowl-shaped depression in the land surface; size and amplitude are variable; drainage is internal. It differs from a sinkhole in that the ground surface is unbroken and usually occurs in greater density per unit area.

**Cluster Development** – A development design and site-planning concept in which several buildings are concentrated in specific areas on the site to allow the remaining land to be used for recreation, common open space, and protection of other valued natural, historic, and cultural features and resources.

**Commission** – The Delaware Township Planning Commission and, where appropriate, the Township Administrator.

**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 that is 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.

**Commonwealth** – Commonwealth of Pennsylvania

**Comprehensive Plan** – The official comprehensive plan of the Township of Delaware, Northumberland County, Pennsylvania which establishes broad goals for land use and growth management and may include plans for future land use, parks, transportation, public facilities and services, and the like.

**Condominium** – A building or group of buildings in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional and undivided basis and where there is an association of owners organized for the purpose of maintaining, administering, and operating common areas and facilities.

**Conservation District** - The Northumberland County Conservation District.

**Consistency** – A reasonable, rational, similar connection or relationship between a development proposal and the municipal, multi-municipal, and/or county comprehensive plan(s) or other relevant adopted planning documents and ordinances.

**Construction** – The erection, fabrication, installation, demolition, or removal of any structure, facility, feature or addition thereto, including all related activities such as clearing of land, grading, earthmoving, paving, and all other activities regulated by this Ordinance.

**County** – County of Northumberland, Pennsylvania.

**Crosswalk** - A publicly or privately owned right-of-way for pedestrian use that crosses paved areas used for motor vehicles.

**Cul-de-sac** – A street that provides a single means of ingress and egress by intersecting another street at one end and terminating at the other end in a vehicular turnaround.

**Culvert** – A structure, typically constructed of metal, plastic, or concrete, not classified as a bridge, which provides an opening under a roadway, rail bed, pedestrian path, or other right of way designed to catch surface water from side ditches and direct it away from a roadway, rail bed, pedestrian path or other right-of-way and/or designed to convey a stream under such a crossing without constricting water flow or movement of aquatic species.

**Curb** - A concrete, stone or other improved boundary usually marking the edge of the roadway or paved area.

**Curb Radius** - The curved edge of a street or driveway at intersections, measured at the edge of the cartway.

**Curb Return** – A curved curb connecting the tangents of two intersecting curbs of streets or driveways.

**Cut** – The difference between a point on the original ground and designated point of lower elevation on the final grade; an excavation.

**Dam** - An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semi-fluid, or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semi-fluid.

**Dedication** – The deliberate appropriation or conveyance of land or an interest in land by the owner to another party (i.e. municipality,) for public use through a written instrument, and completed with an acceptance by the municipality.

**Deciduous** – Plants that drop their foliage annually before becoming dormant.

**Deed** – A legal document conveying ownership of real property.

**Deed of Record** – A legal document conveying ownership of real property officially on file in the Recorder of Deeds Office of Northumberland County, Pennsylvania.

**Deed Restriction** – A restriction upon the use of a property, lot, or parcel set forth in a deed that runs with the title of the land and is binding upon subsequent owners of the property but which is enforced by the landowners involved and not the county, municipality, or other public agency. Sometimes known as a private or restrictive covenant.

**Density** – The number of dwelling units or units of occupancy permitted to be constructed or situated on a specific unit of land generally expressed as a “per acre” value.

**Design Manual, Part 2** – Pennsylvania Department of Transportation (Penn DOT) publication containing highway design criteria.

**Design Speed** – Speed, selected for a specific street, which takes into consideration the geometric limits, such as degree of curvature, super elevation, sight distances, etc., and which controls the safe operation of the vehicle as well as allowing for safe pedestrian traffic. The design speed is governed by the volume of traffic, parking, speed limits, turning movements at intersections, intersection controls, land width, and pavement surface conditions.

**Design Storm** - The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g. a 5-year storm) and duration (e.g. 24-hours), used in the design and evaluation of stormwater management systems.

**Detention Basin** - An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

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

**Development of Regional Significance and Impact** – Any subdivision or land development that, because of its character, magnitude, or location will have a substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

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

**Development Site** - The specific tract(s) of land for which an activity regulated by this Ordinance is proposed.

**Downslope Property Line** - That portion of the property line of the lot, tract, or parcels of land being developed located such that all overland or pipe flow from the site would be directed towards it.

**Drainage Conveyance Facility** - A Stormwater Management Facility designed to transmit stormwater runoff and shall include streams, channels, swales, pipes, conduits, culverts, storm sewers, etc.

**Drainage Easement** - A right granted by a landowner to a grantee, allowing the use of private land for stormwater management purposes and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

**Drainageway** – Any natural or artificial watercourse, trench, ditch, swale or similar depression into which surface water flows.

**Driveway** – A private drive providing vehicular access between a street or access drive and a parking area or structure.

**Dwelling** – Any structure, or part thereof, designed or used exclusively for human habitation. The term dwelling shall not be deemed to include dormitory, fraternity, motel, rooming house, sorority, tourist home, hotel, hospital, or nursing home.

**Dwelling, Multiple Family** – A building designed for or containing two or more separate dwelling units that share access from a common hall, stair, or balcony.

**Dwelling, Single Family Detached** – A single dwelling unit occupying the building ground to roof designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit.

**Dwelling, Townhouse** - A one -family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

**Dwelling, Two Family** – Two dwelling units attached side by side or one above the other in which each shares only one common wall or floor with the other and where each unit has an individual access to the outside, such as twin or double and duplex structures and two unit conversion apartments.

**Dwelling Unit** – One or more rooms in a dwelling structure designed for the use by one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

**Easement** – Any existing, recorded or proposed described right to a section of land, usually a strip, granted for limited use of property by the landowner for a public, quasi public or private purpose and within which the owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

**Earth Disturbance** - Any activity including, but not limited to, construction, mining, timber harvesting and grubbing which alters, disturbs, and exposes the existing land surface.

**Elevation** – A vertical distance above or below a predetermined and fixed reference level i.e. above or below sea level.

**Emergency** – An unforeseen occurrence or combination of circumstances that calls for immediate action or remedy.

**Engineer** – A licensed professional engineer registered by the Commonwealth of Pennsylvania.

**Erosion** - The movement of soil particles by the action of water, wind, ice, or other natural forces.

**Erosion and Sediment Pollution Control Plan** - A plan that is designed to minimize accelerated erosion and sedimentation and to meet the requirements of the PA DEP.

**Evergreen** – A plant with foliage that remains green all year round.

**Excavation** – Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, bulldozed, and including all methods of replacement.

**Existing Conditions** - The initial condition of a project site prior to the proposed construction. If the initial condition of the site is undeveloped land, the land use, for stormwater management calculations, shall be considered as "meadow" unless the natural land cover is proven to generate lower curve numbers or Rational "C" value, such as forested lands.

**Fill** – Any act by which earth, sand, gravel, rock or any other similar material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface; the difference of the elevation between a point on the original ground and a designated point of high elevation of the final grade; the material used to make fill.

**Final Plan** – The plan of a proposed subdivision or land development including all supplemental information required by this Ordinance, or by an applicable municipal ordinance, submitted to obtain final approval and having a form acceptable for recording in the office of the recorder of deeds.

**Fire Lane** – A way cleared of obstacles and vegetation at all times so as to permit ingress and egress for vehicles during a fire or other emergency.

**Flexible Pavement** – A pavement structure that maintains intimate contact with and distributes loads to the subgrade and depends on aggregate interlock, particle friction, and cohesion for stability, such as bituminous pavement.

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

**Flood Fringe** - That portion of the flood hazard area outside of the floodway, based on the total area inundated during the regulatory base flood plus 25 percent of the regulatory base flood discharge.

**Floodplain** - Any land area susceptible to inundation by water from any natural source and/or those areas delineated by Flood Insurance Studies for Northumberland County and its individual municipalities prepared by the Federal Emergency Management Agency (FEMA). These areas are mapped and shown on the Flood Insurance Rate Maps and/or Flood Hazard Boundary Maps.

**Floodplain, 100-year** – Any land area susceptible to inundation by water from any natural source and/or those areas delineated by the FEMA Flood Insurance Studies and associated maps for Northumberland County and its individual municipalities in which there is a one percent (1%) chance of inundation occurring in any given year.

**Floodway** - The channel of the watercourse and those portions of the adjoining floodplains that is reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies for Northumberland County and its municipalities provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed - absent evidence to the contrary - that the floodway extends 50 feet from the stream to the top of stream bank on each side of the stream.

**Floor Area** – Total gross area of all floors enclosed within the exterior walls of any building, including accessory buildings and including any areas that may be enclosed by temporary exterior walls such as garage doors or removable solarium glass enclosures; or as defined in an applicable municipal zoning ordinance.

**Footcandle** - The unit of illumination when the foot is the unit of length, as shown as an isofootcandle diagram, where all points on the line represent the same level of illumination.

**Freeboard** - A vertical distance between the elevation of the designed high water level and the top of a dam, levee, tank, basin, or diversion ridge. The space is required as a safety margin in a pond or basin.

**Frontage** – That side of a lot abutting on a street measured along the front lot line at the front building setback line.

**Governing Body** – The Board of Supervisors of Delaware Township, Northumberland County.

**Grade** - A slope, usually of a road, street, other public way, channel or natural ground specified in percentage change in elevation per horizontal distance and shown on plans as specified herein. (To) Grade-to manipulate the land surface and its slope through excavation, filling or leveling.

**Grade, Existing** – The surface of the ground or pavement as it exists prior to disturbance in preparation for activities regulated by this Ordinance.

**Grade, Finished** – The final elevation of the ground surface after development.

**Grade, Natural** - The elevation of the ground level in its natural state, before construction, filling, or excavation.

**Grassed Waterway** - A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, commonly used to convey surface water from cropland.

**Gross Floor Area** - The sum of the gross horizontal areas of a structure measured by taking the



outside dimensions of the building at each floor level intended for occupancy or storage.

**Groundwater Recharge** - Replenishment of existing natural underground water supplies.

**Grout** – A mixture of cement, water and sand used to seal wellheads and other structures to prevent the infiltration of liquids and solids.

**Half Street** – A street, generally parallel with and adjacent to a property line, having a lesser right-of-way and/or cartway width than required by this Ordinance for improvement as a street.

**Historic Resource/Feature** - Any building, site, structure, object, district or area that is: listed on the National Register of Historic Places; has received a Determination of Eligibility for the National Register from the United States Department of Interior -National Park Service; is on the Pennsylvania Inventory, is listed in the Northumberland County Historic Preservation Plan and/or Sites Register; or which is listed on any officially adopted municipal plan, registry or inventory of historic resources and features. This term shall include the site, principal structures, accessory structures, yards, vegetation, fences, road alignments, and signage associated with such resource/feature.

**Homeowners Association** - An incorporated or unincorporated nonprofit, cooperative organization operating under recorded land agreements through which: (a) each lot and/or homeowner in a described land area is automatically a member; (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property (i.e. streets, open space, stormwater facility); and (c) the charge if unpaid becomes a lien against the property.

**Impervious Surface** - A surface that prevents the percolation of water into the ground. For the purposes of this Ordinance impervious surface shall include, but not be limited to, the following: concrete, asphalt, building coverage, water impoundments, gravel and crushed stone areas, highly compacted soil, etc.

**Improvement** – Those physical additions and installations required and made to a property to render land suitable for an intended use, including but not limited to, buildings, streets, curbs and gutters, sidewalks, street signs and lights, walkways, sewage disposal and water supply facilities, monuments, markers, shade trees and landscaping, grading, stormwater management facilities, and the like.

**Improvements Guaranty Agreement** – A deposit of cash, a bond, a binding letter of credit, line of credit, escrow account, or negotiable securities and an agreement guaranteeing the developer will install all required improvements, which is forfeited to the municipality if the improvements are not installed in accordance with the approved plans.

**Incidental** – Occurring as a minor accompaniment. Liable to occur in consequence of or in connection with another.

**Infiltration Structures** - A structure designed to direct runoff into the ground (e.g. French

drains, seepage pits, or seepage trenches).

**Inlet** - A surface connection to a closed drain. A structure at the diversion end of a conduit. The upstream end of any structure through which water may flow.

**Karst** – A type of topography that is formed over calcareous minerals such as limestone, dolomite, or gypsum by bedrock solution, and that is characterized by closed depressions or sinkholes, caves and underground drainage (from AGI, Glossary of Geology, 1972.).

**Land Development** – The development of property as specified below:

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

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

(b) Any subdivision of land.

(c) “Land Development” shall not include:

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

**Land Development, Campground** – A land development as defined herein, the principal use of which is designed and intended for the improvement of land for the purpose of providing a space or spaces for travel trailers, recreational vehicles, tents or other forms of living accommodations for camping purposes regardless of whether a fee has been charged for the leasing, renting or occupancy of such space.

**Land Development, Commercial** – A land development as defined herein, the principal use of

which is designed and intended for commercial purposes, including but not limited to, retail stores, shopping centers, motels, offices, sports stadiums, golf courses, racetracks, and similar structures and uses.

**Land Development, Industrial** – A land development as defined herein, the principal use of which is designed and intended for industrial purposes, including but not limited to, industrial parks, multi-tenant facilities, manufacturing plants, and similar structures and uses.

**Land Development, Institutional** – A land development as defined herein, the principle use of which is designed and intended for institutional purposes, including but not limited to, schools, hospitals, nursing homes, sheltered care facilities, prisons, municipal buildings, or other similar structures and uses.

**Land Development, Mobile Home** – A land development as defined herein, the principle use of which is designed and intended for the improvement of land, normally under single ownership, for the placement of non-transient mobile homes, consisting of two or more mobile home spaces.

**Land Development, Mixed Use** – A land development as defined herein, where a combination of different land uses is planned to occur on the same lot, including nontraditional accessory uses. In the case of a school, house of worship or other non-profit entity nontraditional accessory uses might include, but not be limited to, retail sales, residential uses, amusement parks, and sports and entertainment facilities as an integrated part of the development.

**Land Development, Residential** – A land development as defined herein, the principle use of which is designed and intended for full-time residential purposes and occupancy, including but not limited to single multiple family dwellings, housing developments, planned residential developments or other similar structures and uses.

**Land/Earth Disturbance** - Any activity involving grading, tilling, digging, or filling of ground or stripping of vegetation or any other activity that causes an alteration to the natural condition of the land.

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

**Land Use** – Any activity, business, function, or purpose for which any piece of land or structure is used or intended to be used.

**Land Use Incompatibility** - Land uses that are adjacent or in proximity to one another that do not go well together due to detrimental impacts from a particular use such as noise, lighting, traffic, odor, emissions etc. and would generally not be considered complementary and congruous. An example would be the location of a noisy or smoky factory in a residential neighborhood.

**Landscape Architect** – A professional landscape architect licensed by the Commonwealth of Pennsylvania.

**Landscape Screen** - Any combination of hedges, architectural walls, trees, or earthen berms arranged to create a continuous visual barrier.

**Lateral** – A utility line between a main line, located in a utility easement or street right-of-way, and the building the line serves.

**Leveling Area** – A safe stopping area at the intersection of streets or the intersection of a driveway and a street.

**Level of Service (LOS)** – A measure of the effect of traffic on the capacity of a road, describing conditions within a traffic stream; generally described in such factors as speed, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. Levels of service are designated A through F, with LOS A indicating the best service and LOS F indicating the worst. Further defined in 2000 Highway Capacity Manual (HCM 2000) published by the Transportation Research Board.

**Limestone** – A rock that is chiefly formed by the accumulation of organic remains, consisting mainly of calcium carbonate.

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

**Lot Area** – The computed area contained within the property lines of a lot as shown on a plan, excluding easements for publicly dedicated or accepted rights-of-way.

**Lot, Corner** – A lot abutting the intersection of two or more streets. Corner lots have two front yards and require the necessary front yard setbacks for each yard.

**Lot, Depth** – The mean (average) distance measured between the front and rear lot lines.

**Lot, Double Frontage** – A lot with street frontage at both the front and rear.

**Lot, Frontage** – The length of the front lot line measured at the street right-of-way line.

**Lot, Interior** – A lot other than a corner lot with only one frontage on a street.

**Lot, Reverse Frontage** – A lot with front and rear street frontage where vehicular access is prohibited to and from the higher intensity street.

**Lot, Open Space** – A parcel intended not to be developed or encumbered with structures.

**Lot, width** – The horizontal distance between the side lot lines measured at the shortest distance

between the front and rear building lines as determined by the prescribed front and rear yard requirements.

**Lot Lines** – The property lines bounding the lot.

a. **Lot Line, Front** – The line separating the lot from a street.

b. **Lot Line, Rear** – The lot line opposite, nearly parallel to and most distant from the front lot line.

c. **Lot Line, Side** – Any lot line other than a front or rear lot line.

**Lot Line Marker** – A metal plate or pin set by a professional land surveyor to permanently identify curves along property lines, angles in property lines, and lot line intersections.

**Lot of Record** – Any lot which individually or as part of an approved subdivision has been recorded in the Office of the Northumberland County Recorder of Deeds.

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

**Maintenance Guarantee** – A deposit consisting of cash, a bond, a binding letter of credit, line of credit, escrow account, or negotiable securities and an agreement insuring that improvements constructed as part of an approved subdivision or land development have been properly installed and guaranteeing their integrity for a specified time period not to exceed 18 months from the date of acceptance of dedication.

**Manning Equation** in (Manning formula) - A method for calculation of velocity of flow (e.g. feet per second) and flow rate (e.g. cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. "Open channels" may include closed conduits so long as the flow is not under pressure.

**Mobile Home** – A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. A mobile home shall be constructed to remain a mobile home, shall not be a part of the real estate, and shall be subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed regardless of the nature of the foundation provided. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

**Mobile Home Lot** – A parcel of land in a mobile home park, improved with necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**Mobile Home Pad** – The part of a mobile home lot that is stabilized space reserved for the placement of the mobile home.

**Mobile Home Park** – A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**Modification (or Waiver)** – A process for alleviating specific requirements imposed by this Ordinance, the procedure for which is outlined in Section 8.4 of this Ordinance.

**Monument** – For the purposes of this Ordinance a monument shall be defined to mean a reinforced concrete monument, stone, or other permanent object containing magnetic material, set by a professional land surveyor to permanently identify surface elevation and/or survey reference points such as the intersection of lines forming angles in the boundary of a lot or tract, rights-of-ways of streets and utilities or at other locations determined appropriate by the Planning Commission for the purpose of reference in land and property surveys.

**Municipal Authority** - A body politic or corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164) known as the "Municipal Authorities Act of 1945".

**Municipal Governing Body** – The council in cities and boroughs, the board of commissioners in townships of the first class, the board of supervisors in townships of the second class, or any other similar body as may be designated in law providing for the form of government with the final decision making, budgeting, and appointing authority of a general purpose unit of government.

**Municipal Planning Commission** – The planning agency appointed by the municipal governing body.

**Municipality** – Any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class through eighth class, home rule municipality, or any similar general purpose unit of government which currently exists or shall hereafter be created by the Pennsylvania General Assembly in Northumberland County.

**Municipalities Planning Code** – The Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, (53 P.S. 10101 et seq.), as from time to time reenacted and amended.

**Nonconforming Lot** - A lot area or dimension of which was lawful prior to the adoption or amendment of this Ordinance and/or applicable zoning ordinance, but which fails to conform to the requirements of this Ordinance and/or zoning ordinance by reasons of such adoption or amendment.

**Nonpoint Source Pollution** - Pollution that enters a body of water from diffuse origins and does not result from discernible, confined, or discrete conveyances.

**NRCS** - Natural Resource Conservation Service (Previously Soil Conservation Service--SCS).

**Official Map** – A map adopted by ordinance pursuant to Article VI of the Pennsylvania Municipalities Planning Code, Act 247 of 1968 P.L. 805, (53 P.S. 10101 et seq.) as from time to time reenacted and amended

**Open Channel** - A drainage element in which stormwater flows within an open surface. Open channels include, but shall not be limited to, natural and man-made drainage ways, swales, streams, ditches, and canals.

**Open Space** - An area that is intended to provide land free of development and is designed for environmental, scenic or recreation purposes. Open space may include but is not limited to lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, wooded areas and watercourses. Open space shall not include driveways, parking lots or other surfaces designed or intended for vehicular travel, or detention and retention ponds. In addition no area of future road right-of way shall be counted as open space.

**Ordinance** – The Delaware Township Subdivision and Land Development Ordinance.

**Outfall** - Point where water flows out from a conduit, pipe, stream, or drain; such as the point of discharge for a stormwater detention basin.

**Outlet** - Points of water disposal from a stream, river, lake, tidewater or artificial drain.

**Overbank and Extreme Event Flood Protection Volume** - See Release Rates.

**Parent Tract** – The original lot or tract of land from which a new lot is being subdivided.

**Parcel** – A lot or tract of land. (See lot).

**Park** – A tract of land dedicated and used by the public for active and passive recreation.

**Parking Aisle** – The clear space for traffic movement and maneuvering between rows of parking spaces.

**Parking Area/Lot** – Any public or private land area designated and used for parking of vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

**Parking Aisle Treatment** - Internal parking lot landscaping that separates rows of parking spaces to provide a buffer and visual relief from the negative impacts of parking infrastructure.

**Parking Space** - An off-street parking area available and designated for the parking of a single vehicle.

**Pavement** – A sub-base, base course, or surface course placed on a sub-grade to support traffic load.

**Pedestrian Way** – A specified easement or right of way, publicly or privately owned, in the form of a walkway, path, sidewalk or other reservation which is designed and designated for the exclusive use of pedestrians.

**PA DEP** – Pennsylvania Department of Environmental Protection.

**Peak Discharge** - The maximum rate of stormwater runoff from a specific storm event.

**Peak Hour** – The hour during which the heaviest volume of traffic occurs on a street or road.

**PennDOT**– Pennsylvania Department of Transportation.

**Penn State Runoff Model (PSRM)** - The computer-based hydrologic modeling technique.

**Performance Guarantee** – See Improvements Guaranty Agreement.

**Pipe** - a culvert, closed conduit, or similar structure including appurtenances that convey stormwater.

**Plan** – A map or plat of a subdivision or land development complete with a drawing and supplementary data, whether sketch, preliminary, or final.

a. **Plan, Sketch** – An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development as prepared in accordance with this Ordinance.

b. **Plan, Preliminary** – A plan of a proposed subdivision or land development, including all supplementary information required by this Ordinance or applicable municipal ordinance, to obtain preliminary approval and prepared in accordance with this Ordinance.

c. **Plan, Final** – A complete and exact subdivision or land development plan, including all supplementary data, prepared in accordance with this Ordinance for official approval and recording.

d. **Plan, Lot Addition (Add-on)** – A complete and exact subdivision plan, including all supplementary data, prepared in accordance with this Ordinance that is intended to convey a parcel of ground located immediately adjacent to other property owned by the intended grantee, that is being added to the grantee's existing lot of record.

e. **Plan, Lot Consolidation** - A plan whereby the entire area of two or more adjacent existing lots of record are combined or consolidated to effectually eliminate one or more original lots into one new lot.

f. **Plan, Record** – A final plan which contains the original endorsement of the municipality and the Northumberland County Planning Commission, which is intended to be recorded with the



Northumberland County Recorder of Deeds Office.

**Planning Commission** – The Delaware Township Planning Commission and its designee.

**Planned Residential Development (PRD)** – an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

**Plat** – The map or plan of a subdivision or land development, whether preliminary or final.

**Power Generation Facility** - A facility, structure or group of structures designed and intended to generate energy for the distribution and/or sales of electricity or other power source. This includes but is not limited to coal fired, natural gas fired, cogeneration, nuclear, solar, water and wind power. It however shall not include an individual home that has erected solar or wind energy generation equipment for personal use.

**Preservation or Protection** – When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining, or other lawful uses of natural resources.

**Private Driveway Access Easement** – Any existing, recorded, or proposed easement for private driveways in which a private right-of-way agreement properly executed between the landowners granting access and all affected parties abutting the easement.

**Private Street** – All streets which are not public, including but not limited to, streets maintained by private agreements, by private owners or an association of private property owners or for which no maintenance responsibility has been established; and including all private driveway access agreements or rights-of-way for access.

**Probable Maximum Flood (PMF)** - The flood that may be expected from the most severe combination of critical meteorological and hydrological conditions that is reasonably possible in any area. The PMF is derived from the probable maximum precipitation (PMP) as determined based on data obtained from the National Oceanographic and Atmospheric Administration (NOAA).

**Publication 408** – Pennsylvania Department of Transportation Publication containing highway construction specifications, as supplemented.

**Public Grounds** – Include:

a. Parks, playgrounds, trails, paths, other recreational areas and other public areas;

b. Sites for schools, sewage treatment, water treatment, and other publicly owned or operated facilities; and

c. Publicly owned or operated scenic and historic sites.

**Public Hearing** – A formal meeting held pursuant to public notice by a governing body or planning agency, intended to inform and obtain public comment, prior to taking certain actions in accordance with the Pennsylvania Municipalities Planning Code or prior to amending this ordinance.

**Public Meeting** – A forum held pursuant to notice under 65 Pa. C.S. A. 701 et seq., (Relating to open meetings).

**Public Notice** - Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days or less than fourteen (14) days from the date of the hearing.

**Public Street** – Streets ordained or maintained or dedicated and accepted by a Township, Borough, County, State, or Federal Government and open to public use.

**Rational Formula** - A rainfall to runoff relation used to estimate peak flow.

**Recharge Volume (Rev)** - The volume of stormwater runoff from a site that must be infiltrated into the soil to promote the maintenance of groundwater recharge rates that existed prior to development.

**Recreational Vehicle** – A vehicular type of portable structure without a permanent foundation, which can be towed, hauled, or driven and is primarily designed as temporary living accommodation for recreational, camping and travel use, including travel trailers, truck campers, camping trailers, and self-propelled motor homes.

**Recreational Vehicle Park** – Any site upon which two (2) or more recreational vehicles are, or are intended to be located for the purposes of camping, whether or not a fee is charged for such use.

**Release Rate** - The predevelopment peak rate of runoff from a site or subarea to which the post development peak rate of runoff must be reduced to protect downstream areas.

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

**Resort** – A group or groups of buildings containing guest rooms and furnishing services customarily provided by a hotel, including a restaurant and convention facilities and providing outdoor recreational activities on a large portion of the site such as horseback riding, tennis, skiing, swimming, shuffleboard, and golf.

**Re-subdivision** – The subdivision or division of a tract or parcel of land that itself was part of a previously approved subdivision.

**Retention Basin** - An impoundment in which stormwater is stored and not released during a storm event. Stored water may be released from the basin at some time after the end of a storm.

**Return Period** - The average interval, in years, within which a storm event of a given magnitude can be expected to recur. For example, the 25-year return period rainfall would be expected to recur on the average once every twenty-five years, or in other words it would have a four percent (4%) statistical probability of occurring in any given year.

**Right-of-Way** – A corridor of land reserved or dedicated, in whole or part, intended to be occupied as a street, alley, pedestrian way, or other means of public or private transportation and access; or for an electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer, or other similar use. A right-of-way includes the entire area reserved or dedicated for the use.

**Rigid Pavement** – A pavement structure that distributes loads to the subgrade having as one course a Portland cement concrete slab of relatively high bending resistance.

**Riser** - A vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified return period (design storm).

**Rooftop Detention** - Temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces by incorporating controlled-flow roof drains into building design.

**Runoff** - Any part of precipitation that does not enter the soil but runs across the surface of the land.

**Safe Passage** – The routing of peak runoff events, usually the 100-year design event, safely through a structure without failure of that structure.

**Screen** – A visual obstruction or suitable fence or wall at least six feet high or attractive, maintained shrub, hedge, or other appropriate vegetation a minimum of four feet high intended as a barrier to visibility, glare, and noise between adjacent properties.

**Sediment Basin** - A barrier, dam, and retention or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by water.

**Sediment Pollution** - The placement, discharge or any other introduction of sediment into the waters of the Commonwealth occurring from the failure to design, construct, implement or

maintain control measures and control facilities in accordance with the requirements of this Ordinance.

**Sedimentation** – The process by which soil or other surface material is accumulated or deposited by wind, water, or gravity.

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

**Select Granular Material or 2 RC** – A material meeting the specifications in the Pennsylvania Department of Transportation Publication 408, when placed and compacted.

**Setback Line** – See Building Setback Line.

**Sewage Enforcement Officer** - The official of the local municipality who issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement the rules and regulations of the Pennsylvania Sewage Facilities Act, Act 537 of 1966 (35 P.S. 750.1, et seq.).

**Sewage System** – Facilities developed and approved by the municipal Sewage Enforcement Officer and the PA DEP for the treatment and/or disposal of sewage.

**Sewage System, Public or Community** – A sewer collection and treatment system which serves facilities on a community, area-wide, or regional basis in which sewage is collected from buildings and piped by means of a conveyance system to a sanitary sewage treatment plant that is designed, approved, and permitted in accordance with the requirements of the PA DEP. Such systems shall include municipal and public treatment facilities as well as those systems installed, owned and maintained by private developers.

**Sewage System, On-Lot** – A sewage system serving a single residence, building, or user located on the same lot as the residence, building, or user being served which must be approved by the municipal Sewage Enforcement Officer and the PA DEP.

**Sheet Flow** - Runoff that flows over the ground surface as a thin, even layer, not concentrated in a channel.

**Shoulder** – The improved or graded portion of the highway, contiguous to the traffic lanes, for accommodation of stopped vehicles, emergency use, or lateral support of base and surface courses or pavements.

**Sidewalk** - A level improved concrete surface built in accordance with Article V of this Ordinance that is typically separated from, but located adjacent to a roadway, intended for pedestrian travel.

**Sight Distance** – The amount of unobstructed distance required to be provided at a street or driveway intersection which is considered adequate for a driver to be able to see in order to

proceed in a safe manner. Sight distances shall be measured in accordance with PennDOT standards.

**Sinkhole** – A localized, gradual or rapid sinking of the land surface to a variable depth, occurring in areas of carbonate bedrock; generally characterized by a roughly circular outline, a breaking of the ground surface and a downward movement of soil into bedrock voids.

**Soil-Cover Complex Method** - A method of runoff computation developed by the NRCS that is based on relating soil type and land use/cover to a runoff parameter called Curve Number (CN).

**Soil Group, Hydrologic** - A classification of soils by the Soil Conservation Service (now NRCS) into four runoff potential groups. The groups range from A soils, which are very permeable and produce little runoff, to D soils, which are not very permeable and produce much more runoff.

**Soil Survey of Northumberland County** – The most recent edition of a series of aerial photographs on which soils are classified according to a variety of characteristics and accompanying explanatory text, prepared by the United States Department of Agriculture, Soil Conservation Service (now NRCS).

**Spillway** - A depression in the embankment of a pond or basin that is used to pass peak discharge greater than the maximum design storm controlled by the pond.

**Square Footage** – The unit of measure used to express the area of a lot, tract, or parcel involved in a subdivision or land development; the length of a lot, in feet, times the width of a lot in feet ( $l \times w = \text{square footage area}$ ).

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

**Storage Indication Method** - A reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage) with outflow defined as a function of storage volume and depth.

**Storm Frequency** - The number of times that a given storm "event" occurs, is expected to occur, or is exceeded on the average in a stated period of years. See "Return Period".

**Storm Sewer** - A system of pipes and/or open channels that convey intercepted runoff and stormwater from other sources, but excludes domestic sewage and industrial wastes.

**Stormwater** - The total amount of precipitation reaching the ground surface.

**Stormwater Hotspot** - A land use or activity that generates higher concentrations of hydrocarbons, trace metals, or toxicants than are found in typical stormwater runoff, based on monitoring studies. Typical Stormwater Hotspots are listed in the Township's Stormwater Management Ordinance.

**Stormwater Management Credits** - Incentive based non-structural stormwater management applications that can be incorporated into the site design process to promote water quality, groundwater recharge volume control and other stormwater objectives. These include conservation of natural areas, disconnection of rooftop runoff, disconnection of non-rooftop runoff, sheet flow to buffers, grass channels and environmentally sensitive or low impact development.

**Stormwater Management Facility** - Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, swales, and infiltration structures.

**Stormwater Management Plan** - The plan prepared by the Developer or her/his representative indicating how stormwater runoff will be managed, including data and calculations, at the particular site of interest according to this Ordinance.

**Stormwater Management Plan, Act 167** - The plan for managing stormwater runoff in a particular watershed adopted by Northumberland County and approved by the PA DEP as required by the Act of October 4, 1978, P.L. 864, Act 167 of 1978 (32 P.S. 680.1 et seq.).

**Stream Enclosure** - A bridge, culvert or other structure in excess of 100 feet in length upstream to downstream which encloses a regulated water of this Commonwealth.

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

a. **Street, Alley** – A street, usually located to the rear or side of properties otherwise abutting a street, used primarily for vehicular service access and a secondary means of access to abutting lots.

b. **Street, Arterial** – A major street with fast or heavy traffic of considerable continuity used primarily as a traffic artery connecting two or more neighborhoods or areas.

c. **Street, Collector** – A major street that carries traffic from local streets to arterial streets.

d. **Dead-end Street** – A street with only one means of vehicular traffic ingress and egress.

e. **Street, Local** – Any street that is not defined herein as either an arterial, collector street, or alley.

f. **Street, Marginal Access** - A local street parallel and adjacent to a major street (but physically separated from it) which provides both access to abutting properties and control of intersections with the major street.

g. **Street, Private** – All streets which are not public, including but not limited to, street maintained by private agreements, by private owners or association of property owners for which maintenance responsibility has been established; and including all private driveway access agreements or right-of-way for access.

h. **Street, Public** – Streets ordained or maintained or dedicated and accepted by a municipality, state, or federal government and open to public use.

**Street Grade** – The overall slope of a street or road between two points typically expressed as a percentage.

**Street Right-of-Way Line** - The line dividing a lot from the full Street right-of-way, not just the cartway. The word Street shall be defined as above.

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

**Subarea** - The smallest drainage unit of a watershed for which stormwater management criteria have been established in the Stormwater Management Plan.

**Subbase** – The layers of specified or selected material of designed thickness placed on a subgrade to support a base course. Refer to Section 6.13.10 for typical roadway section diagram.

**Subgrade** – The top surface of a roadbed upon which the pavement structure and shoulders including curbs are constructed. Refer to Section 6.13.10 for typical roadway sections diagram.

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

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

a. **Lot Addition/Consolidation Subdivision** – Any subdivision that creates a lot that is to be added to an existing contiguous lot of record of separate ownership and where no new building lot or land development is proposed. It is solely intended to convey a parcel of ground located immediately adjacent to other property owned by the intended grantee, which is being added to the grantee's existing lot. The size of one lot will increase in an equal amount by which the size of an adjacent lot(s) will decrease. In the case of a Consolidation the entire area of one or more lots is added to an adjacent lot thereby in effect eliminating one or more original lots.

b. **Major Subdivision** – Any subdivision as defined herein involving six (6) or more lots, parcels of land or other divisions of land whether or not they involve new streets, additional utilities, or

other improvements; all subdivisions not considered minor subdivisions for plan processing purposes.

**c. Minor Subdivision** – Any subdivision abutting an existing public street or road, cumulatively involving no more than five (5) lots, parcels of land, or other divisions of land from the same parent tract as of the effective date of the Delaware Township Subdivision and Land Development Regulations (January 19, 1977), which does not require a new street, access easements, or the installation of any other improvements.

**Subject Tract** – The lot, parcel, or site proposed for a subdivision or land development.

**Subordinate** – Of lesser importance or rank operating under the control or authority of another.

**Substantially Completed** – When, in the judgment of the Township when holding escrow, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.

**Surface Course** – One or more layers of a pavement structure designed to accommodate the traffic load, the top layer of which resists skidding, traffic abrasion, and the disintegrating effects of climate. The top layer is sometimes called: “Wearing Course”.

**Surveyor** – A licensed professional land surveyor registered by the Commonwealth of Pennsylvania authorized to measure the boundaries of tracts of land, establish locations, and perform the requirements of a survey.

**Swale** - A low-lying stretch of land that gathers or carries surface water runoff.

**Tack Coat** – An application of bituminous material to an existing surface to provide bond with a superimposed course.

**Technical Release 20 (TR-20)** - Project Formulation-Hydrology , Computer Program. NRCS.

**Technical Release 55 (TR-55)** - Urban Unit Hydrology for Small Watersheds. NRCS.

**Tent** - A portable lodging unit generally made of skins, canvas, plastic or strong cloth stretched and usually sustained by poles, and dependent upon separate toilet and lavatory facilities.

**Time of Concentration (Tc)** - The time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

**Topography** – The general configuration of a land surface or any part of the earth’s surface, including its relief and position of its natural and man-made features. The natural or physical surface features of a region, considered collectively as to its form.



**Township** – The Township of Delaware, Northumberland County, Pennsylvania.

**Township Engineer** – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Delaware Township, Northumberland County.

**Tract** – See lot.

**Traditional Neighborhood Development (TND)** - An area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. TND is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public-park, commons, plaza, square or prominent intersection of two or more major streets. Generally there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

**Tract Residual or Tract Remainder** – The lot or parcel created through subdivision that is the remaining portion of the parent tract after subdivision occurs. The residual property shall be considered as an integral part of the proposed subdivision and shall be required to meet the standards of this Ordinance.

**Travel Trailer** – See Recreational Vehicle.

**Travel Trailer Park** – See Recreational Vehicle Park.

**Trip** – A single or one-directional vehicle movement.

**Unbuildable Site** – A portion of a tract of land which due to physical or environmental conditions cannot support or is inappropriate for construction of a road, structure, or any other man-made improvement. Examples include wetlands, flood prone areas, sinkholes, landslide prone areas, endangered species habitats, and hazardous waste dumps.

**Undeveloped Condition** – Land in its natural state before development.

**Waiver (or Modification)** – A process for alleviating specific requirements imposed by this Ordinance, the procedure for which is outlined in Section 8.4 of this Ordinance.

**Watercourse** - A permanent or intermittent stream of water; river; brook; creek; or a channel or ditch for water, whether natural or manmade.

**Watershed** – The entire region or area drained by a river or other body of water, whether natural or artificial, a drainage basin or sub-basin.

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

**Water Supply System** – A system for the collection, treatment, storage and distribution of potable water from the source of supply to the consumer.

**Water Supply System, Public or Community** - A water collection, treatment and distribution system which serves facilities on a community, area-wide, or regional basis in which water is collected and treated by means of a treatment plant that is designed, approved, and permitted in accordance with the requirements of the PA DEP and from which treated water is then distributed to end users. Such systems shall include municipal and public treatment facilities as well as those systems installed, owned and maintained by private developers.

**Water Supply, On-Lot** - A water supply system serving a single residence, building, or user located on the same lot as the residence, building, or user being served. It typically takes the form of a well.

**Wetland** - 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, fens, and similar areas.

**Wind Farm** - A single wind turbine exceeding 75 feet in height above grade or two (2) or more wind turbines of any size proposed and/or constructed by the same person or group of persons on the same or adjoining parcels for the purposes of generating power for other than personal consumption.

**Wind Turbine** - Any machine used to produce electricity by converting the kinetic energy of wind to electrical energy. Wind turbines consist of the turbine apparatus and any other buildings, support structures, or other related improvements necessary for the generation of electric power.

**Wireless Telecommunications Site** - A tract, parcel or leasehold of land that contains or is intended to contain a cellular communications antenna, its support structure, accessory buildings, parking, appurtenances, and other associated uses ancillary to cellular communications transmissions.

**Woodland** – A community of plants characterized by areas, groves, or stands of trees.

**Yard, Front:** An open space extending the full width of the lot between the principal building or structure and the street right – of – way line or front lot line, unoccupied and unobstructed from the ground upward.

**Yard, Rear:** An open space extending the full width of the lot between the principal building or structure and the rear lot line, unoccupied and unobstructed from the ground upward.

**Yard, Side:** An open space extending from the front yard to the rear yard between the principal building or structure and the nearest lot line, unoccupied and unobstructed from the ground upward.

**Zoning Ordinance** – The Zoning Ordinance enacted by the Township of Delaware, Northumberland County pursuant to the provisions of the Pennsylvania Municipalities Planning Code.

## **Article 3**

### **Procedural Requirements**

- 3.1 General
- 3.2 Classification
- 3.3 Exemptions
- 3.4 Pre-Application Conference and Review
- 3.5 Plan Submission Deadlines and Filing Dates
- 3.6 Sketch Plans
- 3.7 Preliminary Plans
- 3.8 Final Plans
- 3.9 Minor Subdivisions
- 3.10 Alternative Provisions for Installation and Approval of Individual On-Lot Stormwater Management Facilities
- 3.11 Reviews By Engineer or Other Qualified Person
- 3.12 Site Inspections

## Article 3

### Procedural Requirements

#### 3.1 General

The procedures established in this Article shall apply to all subdivisions and land developments that require the approval of Delaware Township. It shall be the responsibility of the applicant to submit preliminary and final subdivision or land development plans which comply in all respects with the applicable provisions of this Ordinance and to coordinate planning with utility or services agencies in the manner set forth in this Ordinance.

#### 3.2 Classification

Subdivisions and Land Developments are classified within this Ordinance and any Subdivision or Land Development must fall within one of the classifications prescribed herein. For each plan classification listed below please refer to Article 5 for plan drafting requirements/contents and to Appendix A for a plan submission checklist.

##### 3.2.1 Minor Subdivision

A minor subdivision is any subdivision abutting an existing public street or road, involving no more than five (5) lots, parcels of land, or other divisions of land from the same parent tract as of the date of the adoption of the current Delaware Township Subdivision and Land Development Regulations on January 19, 1977, which does not require a new street, access easements, or the installation of any other improvements.

*Generally, **Minor** Subdivisions follow Sections*

- 3.4 Pre-Application Conference and Review (optional)*
- 3.5 Plan Submission Deadlines & Filing Dates (required)*
- 3.6 Sketch Plan (optional)*
- 3.8 Final Plan (required)*
- 3.9 Minor Subdivision (guideline)*

##### 3.2.2 Major Subdivision

A major subdivision is any subdivision involving six (6) or more lots, parcels of land or other divisions of land whether or not they involve new streets, additional utilities, or other improvements; in effect all subdivisions not considered minor subdivisions for plan processing purposes.

***Major Subdivisions follow Sections***

- 3.4 *Pre-Application Conference and Review (recommended)*
- 3.5 *Plan Submission Deadlines & Filing Dates (required)*
- 3.6 *Sketch Plan (recommended)*
- 3.7 *Preliminary Plan (required)*
- 3.8 *Final Plan (required)*

### **3.2.3 Lot Addition/Consolidation**

Any subdivision creating a lot that is to be added to an existing contiguous lot of record of separate ownership and where no new building lot or land development is proposed. It is solely intended to convey a parcel of land located immediately adjacent to other property owned by the intended grantee, which is being added to the grantee's existing lot. The size of one lot will increase in an equal amount by which the size of an adjacent lot(s) will decrease. In the case of a Consolidation the entire area of one or more lots is added to an adjacent lot thereby in effect eliminating one or more original lots. These plans are processed as Minor Subdivision Plans.

*Lot Addition or Lot Consolidation are processed the same as **Minor** Subdivision Plans*

### **3.2.4 Land Development**

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

*Land Developments that require improvements (e.g. parking lots, access drives, stormwater facilities) follow Sections*

- 3.4 *Pre-Application Conference and Review (recommended)*
- 3.5 *Plan Submission Deadlines & Filing Dates (required)*
- 3.6 *Sketch Plan (recommended)*
- 3.7 *Preliminary Plan (required)*
- 3.8 *Final Plan (required)*

*If no improvements involved then they can be processed the same as Minor Subdivision*

The applicant should refer to the applicable Sections within this Article for the processing procedures that apply to the proposed activity. The applicant is also encouraged to meet with the Planning Commission to determine which classification may be applicable to the proposed activity prior to the submission of an application.

### **3.3 Exemptions**

**3.3.1** The following activities shall be exempted from the requirements of this Ordinance.

**3.3.1.1** The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.

**3.3.1.2** The addition of an accessory building, including accessory farm buildings, on a lot or lots subordinate to an existing principal building.

**3.3.1.3** The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. This shall not apply to newly acquired acreage by an amusement park until proper authorities have approved initial plans for the expanded area.

**3.3.1.4** The division of land by lease for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings. Upon the request of the property owner and upon receipt of a signed statement or letter from the landowner and buyer stating that such lands to be leased shall be used solely for agricultural purposes and does/will not involve any new streets or easement of access or residential dwellings, the Township will forward a statement of exemption to the above parties.

**3.3.1.5** When the replacement of a building is necessitated due to unpreventable “Acts of God” (e.g. including but not limited to fire, flood, storm damage) and meets the following conditions: (1) the structure has been left essentially uninhabitable; (2) repair of the damage to the existing structure is significantly more costly than to replace; (3) replacement of the structure will result in relatively the same size (does not increase by more than 15%), dimensions, layout, and lot access approved under a previous land development application; (4) the applicant can provide written confirmation from the Zoning Officer to indicate that the proposal meets or exceeds all applicable land use controls under the Delaware Township Zoning Ordinance; and (5) the applicant provides written confirmation from appropriate State officials that the proposal meets or exceeds all applicable state regulations.

- 3.3.2** The Township may grant an exemption from the requirement of a Land Development Plan for the enlargement of a principal building when the enlargement qualifies for an exemption under the Township's Stormwater Management Ordinance.

### **3.4 Pre-Application Conference and Review**

- 3.4.1** The purpose of the Pre-Application Conference and Review is to afford an applicant opportunity to receive the advice and assistance of the Planning Commission on subdivision and land development procedures, the requirements necessary to achieve conformity to the standards and provisions of this Ordinance, and to alert the applicant to other factors pertinent to the design and effectuation of the subdivision or land development.
- 3.4.2** Although not required, a Pre-Application Conference and Review is strongly recommended before submission of a formal plan, particularly for proposals that involve the creation of new streets or storm water facilities, or plans for nonresidential structures.
- 3.4.3** The Pre-Application Conference and Review shall not constitute the filing of an application for approval of a plat, and all such meetings and/or review shall be considered informal. At the discretion of the applicant a proposal may be presented at a Commission meeting for informal review and comment.

### **3.5 Plan Submission Deadlines and Filing Dates**

#### **3.5.1 Plan Submission Deadlines**

- 3.5.1.1** Plans and supporting documentation may be submitted to the Office of the Township Administrator with a completed application form accompanied by all applicable fees at anytime during normal office hours; however, plans submitted less than fifteen (15) calendar days prior to the next regularly scheduled Commission meeting shall not be reviewed at that meeting, but will be reviewed at the succeeding meeting.

#### **3.5.2 Official Plan Filing Dates**

Minor and Major Subdivision Plans and Land Development Plans – Minor and Major Subdivision and Land Development Plans shall be considered officially filed at the next monthly meeting of the Planning Commission or Board of Supervisors (whichever reviews the application first) following the delivery of a completed application form, applicable fees, and the requisite number of plans and other supporting documents to the Office of the Township Administrator, once the Administrator acknowledges that the



applications are complete. Should the next monthly meeting be more than 30 days following the delivery of the completed application to the Office of the Township Administrator, the date of plan receipt shall be the 30th day following the filing of the application.

- 3.5.3 Effect of Filing Date** - After an application has been officially filed in accordance with Section 3.5.2 and while a decision is pending, no change in any zoning, subdivision, or other local governing ordinance or plan shall affect the decision on the application adversely to the applicant; and the applicant shall be entitled to a decision in accordance with the provisions of the local governing ordinances and regulations effective on the official plan filing date.

### **3.6 Sketch Plan**

- 3.6.1 Sketch Plan Applications.** Applicants are encouraged to submit a Sketch Plan during or after the Pre-Application Conference and Review in order to present the overall development concept of a particular tract before preparing and submitting a formal preliminary or final plan.
- 3.6.2** The Sketch Plan, like the Pre-Application Conference and Review, is not mandatory but is strongly recommended.
- 3.6.3** Presentation of a Sketch Plan shall not constitute the filing of an application for approval of a plat. The applicant may present the Sketch Plan at a Commission meeting for informal review and comment.
- 3.6.4** No formal action will be taken on a Sketch Plan submission, but the Planning Commission or the Township Administrator may, after review and evaluation of the proposal, notify the applicant in writing of findings and recommendations regarding preparation of preliminary or final plans.
- 3.6.5** The Planning Commission or the Township Administrator may complete a review of Sketch Plans within 30 days of delivery to the Township and may communicate findings to the applicant within 15 days of completing the review; however, if such review is not conducted and findings are not communicated within these timeframes, no vested rights shall be deemed to accrue to the developer.

### **3.7 Preliminary Plans**

- 3.7.1 Preliminary Plan Applications.** With the exceptions specifically noted in this Ordinance, a Preliminary Plan is required for applications that meet any of the following conditions:

- 3.7.1.1 New streets, sanitary sewers, stormwater management facilities, or other improvements are proposed and are being offered for public dedication.
- 3.7.1.2 An applicant opts to forgo posting an improvements guaranty in accordance with Article 4 of this Ordinance and intends to construct improvements prior to Final Plan approval and the sale of lots.
- 3.7.1.3 In all cases where an applicant proposes phasing of construction activities.

**3.7.2 Application Requirements.** All Preliminary Plan Applications shall include the following:

- 3.7.2.1 Eight (8) copies of the Preliminary Plan in either black on white or blue on white prints. Additional copies shall be submitted if the proposed site fronts on or is intended to have a street access to a state highway or is a project of regional significance. The applicant is also responsible for providing the necessary copies for sewage planning review and shall also furnish sufficient copies for review by the following individuals and agencies for their review and report to the Township, as appropriate.
  - 3.7.2.1.1 Township Planning Commission.
  - 3.7.2.1.2 Township Zoning Officer
  - 3.7.2.1.3 Northumberland County Planning Commission
  - 3.7.2.1.4 Municipal Engineer.
  - 3.7.2.1.5 Pennsylvania Department of Transportation when the subdivision or land development will front on or will have a street proposing access to a state highway.
  - 3.7.2.1.6 Pennsylvania Department of Environmental Protection for any necessary report with respect to sewer and water facilities, stream encroachments, wetlands, contaminated sites, and other environmental regulations.
  - 3.7.2.1.7 Northumberland County Conservation District for review and approval of erosion and sedimentation pollution control plan and other applicable regulations.
  - 3.7.2.1.8 Central Susquehanna Regional 911.

- 3.7.2.1.9 Fire Company or protection district.
- 3.7.2.1.10 Water supplier.
- 3.7.2.1.11 Sewage treatment supplier/Sewage Enforcement Officer.
- 3.7.2.1.12 Municipalities within ½ mile of the proposed site if the project is expected to generate 200 or more vehicle trips per day or is otherwise deemed to be of regional significance.
- 3.7.2.2 Two (2) copies of all reports, deed covenants, notifications, regulatory permit applications and reviews, and certifications which are not provided on the Preliminary Plan, including but not limited to, traffic engineer reports, stormwater management narrative and calculations, maintenance and use agreements, and sewage percolation test results.
- 3.7.2.3 Applications must include one (1) completed “Delaware Township Subdivision and Land Development Application” form with all information legible and bearing the required signatures. An application form is contained in Appendix B.
- 3.7.2.4 Appropriate filing fee in the form of a check or money order made payable to the Township of Delaware for an amount established by a fee schedule adopted by resolution of the Board of Supervisors, which is available from the Township Administrator.
- 3.7.2.5 **Incomplete Applications.** The Planning Commission shall determine at its’ first meeting following filing that the plans and accompanying documents are in proper form and contain all the information required by this Ordinance. If incomplete the application will be returned to the applicant with a statement that the application is incomplete; otherwise the application shall be deemed accepted for filing. Acceptance shall not constitute a waiver of any deficiencies or irregularities. An applicant may appeal a decision by the Planning Commission to the Board of Supervisors in accordance with Section 8.5.1 of this Ordinance.
- 3.7.3 **Phased Development.** If an applicant intends to develop land in phases, the Preliminary Plan application shall encompass the entire land area proposed for development and shall serve as a master plan.
- 3.7.4 **Optional Hearing.** The Board of Supervisors may conduct a public hearing pursuant to public notice in order to inform the public and obtain comment prior to taking action on a preliminary plan application.

**3.7.5 Planning Commission Review and Recommendation** - The Planning Commission shall review the preliminary plan and official comments and reports received thereon and shall render its recommendation to the Board of Supervisors in writing. The following shall constitute the types of action the Planning Commission may take:

**3.7.5.1** The Planning Commission may recommend disapproval of the preliminary plan, in which case it shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provision of the Ordinance relied upon.

**3.7.5.2** The Planning Commission may recommend conditional approval of the preliminary plan, in which case it shall specify all additional information or changes needed, describing the requirements that have not been met, citing, in each case, the provisions of the Ordinance which were relied upon.

**3.7.5.3** The Planning Commission may recommend approval of the preliminary plan.

**3.7.6 Action by the Board of Supervisors.** The Board of Supervisors shall review and render a decision to approve the preliminary plan as submitted, to approve the plan subject to conditions recommended by the Commission or as may be specified by the Board of Supervisors, or to disapprove the plan at a scheduled public meeting not later than ninety (90) days after such application for preliminary approval was officially filed, unless the applicant and the Board of Supervisors mutually agree in writing to an extension of time or the applicant(s) voluntarily withdraws the plan from consideration. See Appendix C for a Time Extension Request Form.

**3.7.7 Written Decision.** The applicant shall be notified in writing of the Board of Supervisors action within fifteen (15) consecutive days following the decision. Said notice will be mailed to the applicant with a copy of said notification provided as appropriate to the following:

**3.7.7.1** Landowner if different from applicant.

**3.7.7.2** Firm that prepared the plan.

**3.7.7.3** Township Planning Commission

**3.7.7.4** Township Zoning Officer.

**3.7.7.5** Municipal Sewage Enforcement Officer.

**3.7.7.6** Township Solicitor

3.7.7.7 Township Engineer

3.7.7.8 Northumberland County Conservation District

3.7.7.9 Other appropriate Federal, State, County and Local agencies.

**3.7.8 Acceptance of Conditions.** If an application for a Preliminary Plan is approved subject to conditions, such conditions shall be specified by the Board of Supervisors and shall be accepted by the applicant in writing within 15 days after the written decision of the Board of Supervisors was mailed or delivered to the applicant or the approval shall be automatically rescinded.

**3.7.9 Approval Pending Receipt of Additional Information.** When a Preliminary Plan is conditionally approved the applicant shall submit revised plans and necessary documents to the Board of Supervisors for approval by the Township Administrator within 90 days of acceptance of the conditions. Failure to meet the conditions of plan approval within 90 days shall constitute an automatic disapproval of the plan unless the Board of Supervisors and the applicant mutually agree upon a time extension. For plans conditionally approved, the date of official plan approval shall be the date on which all conditions are met.

**3.7.10 Specified Defects.** If an application for a Preliminary Plan is disapproved as filed, the decision shall specify the defects found in the application and shall identify the requirements that have not been met; citing the provisions of the statute or ordinance relied upon.

**3.7.11 Deemed Approval.** Failure of the Board of Supervisors to render a decision and communicate it to the applicant in the manner prescribed herein shall be deemed approval of the application as presented.

**3.7.12 Preliminary Plan Certification.** After receipt of Preliminary Plan approval and compliance with all conditions of approval, the Board of Supervisors will execute the plan approval certification with one (1) copy being retained by the Township and one (1) copy provided to the applicant.

**3.7.13 Effect of Preliminary Approval.**

**3.7.13.1** Approval of the Preliminary Plan application by the Board of Supervisors shall constitute approval of the proposed subdivision and/or land development in regard to general design, character and intensity of development, general arrangement of streets, lots, structures, and other planned facilities, but shall not constitute final plan approval.

- 3.7.13.2 A Preliminary Plan shall **not** be accepted for recording in the office of the Northumberland County Recorder of Deeds.
- 3.7.13.3 Preliminary Plan approval will be effective for a five (5)-year period from the date of the Board of Supervisor's approval of the Preliminary Plan application; thereafter Final Plan application(s) for the entire project shall be made within five (5) years of Preliminary Plan approval unless the Board of Supervisors grants a waiver by extending the effective time period of the approval.
- 3.7.13.4 After receipt of Preliminary Plan approval the applicant may proceed to construct the improvements required by this Ordinance and shown on the approved Preliminary Plan. The applicant shall indicate the intent to construct improvements in writing to the Board of Supervisors prior to the start of construction.
- 3.7.13.5 Preliminary Plan approval shall not authorize the sale of lots or occupancy of proposed buildings shown on the plan regardless of whether or not proposed improvements have been installed.

### **3.8 Final Plans**

- 3.8.1 **Final Plan Applications.** An application for Final Plan review and approval may be submitted when the following conditions have been met:
  - 3.8.1.1 The applicant has unconditional Preliminary Plan approval from the Township.
  - 3.8.1.2 Application is not required to be preceded by a Preliminary Plan in accordance with Section 3.7 of this Ordinance.
  - 3.8.1.3 The improvements required by this Ordinance have been completed and acknowledged by the Board of Supervisors as having been completed correctly as shown on the preliminary plan when said improvements are not assured by a type of guarantee as provided in Article 4 of this Ordinance.
- 3.8.2 **Application Requirements.** All Final Plan Applications shall include the following:
  - 3.8.2.1 Eight (8) copies of the Final Plan in either black on white or blue on white prints. Additional copies shall be submitted if the proposed site fronts on or is intended to have a street access to a state highway or is a project of regional significance. The applicant is also responsible for providing the necessary copies for sewage planning review and shall also furnish sufficient copies for review by the individuals and

agencies listed in Section 3.7.2.1, for their review and report to the Township, as appropriate.

**3.8.2.2** Two (2) copies of all reports, deed covenants, notifications, regulatory permit applications and reviews, and certifications which are not provided on the Final Plan, including but not limited to, traffic engineer reports, stormwater management narrative and calculations, improvements guaranty, maintenance and use agreements, and sewage percolation test results.

**3.8.2.3** Applications must include one (1) completed “Delaware Township Subdivision and Land Development Application” form with all information legible and bearing the required signatures. An application form is contained in Appendix B.

**3.8.2.4** Appropriate filing fee in the form of a check or money order made payable to Delaware Township for an amount established by a fee schedule adopted by resolution of the Board of Supervisors, which is available from the Office of the Township Administrator.

**3.8.2.5** **Incomplete Applications.** The Planning Commission shall determine at its first meeting following filing that the plans and accompanying documents are in proper form and contain all the information required by this Ordinance. If incomplete the application will be returned to the applicant with a statement that the application is incomplete; otherwise the application shall be deemed accepted for filing. Acceptance shall not constitute a waiver of any deficiencies or irregularities. An applicant may appeal a decision by the Planning Commission to the Board of Supervisors in accordance with Section 8.5.1 of this Ordinance.

**3.8.2.6** **Conformance with Preliminary Plan.** Final Plans shall conform in all-important respects with the approved Preliminary Plan; otherwise the plan submitted shall be considered as a revised Preliminary Plan.

**3.8.2.7** **Improvements.** No Final Plan shall be approved unless the applicant has satisfactorily installed all improvements required by this Ordinance or has alternatively filed with the Board of Supervisors an adequate financial guarantee in accordance with Article 4 of this Ordinance to insure proper installation and construction of said improvements.

**3.8.3** **Phased Development.** The Final Plan may be submitted in phases as long as the following conditions are met:

- 3.8.3.1** Each phase shall cover a reasonable portion of the entire proposed subdivision or land development as shown on the approved Preliminary Plan.
  - 3.8.3.2** Each phase, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of units of occupancy as depicted on the approved Preliminary Plan unless the Board of Supervisors approves a lesser percentage for one of the phases.
  - 3.8.3.3** A schedule shall be submitted indicating the intended submission of final plans for remaining phases.
  - 3.8.3.4** Final Plan approval for all phases shall be within five (5) years of Preliminary Plan approval.
- 3.8.4** **Action by the Board of Supervisors.** The Board of Supervisors shall review and render a decision to approve the Final Plan as submitted, to approve the plan subject to conditions specified by the Board of Supervisors, or to disapprove the plan at a scheduled public meeting not later than ninety (90) days after such application for Final Plan approval was officially filed or after order of the court remanding an application, unless the applicant and the Board of Supervisors mutually agree in writing to an extension of time or the applicant(s) voluntarily withdraws the plan from consideration. See Appendix C for a Time Extension Request Form.
- 3.8.5** **Written Decision.** The applicant shall be notified in writing of Board of Supervisors action within fifteen (15) calendar days following the decision. Said notice will be mailed to the applicant with a copy of said notification provided as appropriate to the following:
  - 3.8.5.1** Landowner if different from applicant.
  - 3.8.5.2** Firm that prepared the plan.
  - 3.8.5.3** Township Planning Commission
  - 3.8.5.4** Township Zoning Officer.
  - 3.8.5.5** Municipal Sewage Enforcement Officer.
  - 3.8.5.6** Township Solicitor
  - 3.8.5.7** Township Engineer
  - 3.8.5.8** Northumberland County Conservation District



**3.8.5.9** Other appropriate Federal, State, County and Local agencies.

- 3.8.6 Acceptance of Conditions.** If an application for a Final Plan is approved subject to conditions such conditions shall be specified by the Board of Supervisors and shall be accepted by the applicant in writing within 15 days after the written decision of the Board of Supervisors was mailed or delivered to the applicant, or the approval shall be automatically rescinded. It should be noted that it will be the general policy of the Board of Supervisors to not give approval subject to conditions on Final Plans except when a state permit or approval is required or other minor deficiencies exist.
- 3.8.7 Approval Pending Receipt of Additional Information.** When a Final Plan is conditionally approved the applicant shall submit revised plans and necessary documents to the Board of Supervisors for approval by the Township Administrator within 45 days of acceptance of the conditions. Failure to meet the conditions of plan approval within 45 days shall constitute an automatic disapproval of the plan, unless the Board of Supervisors and the applicant mutually agree upon a time extension. For plans conditionally approved, the date of official plan approval shall be the date on which all conditions are met.
- 3.8.8 Specified Defects.** If an application for a Final Plan is disapproved as filed, the decision shall specify the defects found in the application and shall identify the requirements that have not been met; citing the provisions of the statute or ordinance relied upon.
- 3.8.9 Deemed Approval.** Failure of the Board of Supervisors to render a decision and communicate it to the applicant in the manner prescribed herein shall be deemed approval of the application as presented.
- 3.8.10 Final Plan Certification.** After receipt of Final Plan approval and compliance with all conditions of approval, the Board of Supervisors will execute the plan approval certification with one (1) copy being retained by the Township. No Final Plan shall be recorded with the Office of the Northumberland County Recorder of Deeds without bearing original signatures of the Planning Commission Officers and the Board of Supervisors denoting approval of the plan.
- 3.8.11 Recording.** Approval of the Final Plan application by the Board of Supervisors shall entitle the applicant to record the plan in the Office of the Northumberland County Recorder of Deeds once necessary approval signatures and certificates are executed. All Final Plans approved by the Board of Supervisors shall be recorded by the applicant in the Office of the Northumberland County Recorder of Deeds within ninety (90) days of the Board of Supervisors approval date noted on the plan. Failure of the applicant to record the plan within this time shall render the plan null and void unless a time extension is requested by the applicant in writing and is granted by the

Board of Supervisors in writing prior to the expiration date. Under no circumstances shall a plan be recorded as an attachment to or an exhibit of the instrument of conveyance.

**3.8.12 Sale of Lots.** The sale of lots and/or construction and occupancy of proposed buildings in a subdivision or land development shall not commence until the approved Final Plan is filed and recorded with the Northumberland County Recorder of Deeds Office. The Board of Supervisors may seek preventive remedies, injunction or enforcement action in accordance with Sections 8.10, 8.11 and 8.12 of this Ordinance if lots are sold or occupancy of buildings occurs prior to Final Plan approval.

**3.8.13 Effect of Ordinance Changes on Approval.** When an application has been granted Final Plan approval, no change in this Ordinance or in any applicable municipal ordinance shall affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years. Where Final Plan approval is preceded by Preliminary Plan approval, the five (5) year period shall be counted from the date of Preliminary Plan approval.

### **3.9 Minor Subdivision**

**3.9.1 Plan Applications.** For Minor Subdivision Plans as defined in this Ordinance the applicant may apply directly for Final Plan approval in accordance with the Final Plan processing procedures set forth in Section 3.8 with the exceptions herein noted. However when multiple Minor Subdivisions consisting of more than five (5) lots within any given tract have been or are expected to be effected, or when other circumstances warrant, the Township may require additional plan submissions, including those meeting full Preliminary and Final Plan procedures and requirements.

### **3.10 Alternative Provisions for Installation and Approval of Individual On-Lot Stormwater Management Facilities**

#### **3.10.1 Installation Guarantee Required**

At the time of filing a plan for final approval which provides for the creation of lots with a minimum size of one acre, the developer may elect to defer final design and installation of the stormwater management facilities which will serve said lots until each lot is sold. Any developer who elects to utilize this alternative procedure shall be required to provide financial security to assure completion of the facilities in accordance with the following procedures.

**3.10.1.1** The developer shall submit a prototype design and itemized cost estimate for an on-lot stormwater management system suitable for each lot prepared by a professional engineer or contractor. The

prototype design and estimate shall account for, at a minimum, a range of three (3) different home roof sizes. The prototype shall include designs for the typical roof size associated with a home of 2000 sq. ft., 3000 sq. ft. and 4000 sq.ft. The Board of Supervisors, upon the recommendation of the municipal engineer, may refuse to accept such estimate for good cause shown. If the developer and the Board of Supervisors are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Board of Supervisors and the developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is also chosen, fees for the services of said engineer shall be paid equally by the Township and the developer.

**3.10.1.2** As a requirement for final plan approval, the developer shall deposit with the Township financial security in an acceptable form in a sufficient amount to cover the estimated cost for complete installation of the stormwater management facilities on each lot for the prototype associated with a mid-range home roof size, as provided in §3.10.1.1 above.

**3.10.1.3** In addition to any Restrictions and Covenants or any other conditions imposed upon the conveyance, the developer shall incorporate in the deed transferring each lot in the subdivision the following language:

THIS CONVEYANCE IS SUBJECT TO THE REQUIREMENT THAT THE GRANTEE SHALL, WITHIN THIRTY (30) DAYS AFTER THE RECORDING OF THIS DEED, DEPOSIT WITH DELAWARE TOWNSHIP AN IRREVOCABLE LETTER OF CREDIT OR OTHER ACCEPTABLE FINANCIAL SECURITY IN A FORM SATISFACTORY TO THE TOWNSHIP IN THE AMOUNT EQUAL TO OR EXCEEDING \$\_\_\_\_\_ IN ORDER TO SECURE COMPLETE INSTALLATION OF ON-LOT STORMWATER MANAGEMENT FACILITIES ON THE SUBJECT PROPERTY.

BY ACCEPTAND OF THIS DEED, GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTEE SHALL BE REQUIRED TO CONSTRUCT AN ON-LOT STORMWATER MANAGEMENT SYSTEM ON THE SUBJECT PROPERTY AND THAT SUCH FACILITIES MUST BE INSPECTED AND APPROVED BY THE TOWNSHIP OR ITS ADMINISTRATOR PRIOR TO OCCUPANCY OF ANY RESIDENTIAL DWELLING.

### **3.10.2 Release Of Financial Security**

The financial security deposited with the Township shall be subject to release as follows:

**3.10.2.1** Following the sale of each lot and upon the posting of an appropriate letter of credit or other acceptable financial security by the lot owner, the Township shall reduce the amount of the financial security originally deposited by the developer by the proportionate amount attributable to said lot in accordance with the following:

**3.10.2.1.1** If, at the time of sale of a lot, the size of the home to be built is known, the amount of the financial security to be posted by the lot owner shall equal or exceed the amount of the estimate for the prototype design for the typical roof size of the home to be built.

**3.10.2.1.2** If, at the time of sale of a lot, the size of the home to be built is not known, the amount of financial security to be posted by the lot owner shall equal or exceed the amount of the estimate for the prototype design for the typical roof size of a home of 4000 sq. ft.

**3.10.2.1.3** If, at the time of sale of a lot, the size of the home to be built is not known and financial security has been posted by the lot owner in accordance with §3.10.2.1.2 above, at such time that a home is chosen that is of a size less than 4000 sq. ft., the landowner's security may be reduced by that amount which exceeds the actual estimate for the prototype design for the typical roof size of the home to be built. Any request of a reduction in the financial security shall be submitted in writing to the Township and shall include a signed construction contract or other binding documentation verifying the size of the home to be built.

**3.10.2.1.4** If, at the time of sale of a lot, it is known that the size of the home will exceed 4000 sq. ft. in size, a revised prototype design and estimate associated with the typical roof size of the proposed home shall be provided in accordance with §3.10.1.1.

**3.10.2.1.5** At no time will the developer's original security be reduced without an approved prototype design, estimate and landowner's financial security equal to or exceeding the amount required for the typical roof size of the proposed home.

- 3.10.2.2** When the on-lot stormwater management system has been constructed on a lot, the lot owner or developer shall notify the Township in writing, by certified or registered mail, of the completion of said system and request inspection thereof. The Township shall cause an inspection of the system to be performed within twenty (20) days. Upon approval of the installation, the Township shall release the letter of credit to its issuer.

**3.10.3 Remedies to Effect Completion of Facilities**

In the event a residential dwelling is constructed on a lot and occupied prior to the construction, inspection and approval of the on-lot stormwater management system for said lot, the Township may, at its option, withdraw from the financial security an amount sufficient to pay the costs of construction, inspection and approval of said stormwater management system and, if necessary, institute appropriate legal action to recover any additional funds which may be required to cover all costs incurred by the Township, including engineering and legal fees, relating to complete installation of the required facilities.

**3.11 Reviews By Engineer or Other Qualified Person**

- 3.11.1** The Municipal Engineer and/or other consultant experienced in a particular discipline shall review any application that involves engineering or other specialized considerations, and any comments received from said engineer and/or other consultants shall be considered a part of the application review and incorporated therein. Costs of such review by the Municipal Engineer and/or other consultants shall be borne by the applicant.
- 3.11.2** Where a conflict of interest arises due to an application being filed by the Municipal Engineer or other consultant or their office, the Township shall appoint an independent engineer or consultant to review said application.

**3.12 Site Inspections**

The Township and its Administrator and Engineer may visit any site proposed for subdivision and/or land development before any action is taken to approve or disapprove a plan in order to evaluate a plan application on the basis of the information presented.

## **Article 4**

### **Improvements**

- 4.1 General
- 4.2 Completion of Improvements
- 4.3 Improvement Guarantee in Lieu of Construction
- 4.4 Amount of Improvement Guarantee
- 4.5 Basis of Improvement Guarantee Amount
- 4.6 Acceptable Forms of Financial Security
- 4.7 Improvements Not Completed in First Year
- 4.8 Insurance Requirement
- 4.9 Improvement Construction
- 4.10 Improvement Inspection during Construction
- 4.11 Partial Release of Improvement Guarantee
- 4.12 As Built Plan
- 4.13 Final Improvement Inspection and Release from Guarantee
- 4.14 Remedies to Effect Completion of Improvements
- 4.15 Improvement Maintenance Guarantee
- 4.16 Dedication and Acceptance of Improvements
- 4.17 Improvements Not Dedicated or Not Accepted For Dedication

## **Article 4**

### **Improvements**

#### **4.1 General**

All applications for subdivision and land development that include improvements shall be made in accordance with this Article. This Article applies to all improvements, regardless of whether they are to be dedicated to a public entity or not.

#### **4.2 Completion of Improvements**

No application for Final Plan approval of a subdivision or land development shall be approved by the Township, nor shall any plan be considered in compliance with this Ordinance, until all required improvements, including but not limited to, streets, sidewalks, curbs, gutters, street signs, street lights, street trees, fire hydrants, water mains, sanitary sewers, storm sewers and drainage facilities, survey monuments, lot line markers, and shade trees and landscaping have been installed in accordance with this Ordinance.

#### **4.3 Improvement Guarantee in Lieu of Construction**

In lieu of the construction and completion of improvements required by this Ordinance prior to plan approval and recordation, the applicant or developer may deposit a financial security acceptable to the Township and follow the procedures contained herein.

#### **4.4 Amount of Improvement Guarantee**

- 4.4.1** The amount of the financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer.
- 4.4.2** Annually the Township may adjust the amount of the financial security by comparing the actual cost of the improvements that have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to such adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals said 110%. The developer in accordance with this Ordinance shall post any additional security.

## **4.5 Basis of Improvement Guarantee Amount**

- 4.5.1** The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by the engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown.
- 4.5.2** If water mains and sanitary sewer lines, or both, along with apparatus or facilities related thereto are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility, or a municipal authority separate and distinct from the municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section. The applicant or developer shall provide evidence that financial security in an amount sufficient to secure the completion of all sewer and/or water facilities to be dedicated to such public utility or municipal authority has been provided and accepted by such entity.
- 4.5.3** If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.

## **4.6 Acceptable Forms of Financial Security**

The following are acceptable forms of financial security.

- 4.6.1 Surety Performance Bond.** A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania. The bond shall be payable to and shall be in a form satisfactory to the Township.
- 4.6.2 Escrow Account.** A deposit of cash with the Township in escrow with a Federal or Commonwealth chartered financial institution. In the case of an escrow account, the applicant or developer shall file with the Township an agreement between the financial institution and the applicant or developer guaranteeing the following:



- 4.6.2.1** That the funds of the escrow account shall be held in trust until released by the Township and may not be used or pledged by the developer as security in any other matter during that period.
- 4.6.2.2** In the case of a failure on the part of the developer to complete the said improvements, the institution shall immediately make the funds available to the Township for use in the completion of those improvements.
- 4.6.2.3** Withdrawals from the account to pay for completed improvements shall be pursuant to Section 4.11 of this Ordinance.
- 4.6.3 Letter of Credit.** An irrevocable commercial letter of credit provided by the applicant and/or developer from a Federal or Commonwealth chartered financial institution. This letter shall be deposited with the Township and shall certify the following:
- 4.6.3.1** The amount of credit.
- 4.6.3.2** In the case of failure on the part of the developer to complete the specified improvements within a time period specified in a written agreement between the Township, the creditor shall pay to the Township such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.
- 4.6.3.3** The letter of credit is irrevocable and may not be withdrawn, or reduced in amount, until released or partially reduced by the Township.
- 4.6.4 Certified Check.** A certified check payable to the Township drawn on a Federal or Commonwealth chartered financial institution.
- 4.6.5 Other Forms of Security.** Any other form of guarantee acceptable to the Township.

If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above established estimating procedure in Section 4.5.

## **4.8 Insurance Requirement**

- 4.8.1** The applicant and/or developer shall protect, defend, indemnify, and save harmless the Township, its officers, employees, appointees, and agents thereof from all claims, suits, actions, and proceedings of every nature and description which may be or on account of any injuries or damages to persons, including wrongful death, to public or private property, because any materials or appliances used in the work, or by or on account of improper materials or workmanship, or for or on account of any accident or any other act, negligence or omission of said applicant and/or developer or his officers, employees, appointees, and agents thereof and the Township shall not in any way be liable therefore, during the period of the work progress and for a period of eighteen (18) months following the acceptance of work.

## **4.9 Improvement Construction**

During construction of improvements the applicant and/or developer shall be responsible for the following:

- 4.9.1** Constructing all improvements in strict accordance with the approved subdivision and land development plan and this Ordinance.
- 4.9.2** Implementing all necessary plans to control, mitigate, and eliminate any forms of pollution, disturbance, or destruction resulting from noise, odor, stormwater, and/or excessive loads or repetitions of loads that may occur during construction.
- 4.9.3** **Work Zone Traffic Control.** The applicant and/or developer shall furnish the necessary guards, watchmen, warning lights and similar items necessary to maintain state highway and other street traffic in accordance with Penn DOT Publication 203 requirements. When traffic cannot be detoured, a minimum of one half (1/2) the roadway shall be open at all times with traffic control. In limited and unique circumstances, with the approval of the Township, local municipality and/or Penn DOT limited closure might be warranted.

## **4.10 Improvements Inspection During Construction**

- 4.10.1** The Township and the applicant or developer shall mutually agree upon a schedule of inspections by the Township Engineer and/or other necessary consultants during construction, which shall be made part of a Memorandum of Understanding/Developer's Agreement executed between the Township and the applicant and/or developer. At a minimum the Township will require inspections at critical stages of construction determined by the Township and Township Engineer and/or other consultants.

- 4.10.2** The applicant or developer shall notify the Township of the construction schedule at least forty-eight (48) hours prior to commencement of the work stages identified in §4.10.1 above.
- 4.10.3** The applicant and/or developer shall correct any portion of the work that does not comply with the approved plan and this Ordinance. No work may proceed on any subsequent phase of the construction until necessary corrections have been made.
- 4.10.4** Site improvements shall not advance to subsequent stages of construction until authorized to do so after the satisfactory inspection of the previous stage.

#### **4.11 Partial Release of Improvement Guarantee**

As the work of installing the required improvements proceeds, the party posting the financial security may request the Township to release or authorize the release, from time to time, such portions of the financial security as are necessary for payment to the contractor or contractors performing the work. Any such requests shall be made in writing addressed to the Township, and the Township shall have 45 days from receipt of such request to allow the Township Engineer to certify, in writing, that a portion of the work upon the improvements has been completed in accordance with the approved plan. Upon certification the Township shall authorize release by the bonding company or lending institution of an amount estimated by the Township Engineer to be the value of the improvements completed. If the Township fails to act within the 45-day period, the Township shall be deemed to have approved the release of funds as requested. The Township may, prior to final release at the time of completion and certification by the Township Engineer, require retention of 10% of the estimated cost of aforesaid improvements.

#### **4.12 As Built Plan**

After Final Plan approval and upon completion of all required improvements, the applicant or developer shall submit, as requested by the Commission, an As Built Plan showing the location, dimension, and elevation of all improvements. As-Built Plans generally will be required when constructed improvements and developed conditions deviate from the originally approved plan. The As Built Plan shall specify all deviations from the previously approved drawings. Five (5) copies of the As Built Plan shall be submitted to the Commission. Depending on the severity of the deviations from the approved plan shown by the As Built Plan a full subdivision and land development plan revision may need to be submitted and approved.

#### **4.13 Final Improvement Inspection and Release From Guarantee**

- 4.13.1 Notice of Completion.** When the developer has completed all of the agreed-upon improvements, the developer shall notify the Township in writing, by certified or registered mail, of the completion of the improvements, and shall

send a copy also to the Township Engineer. The Township shall, within ten (10) days after receipt of such notice, direct the Township Engineer to inspect all of the improvements. The Township Engineer shall file a written report with the Township, and the Township or Township Engineer shall promptly mail a copy of it to the developer by certified or registered mail. The report shall be mailed within thirty (30) days after receipt by the Township Engineer of the authorization from the Township; the report shall be detailed and shall indicate approval or rejection of the improvements, either in whole or in part. If the Township Engineer does not approve the improvements, or any portion of them, the report shall contain a statement of reasons for such non-approval or rejection.

**4.13.2** The Township shall notify the developer within fifteen (15) days of receipt of the engineer's report, in writing by certified or registered mail, of the decision to accept or not accept the improvements.

**4.13.3** If the Township fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved, and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

**4.13.4** If any portion of the improvements shall not be approved or shall be rejected by the Township or the municipal governing body, the developer shall proceed to complete the same and, upon completion, the same procedure of notification as outlined in this Article shall be followed.

**4.13.5** Nothing herein, however, shall be construed to limit the developer's right to contest or question by legal proceedings or otherwise, any determination of the Township or the Township Engineer.

#### **4.14 Remedies To Effect Completion of Improvements**

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

#### **4.15 Improvement Maintenance Guarantee**

Where the Township has accepted dedication of certain improvements, it may, at its discretion, require the applicant or developer to post financial security to secure the structural integrity of the improvements and the functioning of the improvements in accordance with the design and specifications as shown on the final plan for a term not to exceed 18 months from the date of acceptance of dedication. The financial security shall be of the same type as otherwise required in this Section and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.

#### **4.16 Dedication and Acceptance of Improvements**

When accepting dedication of improvements for public ownership the Township shall do so by the governing body adopting an ordinance, resolution, deed or other formal document of acceptance, provided, however, that the Township will not accept the dedication of any street or road that terminates in a cul-de-sac or dead end. Furthermore, the Township shall not be responsible for accepting dedication, and improvements shall be deemed private, until the following items are satisfied::

- 4.16.1** The Township and/or Township Engineer conducts a final inspection certifying that all improvements have been satisfactorily installed according to the approved Final Plan.
- 4.16.2** All inspection fees are paid.
- 4.16.3** An appropriate improvement maintenance guarantee has been posted.
- 4.16.4** A deed of dedication is provided.

#### **4.17 Improvements Not Dedicated or Not Accepted for Dedication**

All improvements constructed as required by this Ordinance that **will not** be publicly dedicated or accepted for dedication shall also meet the following requirements:

- 4.17.1 Ownership and Maintenance Responsibility/Entity.** A viable entity responsible for ownership and maintenance of all non-dedicated improvements shall be established by the developer and approved by the Township. Ownership and maintenance responsibilities may be assigned to either the developer or among the property owners or an association of property owners within the subdivision or land development through the use of a Declaration and other documents approved by the Township. Such documents shall be in conformance with the Uniform Planned Community Act of December 19, 1996, No. 180 (68 Pa. C.S.A. 5101) as amended. The Association shall be formed and operated under the minimum provisions contained in Appendix L of this Ordinance.

- 4.17.2 Improvements Benefiting Multiple Lots.** For all non-dedicated improvements that will not be owned and maintained by the developer and are situated on an individual lot or a series of contiguous lots but serve multiple lots, units or the entire subdivision or land development (e.g. stormwater management ponds), the responsibility for ownership and maintenance of such improvements shall be borne by all lot owners benefiting or served and not solely the lot owner on whose lot the improvements are situated.
- 4.17.3 Ownership and Maintenance Agreement.** A private agreement suitable for recording in the Northumberland County Recorder of Deeds Office shall be prepared, properly executed, and recorded with the final subdivision or land development plan, shall run with the land, and shall clearly identify the individual or entity responsible for the ownership and maintenance of non-dedicated improvements. The agreement shall be reviewed and approved by the Township and the Township Engineer and, at a minimum, shall stipulate the following:
- 4.17.3.1** That the owners, an association of property owners, successors and assigns shall keep all improvements in a safe and attractive manner, and the owners shall convey to the Township easements and/or rights-of-way to assure access for periodic inspections by the Township, and maintenance if required.
  - 4.17.3.2** That if the owners, association of property owners, successors and assigns, fail to maintain the improvements following due notice by the Township to correct problems, the Township may perform the necessary work or corrective action. The owners or association of property owners shall reimburse the Township for these services and any administrative costs. The Township shall have the authority to assert a judgment lien against the said owners or association of property owners for failure to make the reimbursement(s).
- 4.17.4 Deed Reference.** All deeds created for lots that contain non-dedicated improvements shall make clear and specific reference as to the following:
- 4.17.4.1** Description of all improvements not dedicated;
  - 4.17.4.2** The individual(s) or entity responsible for ownership and maintenance of the improvements in accordance with Sections 4.17.1, 4.17.2, and 4.17.3 of this Ordinance;
  - 4.17.4.3** The Ownership and Maintenance Agreement as required by Section 4.17.3 of this Ordinance;
  - 4.17.4.4** Terms and conditions of the required maintenance;

- 4.17.4.5** Provision that no improvements shall be eliminated or altered without the written approval of the Township.
- 4.17.4.6** Provision that in the event improvements are altered, eliminated, or improperly maintained the Township may prescribe necessary corrective measures and a reasonable time period to perform such work, and that if such action is not taken in the time period specified, the Township may cause the work to be performed and invoice the ownership and maintenance entity, including the assertion of a judgment lien against it.
- 4.17.4.7** Provision that all improvements not offered for dedication may be offered in the future if the improvements meet the minimum standards of this and/or applicable municipal ordinances in effect at the time the offer of dedication is made. If the improvements do not conform to the minimum standards in effect, the Township shall have no obligation to accept the improvements until the improvements are improved to meet the standards, all costs of which shall be borne by the owner, association of property owners, or their successors and assigns.

## **Article 5**

### **Subdivision and Land Development Plan Requirements**

- 5.1 General
- 5.2 Sketch Plan
- 5.3 Drafting Standards
- 5.4 Preliminary Plan
- 5.5 Final Plan
- 5.6 Minor Subdivision Plans
- 5.7 Lot Additions and Lot Consolidations



## Article 5

### Subdivision and Land Development Plan Requirements

#### 5.1 General

All plans submitted for approval by Delaware Township shall meet the requirements specified in the following sections. Applicants are encouraged to meet with the Commission for advisory information and an explanation of these requirements prior to filing an application.

*Generally, **Minor** Subdivisions follow Sections*

- 5.2 Sketch Plans (optional)*
- 5.3 Drafting Standards (required)*
- 5.6 Minor Subdivision Plans (required)*

***Add-On** Subdivisions follow Sections*

- 5.2 Sketch Plans (optional)*
- 5.3 Drafting Standards (required)*
- 5.7 Lot Additions and Lot Consolidations (required)*

*Generally, **Major Subdivisions and Land Developments** follow Sections*

- 5.2 Sketch Plans (optional, highly recommended)*
- 5.3 Drafting Standards (required)*
- 5.4 Preliminary Plan (required)*
- 5.5 Final Plan (required)*

#### 5.2 Sketch Plans

Sketch Plans should contain sufficient information to clearly indicate the character and extent of the proposed subdivision or land development and its relationship to existing conditions and facilities within the area it is to be located. Six (6) copies of the Sketch Plans should be submitted and include the following data and information, legibly drawn, but not necessarily to scale or showing precise dimensions:

- 5.2.1** Location sketch with sufficient detail, showing roads and significant community facilities to enable the Commission to locate the property.

- 5.2.2** Existing tract boundaries accurately labeled with the names of adjacent landowners.
- 5.2.3** Title Block indicating the applicant and/or landowner, municipality, date, individual that prepared the plan, scale of the drawing or notation “Drawing Not to Scale”.
- 5.2.4** North Arrow
- 5.2.5** Significant topographic and physical features (i.e. water bodies, floodplains, streets, structures).
- 5.2.6** Proposed general street, parking, building and lot layout including the acreage of the area to be developed.
- 5.2.7** Proposed land use; if multiple land uses are proposed the general location of each land use shall be shown.
- 5.2.8** Statement explaining the methods of water supply and sewage disposal to be used.

### **5.3 Drafting Standards**

All plans shall be prepared in accordance with the following drafting standards: (Sketch Plans submitted under Section 5.2 of this Ordinance are exempt from the drafting standards prescribed herein).

- 5.3.1** The preparation of all plans shall adhere to the laws of the Commonwealth of Pennsylvania, including but not limited to, the Engineer, Land Surveyor, and Geologist Registration Law, May 23, 1945, P.L. 913, No. 367 (63 P.S. 148 et seq.) and the Landscape Architects Registration Law, January 24, 1966, 1965 P.L. 1527, No. 535 (63 P.S. 901 et seq.) as from time to time reenacted and amended.
- 5.3.2** Plans shall be either black on white or blue on white prints with a sheet size no smaller than eighteen by twenty-two (18 x 22) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the plan is drawn in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet with the match lines showing. All sheets shall be the same size and numbered to show the relationship to the total number of sheets in the plan, i.e. “Sheet 1 of \_\_\_, Sheet 2 of \_\_\_, Sheet 3 of \_\_\_, etc”.
- 5.3.3** The Plan shall be clearly and legibly drawn at a scale of one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet. (1” = 50’ or 1” = 100’) or other suitable scale if approved by the Commission.

- 5.3.4 Dimensions shall be in feet and decimals to the nearest 100th of a foot; bearings shall be in degrees, minutes, and seconds.
- 5.3.5 Lot line descriptions shall read in a clockwise direction.
- 5.3.6 Surveys and other professional services associated with plan preparation shall be consistent with prevailing professional standards and the Laws of the Commonwealth.

## 5.4 Preliminary Plans

All Preliminary Plan applications shall be prepared in accordance with this Section to provide sufficient design information to demonstrate conformance with the requirements of this Ordinance.

### 5.4.1 Project Description and Location – For Preliminary Plan applications the following shall be shown on, or where appropriate accompany, the plan.

- 5.4.1.1 A brief narrative describing the proposed project.
- 5.4.1.2 Title Block containing the following:
  - 5.4.1.2.1 Project name or identifying title including the words "Preliminary Plan"
  - 5.4.1.2.2 Municipality in which it is located
  - 5.4.1.2.3 Plan date and dates of all revisions
  - 5.4.1.2.4 Name and address of the owner or applicant
- 5.4.1.3 Name, address, and telephone number of individual or firm preparing the plan, assigned project number, name signature, registration number, and seal of engineer, surveyor or landscape architect involved in preparation of the plan.
- 5.4.1.4 North arrow.
- 5.4.1.5 Graphic and Written Scale.
- 5.4.1.6 Site location map of a sufficient size and scale to clearly show the location of the property, its relation to the surrounding area, including roadway system, municipal boundaries, and community facilities within ½ mile of the project area. May be taken from a U.S.G.S. quadrangle map with sheet name identified.

- 5.4.1.7** Deed book and page number and tax parcel identification number of the tract to be subdivided or developed.
- 5.4.1.8** Total acreage of the entire existing tract.
- 5.4.1.9** The entire tract boundary with bearings and distances showing the relationship of the proposed development to the entire tract and all prior conveyances, including acreage made from the parent tract since the adoption of the original Delaware Township Subdivision and Land Development Regulations on January 19, 1977.
- 5.4.1.10** Owners names, deed book and page numbers, and parcel identification numbers of adjacent unplotted land and the names, deed book and page numbers of all abutting recorded subdivisions.
- 5.4.1.11** Schedule or table of zoning district requirements, including lot area and bulk regulations, density, building and impervious coverage, and yard requirements. Show zoning for adjacent lands if different for tract to be subdivided or developed.
- 5.4.1.12** List of any variances or other zoning approvals that are being requested or which have been granted by the Township.
- 5.4.1.13** List, with supporting evidence for the request, of any modifications that are requested in accordance with Section 8.4 of this Ordinance. Modifications granted shall be so noted on the Final Plan.
- 5.4.2 Existing Site Characteristics** – The following existing conditions shall be shown on the plan:
  - 5.4.2.1** Topographic contours shown at five (5) foot vertical intervals for land with average undisturbed slope less than twenty-five percent (25%) and, at a minimum, vertical intervals of ten (10) feet for slopes greater than 25%. One (1) or two (2) foot topographic contours may be required for more densely developed projects or when deemed appropriate by the Commission. Contours shall be accompanied by the location of the benchmark and notation indicating the datum used.
  - 5.4.2.2** Steep Slopes delineated as those areas 16 to 25 percent and those areas greater than 25 percent.
  - 5.4.2.3** Soil types and boundaries as shown in the Northumberland County Soil Survey.
  - 5.4.2.4** Prominent natural and topographic features including but not limited to watercourses, wetlands, drainage channels, sinkholes, rock

outcroppings, regulatory 100-Year floodplains and floodways, tree masses, plant and wildlife habitat for rare, threatened, or endangered species, areas identified in the Northumberland County Natural Heritage Inventory (see [http://www.naturalheritage.state.pa.us/CNAI\\_PDFs/Northumberland%20NHI%20-%202008%20update%20WEB.pdf](http://www.naturalheritage.state.pa.us/CNAI_PDFs/Northumberland%20NHI%20-%202008%20update%20WEB.pdf)), and other pertinent elements that may influence design. Additionally, the Preliminary Plan shall indicate any proposed disturbance, encroachment, or alteration to such features when located upon the site proposed for development.

- 5.4.2.5 General vegetative cover of the site including a brief description and type (i.e. meadow, woodland, transitional).
- 5.4.2.6 A note on the plan indicating whether the site is/is not underlain by carbonate geology (limestone and dolomite).
- 5.4.2.7 Location of quarry sites, solid waste disposal areas, illegal dumps, EPA Superfund sites, and other potentially hazardous conditions on the site and on adjacent tracts.
- 5.4.2.8 Show approximate location and cite source information for significant historic and cultural features such as cemeteries, burial sites, archaeological sites, historic buildings, structures, plaques, markers, or monuments on the subject tract and within 200 feet on adjacent tracts.
- 5.4.2.9 All existing or recorded streets, roads, alleys, or other means of access and easements on or adjacent to the tract; including name or number, jurisdiction of ownership, right-of-way or easement width, width and condition of pavement and grades and, in the case of easements, the purpose for which it was created.
- 5.4.2.10 The location, ownership, and width of associated right-of-way or easement for any of the following features: existing buildings, storm and sanitary sewers, water supply lines, culverts, natural gas lines, on-lot sewage facilities, petroleum or petroleum products lines, power transmission and telephone lines, fire hydrants, stormwater management facilities, cellular towers, railroads, trails, wellhead protection areas, and other significant manmade features on or adjacent to the site.
- 5.4.2.11 Location and material of all existing permanent monuments and lot line markers.

**5.4.3 Proposed Site Conditions** – The following proposed conditions shall be shown on the plan:

- 5.4.3.1** Tabulation of site data, including total acreage of land to be subdivided or developed, number of lots, proposed density, number of dwelling units, existing land use, proposed land use, acreage of any proposed open space or other public/common areas, amount of impervious area, and the amount of tract residual. Multi-Family and non-residential shall also show the total square footage of all proposed buildings, percent of lot coverage, number of parking spaces required, and the number provided.
- 5.4.3.2** All required yards and building setback lines, with distances from the street centerline or street right-of-way lines, whichever is required by the Township Zoning Ordinance.
- 5.4.3.3** Lot layout with lot lines, approximate dimensions, lot square footage and acreage.
- 5.4.3.4** Block and lot numbers in a consecutive and clockwise or left to right order.
- 5.4.3.5** Exact location, name, width, and grade of proposed streets, alleys, driveways, or other means of access.
- 5.4.3.6** Location and width of rights-of-way and cartways.
- 5.4.3.7** Delineation of clear sight triangles and sight distances.
- 5.4.3.8** Design information for horizontal curves (i.e. degree of curvature, point of tangents, radius, arc length, chords, etc.)
- 5.4.3.9** Length of tangents between reverse curves.
- 5.4.3.10** Curb radii at intersections and intersection equalities between streets.
- 5.4.3.11** Curbs and gutter location.
- 5.4.3.12** Location of sidewalks and/or trails showing width, grades, and ramps for ADA accessibility requirements.
- 5.4.3.13** Location of streetlights, street name signs, and traffic control devices and/or signs and pavement markings.
- 5.4.3.14** Location and type of vegetation to be planted between curb and shoulder and right-of-way line.
- 5.4.3.15** Location and species of shade trees within street rights-of-way.

- 5.4.3.16 Lighting plan in accordance with the Township Zoning Ordinance indicating the types, size, quantity and location of light fixtures.
- 5.4.3.17 Proposed public buildings and areas, playgrounds, reserved areas, open space areas, and any related conditions or restrictions.
- 5.4.3.18 Identification of buildings and historic features proposed to be demolished.
- 5.4.3.19 Location, width, and intended use of utility, drainage, and all other proposed easements.
- 5.4.3.20 Location and pipe diameter (I.D.) of storm water, sanitary sewer, and water mains and laterals to each lot.
- 5.4.3.21 Location of fire hydrants and other operational water main infrastructure.
- 5.4.3.22 Location of all proposed stormwater management and erosion control facilities.
- 5.4.3.23 Deep-probe and soil percolation test sites and proposed absorption field areas if on-lot sewage disposal facilities are proposed, including the identification of applicable isolation distances.

#### **5.4.4 Other Required Information and Reports to be Submitted**

- 5.4.4.1 Copies of private deed restrictions, covenants, grants of easements, homeowner and business association agreements or other restrictions.
- 5.4.4.2 Preliminary design of proposed bridges and culverts.
- 5.4.4.3 Typical street cross-section for each proposed street, and typical cross section for any existing street that will be improved as part of the application. Each cross section shall include the entire right-of-way width and show materials for base and surfacing, and method of construction.
- 5.4.4.4 Street centerline profile for each proposed street showing finished grade at a scale of one inch equals fifty feet (1" = 50') horizontal and one inch equals five feet (1" = 5') vertical or other appropriate legible scales.
- 5.4.4.5 A grading plan showing all final topographic contours and cross sections for cut and fill areas for general site development activities including parking areas, buildings, stormwater facilities, etc.

- 5.4.4.6** Typical curb and gutter design, materials, and method of construction.
- 5.4.4.7** Typical sidewalk or trail design, materials, and method of construction.
- 5.4.4.8** A Sewage Facilities Plan and/or Engineering Feasibility Study and required documentation in accordance with Section 6.19 of this Ordinance.
- 5.4.4.9** A Water Facilities Plan and required documentation in accordance with Section 6.20 of this Ordinance.
- 5.4.4.10** For proposals to be served by an existing utility, water and/or sewer service provider(s), a letter of intent or an executed agreement to provide service shall be provided from the service provider(s).
- 5.4.4.11** A Stormwater Management and Drainage Plan and narrative including runoff calculations with complete hydrologic and hydraulic design and analysis of all conveyance and control facilities in accordance with the Township Stormwater Management Ordinance.
- 5.4.4.12** When the Preliminary Plan covers only a part of the applicant's holdings, a sketch of proposed streets, sanitary and storm sewer and water lines for the remainder of the tract will be required.
- 5.4.4.13** Estimated cost of all improvements including an itemized list of components of work with quantities, unit cost, and total cost. See Appendix E for an example.
- 5.4.4.14** For a Preliminary Plan indicating phased installation of improvements, a schedule shall be filed detailing all proposed sections as well as deadlines when it is expected that applications for Final Plan approval for each section will be filed.
- 5.4.4.15** A landscaping plan, if required in connection with a Township zoning proceeding or requirement, showing name, sizes, quantities, and approximate locations of all proposed plant material.
- 5.4.4.16** An Erosion and Sedimentation Pollution Control Plan and narrative showing all erosion and sedimentation control measures, temporary as well as permanent, and a letter from the Northumberland County Conservation District stating that the proposed measures meet all state, federal and local requirements.



- 5.4.4.17** If any portion of the project is in a floodplain area, then documentation shall be submitted indicating compliance with all applicable laws and regulations of the Township and of the Pennsylvania Department of Environmental Protection (PA DEP).
- 5.4.4.18** Copies of required permits from the PA DEP and/or other appropriate regulatory agencies for any proposed alteration, excavation, relocation, encroachment or obstruction of a watercourse.
- 5.4.4.19** A Community Impact Analysis, Natural Features Analysis and Traffic Engineering Study shall be submitted in accordance with Sections 6.11 and 6.30 of this Ordinance for all subdivision or land development proposals of 25 lots or more, or for a proposal that generates more than 200 vehicle trips per day.
- 5.4.4.20** When the tract contains a natural gas pipeline, petroleum or petroleum products pipeline, an electric transmission line, telecommunications line, or other utility, a letter shall accompany the application from the owner or lessee of such utility stating the minimum setback distance and other requirements pertaining to such features. A valid occupancy permit from such utility provider would also be acceptable.
- 5.4.4.21** A letter of zoning compliance from the Township Zoning Officer.
- 5.4.4.22** A letter from the Union County GIS Department (or other authorized agency) verifying approval of proposed subdivision, road names and assigned lot addresses.
- 5.4.4.23** When the land included in the subject tract has agricultural, woodland, or other natural resource protection easement(s) located within the tract, the application shall be accompanied by a letter from the party holding the easement(s) stating any conditions on the use of the land.
- 5.4.4.24** For lots requiring access onto a state route or highway, a PennDOT Highway Occupancy Permit (HOP) or a letter from PennDOT indicating a HOP can be obtained shall be submitted. For lots requiring access onto a Township street the appropriate municipal Driveway Permit shall be submitted if applicable.
- 5.4.4.25** When the proposed subdivision or land development site contains or formerly contained hazardous substances or groundwater contamination a geotechnical report and a remedial investigation/feasibility study shall be provided. For sites that formerly contained hazardous substances or groundwater contamination, a letter from applicable state and federal agencies verifying that the site meets

the remediation standards for the proposed use will suffice in lieu of a remedial investigation/feasibility report.

- 5.4.4.26** All applicable plan processing applications and review fees in accordance with Article 3 of this Ordinance.

#### **5.4.5 Certification and Notification**

- 5.4.5.1** Certificate, signature and seal, of the professional land surveyor certifying the accuracy of the survey. See Appendix D-2.
- 5.4.5.2** Certificate, signature, and seal of the landscape architect, surveyor, or professional engineer that all other details on and accompanying the plan are correct. See Appendix D-3 and D-4.
- 5.4.5.3** Certification of Ownership in the form of a notarized statement by the owner(s) certifying ownership of the property. See Appendix D-5.
- 5.4.5.4** Preliminary Plan Review Certification for the Delaware Township Planning Commission. See Appendix D-6.
- 5.4.5.5** Preliminary Plan Review Certification block for Northumberland County Planning Commission. See Appendix D-1.
- 5.4.5.6** Preliminary Plan Approval Certification block for the Township Board of Supervisors. See Appendix D-7.
- 5.4.5.7** Notation on the plan of any modifications granted by the Board of Supervisors pursuant to this Ordinance.
- 5.4.5.8** Notation on the plan of any variances granted in accordance with the applicable zoning ordinance.

### **5.5 Final Plans**

All Final Plan applications shall be prepared in accordance with this Section to provide sufficient design information to demonstrate conformance with the requirements of this Ordinance.

- 5.5.1 Project Description and Location** – For Final Plan applications the following shall be shown on, or where appropriate, accompany the plan.

- 5.5.1.1** A brief narrative describing the proposed project.
- 5.5.1.2** Title Block containing the following:

- 5.5.1.2.1** Project name or identifying title including the words "Final Plan"
  - 5.5.1.2.2** Municipality in which it is located
  - 5.5.1.2.3** Plan date and dates of all revisions
  - 5.5.1.2.4** Name and address of the owner or applicant
- 5.5.1.3** Name, address, and telephone number of the individual or firm preparing the plan, including assigned project number, name signature, registration number, and seal of engineer, surveyor or landscape architect involved.
- 5.5.1.4** North arrow.
- 5.5.1.5** Graphic and Written Scale.
- 5.5.1.6** Site location map of a sufficient size and scale to clearly show the location of the property, its relation to the surrounding area, including roadway system, municipal boundaries, and community facilities within ½ mile of the project area. May be taken from a U.S.G.S. quadrangle map with sheet name identified.
- 5.5.1.7** Deed book and page number and tax parcel identification number of the tract to be subdivided or developed.
- 5.5.1.8** Total acreage of the entire existing tract.
- 5.5.1.9** The entire tract boundary with bearings and distances showing the relationship of the proposed development to the entire tract and all prior conveyances, including acreage made from the parent tract since the adoption of the original Delaware Township Subdivision and Land Development Regulations on January 19, 1977.
- 5.5.1.10** Owner names, deed book and page numbers, and parcel identification numbers of adjacent unplotted land and the names, deed book and page numbers of all abutting recorded subdivisions.
- 5.5.1.11** Schedule or table of zoning district requirements, including lot area and bulk regulations, density, building and impervious coverage, and yard requirements. Show zoning for adjacent lands if different for tract to be subdivided or developed.

- 5.5.1.12** List of any variances or other zoning approvals that have been granted or are being requested which have not been granted by the municipality.
- 5.5.1.13** List, with supporting evidence for the request, of any modifications that are requested in accordance with Section 8.4 of this Ordinance. Modifications granted shall be so noted on the Final Plan.
- 5.5.2 Existing Site Characteristics** – The following existing conditions shall be shown on the plan:
- 5.5.2.1** Topographic contours shown at five (5) foot vertical intervals for land with average undisturbed slope less than twenty-five percent (25%) and, at a minimum, vertical intervals of ten (10) feet for slopes greater than 25%. One (1) or two (2) foot topographic contours may be required for more densely developed projects or when deemed appropriate by the Commission. Contours shall be accompanied by the location of the benchmark and notation indicating the datum used.
- 5.5.2.2** Steep Slopes delineated as those areas 16 to 25 percent and those areas greater than 25 percent.
- 5.5.2.3** Soil types and boundaries as shown in the Northumberland County Soil Survey.
- 5.5.2.4** Prominent natural and topographic features including but not limited to watercourses, wetlands, drainage channels, sinkholes, rock outcroppings, regulatory 100-Year floodplains and floodways, tree masses, plant and wildlife habitat for rare, threatened, or endangered species, areas identified in the Northumberland County Natural Heritage Inventory (see [http://www.naturalheritage.state.pa.us/CNAI\\_PDFs/Northumberland%20NHI%20-%202008%20update%20WEB.pdf](http://www.naturalheritage.state.pa.us/CNAI_PDFs/Northumberland%20NHI%20-%202008%20update%20WEB.pdf)), and other pertinent elements that may influence design. Additionally, the Preliminary Plan shall indicate any proposed disturbance, encroachment, or alteration to such features when located upon the site proposed for development.
- 5.5.2.5** General vegetative cover of the site including a brief description and type (i.e. meadow, woodland, transitional).
- 5.5.2.6** A note on the plan indicating whether the site is/is not underlain by carbonate geology (limestone and dolomite).
- 5.5.2.7** Location of quarry sites, solid waste disposal areas, illegal dumps, EPA Superfund sites, hazardous waste contamination, and other potentially hazardous conditions on the site and on adjacent tracts.

- 5.5.2.8** Show approximate location and cite source information for significant historic and cultural features such as cemeteries, burial sites, archaeological sites, historic buildings, structures, plaques, markers, or monuments on the subject tract and within 200 feet on adjacent tracts.
- 5.5.2.9** All existing or recorded streets, roads, alleys, or other means of access and easements on or adjacent to the tract; including name or number, jurisdiction of ownership, right-of-way or easement width, width and condition of pavement and grades and, in the case of easements, the purpose for which it was created.
- 5.5.2.10** The location, ownership, and width of associated right-of-way or easement for any of the following features: existing buildings, storm and sanitary sewers, water supply lines, culverts, natural gas lines, on-lot sewage facilities, petroleum or petroleum products lines, power transmission and telephone lines, fire hydrants, stormwater management facilities, cellular towers, railroads, trails, wellhead protection areas and other significant manmade features on or adjacent to the site.
- 5.5.2.11** Location and material of all existing permanent monuments and lot line markers.
- 5.5.3 Proposed Site Conditions** – The following proposed conditions shall be shown on the plan:

  - 5.5.3.1** Tabulation of site data, including total acreage of land to be subdivided or developed, number of lots, proposed density, number of dwelling units, existing land use, proposed land use, acreage of any proposed open space or other public/common areas, amount of impervious area and the amount of tract residual. Multi-Family and non-residential site plans shall also show the total square footage of all proposed buildings, percent of lot coverage, and number of parking spaces required and the number provided.
  - 5.5.3.2** All required yards and building setback lines, with distances from the street centerline or street right-of-way lines, whichever is required by the Township Zoning Ordinance.
  - 5.5.3.3** Lot layout with lot lines, exact dimensions, lot square footage, lot acreage and location and material of all permanent monuments and lot line markers, including a note that all monuments and lot line markers are set.

- 5.5.3.4** Block and lot numbers in a consecutive and clockwise or left to right order.
- 5.5.3.5** Exact location, name, width, and grade of proposed streets, alleys, driveways, or other means of access.
- 5.5.3.6** Location and width of rights-of-way and cartways.
- 5.5.3.7** Delineation of clear sight triangles and sight distances.
- 5.5.3.8** Design information for horizontal curves (i.e. degree of curvature, point of tangents, radius, arc length, chords, etc.)
- 5.5.3.9** Length of tangents between reverse curves.
- 5.5.3.10** Curb radii at intersections and intersection equalities between streets.
- 5.5.3.11** Curb and gutter location.
- 5.5.3.12** Location of sidewalks and/or trails showing width, grades, and ramps for ADA accessibility requirements.
- 5.5.3.13** Location of streetlights, street name signs, and traffic control devices and/or signs and pavement markings.
- 5.5.3.14** Location and type of vegetation to be planted between curb and shoulder and right-of-way line.
- 5.5.3.15** Location and species of shade trees within street rights-of-way.
- 5.5.3.16** Lighting plan in accordance with the Township Zoning Ordinance indicating the types, size, quantity and location of light fixtures.
- 5.5.3.17** Proposed public buildings and areas, playgrounds, reserved areas, open space areas, and any related conditions or restrictions.
- 5.5.3.18** Identification of buildings and historic features proposed for demolition.
- 5.5.3.19** Location, width, and intended use of utility, drainage, and all other proposed easements.
- 5.5.3.20** Location and pipe diameter (I.D.) of storm water, sanitary sewer, and water mains and laterals to each lot.

- 5.5.3.21** Final vertical and horizontal alignment for sanitary sewer, water distribution system, and storm sewer drainage systems. Manhole locations, size and type of material shall be shown.
- 5.5.3.22** Location of fire hydrants and other operational water main infrastructure.
- 5.5.3.23** Location of all proposed stormwater management and erosion control facilities.
- 5.5.3.24** Deep-probe and soil percolation test sites and proposed absorption field areas if on-lot sewage disposal facilities are proposed, including showing of applicable isolation distances.

#### **5.5.4 Other Required Information and Reports to be Submitted**

- 5.5.4.1** Copies of private deed restrictions, covenants, grants of easements, homeowner and business association agreements or other restrictions.
- 5.5.4.2** Final design of proposed bridges and culverts.
- 5.5.4.3** Typical street cross-section for each proposed street, and typical cross section for any existing street that will be improved as part of the application. Each cross section shall include the entire right-of-way width and show materials for base and surfacing, and method of construction.
- 5.5.4.4** Street centerline profile for each proposed street showing finished grade at a scale of one inch equals fifty feet (1" = 50') horizontal and one inch equals five feet (1" = 5') vertical or other appropriate legible scales.
- 5.5.4.5** A grading plan showing all final topographic contours and cross sections for cut and fill areas for general site development activities including parking areas, buildings, stormwater facilities, etc.
- 5.5.4.6** Typical curb and gutter design, materials, and method of construction.
- 5.5.4.7** Typical sidewalk or trail design, materials, and method of construction.
- 5.5.4.8** A Sewage Facilities Plan, Engineering Feasibility Study and required documentation in accordance with Section 6.19 of this Ordinance.
- 5.5.4.9** A Water Facilities Plan and required documentation in accordance with Section 6.20 of this Ordinance.

- 5.5.4.10** For proposals to be served by an existing utility, water and/or sewer service provider(s), a letter of intent or an executed agreement to provide service shall be provided from the service provider(s).
- 5.5.4.11** A Stormwater Management and Drainage Plan and narrative including runoff calculations with complete hydrologic and hydraulic design and analysis of all conveyance and control facilities in accordance with the Township Stormwater Management Ordinance.
- 5.5.4.12** When the Final Plan covers only a part of the applicant's holdings, a sketch of proposed streets, sanitary and storm sewer and water lines for the remainder of the tract may be required.
- 5.5.4.13** Final cost of all improvements, including an itemized list of components of work, with quantities, unit cost, and total cost. See Appendix E for an example.
- 5.5.4.14** A fully executed Improvements Guarantee Agreement, including required financial surety (i.e funds deposited with the Township or irrevocable letter of credit), that sets forth the responsibilities of all parties regarding the installation and inspection of the required improvements as per Article 4. See Appendix F.
- 5.5.4.15** A landscaping plan, if required in connection with a Township zoning proceeding or requirement, showing name, sizes, quantities, and approximate locations of all proposed plant material.
- 5.5.4.16** An Erosion and Sedimentation Pollution Control Plan showing all erosion and sedimentation control measures, temporary as well as permanent, and a letter from the Northumberland County Conservation District stating that the proposed measures meet all state, federal and local requirements.
- 5.5.4.17** If any portion of the project is in a floodplain area, then documentation shall be submitted indicating compliance with all applicable laws and regulations of the Township and of the PA DEP.
- 5.5.4.18** Copies of required permits from the PA DEP and/or other appropriate regulatory agencies for any proposed alteration, excavation, relocation, encroachment or obstruction of a watercourse.
- 5.5.4.19** A Community Impact Analysis, Natural Features Analysis and Traffic Engineering Study shall be submitted in accordance with Sections 6.11 and 6.30 of this Ordinance for all subdivision or land development



proposals of 25 lots or more, or for a proposal that generates more than 200 vehicle trips per day.

- 5.5.4.20** When the tract contains a natural gas pipeline, petroleum or petroleum products pipeline, an electric transmission line, telecommunications line, or other utility, a letter shall accompany the application from the owner or lessee of such utility stating the minimum setback distance and other requirements pertaining to such features. A valid occupancy permit from such utility provider would also be acceptable.
- 5.5.4.21** Letter of zoning compliance from the Township Zoning Officer is required for Final Plan approval.
- 5.5.4.22** A letter from the Union County GIS Department (or other authorized agency) verifying approval of proposed subdivision, road names and assigned lot addresses.
- 5.5.4.23** When the land included in the subject tract has agricultural, woodland, or other natural resource protection easement(s) located within the tract, the application shall be accompanied by a letter from the party holding the easement(s) stating any conditions on the use of the land.
- 5.5.4.24** For lots requiring access onto a state route or highway, a PennDOT Highway Occupancy Permit (HOP) or a letter from PennDOT indicating a HOP can be obtained shall be submitted. For lots requiring access onto a Township street the appropriate municipal Driveway Permit shall be submitted if applicable.
- 5.5.4.25** When the proposed subdivision or land development site contains or formerly contained hazardous substances or groundwater contamination a geotechnical report and a remedial investigation/feasibility study shall be provided. For sites that formerly contained hazardous substances or groundwater contamination, a letter from applicable state and federal agencies verifying that the site meets the remediation standards for the proposed use will suffice in lieu of a remedial investigation/feasibility report.
- 5.5.4.26** All applicable plan processing applications and review fees in accordance with Article 3 of this Ordinance.

## **5.5.5 Certification and Notification**

- 5.5.5.1** Certificate, signature and seal, of the professional land surveyor certifying the accuracy of the survey. See Appendix D-2.

- 5.5.5.2** Certificate, signature, and seal of the landscape architect, surveyor, or professional engineer that all other details on and accompanying the plan are correct. See Appendix D-3 and D-4.
- 5.5.5.3** Certification of Ownership in the form of a notarized statement by the owner(s) certifying ownership of the property. See Appendix D-5.
- 5.5.5.4** Final Plan Review Certification for the Delaware Township Planning Commission. See Appendix D-9.
- 5.5.5.5** Final Plan Review Certification block for Northumberland County Planning Commission. See Appendix D-1.
- 5.5.5.6** Final Plan Approval Certification block for the Township Board of Supervisors. See Appendix D-11.
- 5.5.5.7** A four inch (4") x two inch (2") space in the upper left hand corner to accommodate the Certification Block of the Northumberland County Recorder of Deeds Office.
- 5.5.5.8** A certificate of dedication of streets, sidewalks, and other public property. See Appendix D-12.
- 5.5.5.9** A notification placed on the Plan indicating any area and/or improvement(s) that are not to be offered for dedication. See Appendix D-13.
- 5.5.5.10** Notation on the plan of any modifications granted by the Board of Supervisors pursuant to this Ordinance.
- 5.5.5.11** Notation on the plan of any variances granted in accordance with the applicable zoning ordinance.
- 5.5.5.12** Notation on the plan of the location where private deed restrictions, covenants, grants of easements, agreements or other restrictions are filed.

## **5.6 Minor Subdivision Plans**

All Final Plan applications for Minor Subdivisions as defined in this Ordinance may be prepared in accordance with this Section for those plans that demonstrate conformance with the requirements of this Ordinance and do not significantly alter the character of the area being subdivided.

**5.6.1 Project Description and Location** – For all Final Plan applications for Minor Subdivisions the following shall be shown on, or where appropriate, accompany the plan.

**5.6.1.1** A brief narrative describing the proposed project.

**5.6.1.2** Title Block containing the following:

**5.6.1.2.1** Project name or identifying title including the words "Final Plan-Minor Subdivision"

**5.6.1.2.2** Municipality in which it is located

**5.6.1.2.3** Plan date and dates of all revisions

**5.6.1.2.4** Name and address of the owner or applicant

**5.6.1.3** Name, address, and telephone number of the individual or firm preparing the plan, including assigned project number, name signature, registration number, and seal of engineer, surveyor or landscape architect involved.

**5.6.1.4** North arrow.

**5.6.1.5** Graphic and Written Scale.

**5.6.1.6** Site location map of a sufficient size and scale to clearly show the location of the property, its relation to the surrounding area, including roadway system, municipal boundaries, and community facilities within ½ mile of the project area. May be taken from a U.S.G.S. quadrangle map with sheet name identified.

**5.6.1.7** Deed book and page number and tax parcel identification number of the tract to be subdivided or developed.

**5.6.1.8** Total acreage of the entire existing tract.

**5.6.1.9** The entire tract boundary with bearings and distances showing the relationship of the proposed development to the entire tract and all prior conveyances, including acreage made from the parent tract since the adoption of the original Delaware Township Subdivision and Land Development Regulations on January 19, 1977.

**5.6.1.10** Owners names, deed book and page numbers, and parcel identification numbers of adjacent unplotted land and the names, deed book and page numbers of all abutting recorded subdivisions.

- 5.6.1.11** Schedule or table of zoning district requirements, including lot area and bulk regulations, density, building and impervious coverage, and yard requirements. Show zoning for adjacent lands if different for tract to be subdivided or developed.
- 5.6.1.12** List of any variances or other zoning approvals that have been granted or are being requested which have not been granted by the municipality.
- 5.6.1.13** List, with supporting evidence for the request, of any modifications that are requested in accordance with Section 8.4 of this Ordinance. Modifications granted shall be so noted on the Final Plan.

**5.6.2 Existing Site Characteristics** – The following existing conditions shall be shown on the plan:

- 5.6.2.1** Topographic contours shown at five (5) foot vertical intervals for land with average undisturbed slope less than twenty-five percent (25%) and, at a minimum, vertical intervals of ten (10) feet for slopes greater than 25%. One (1) or two (2) foot topographic contours may be required when deemed appropriate by the Commission. Contours shall be accompanied by the location of the benchmark and notation indicating the datum used. Interpolated U.S.G.S contours may be utilized with the prior authorization of the Commission. This requirement may also be waived by the Commission.
- 5.6.2.2** Steep Slopes delineated as those areas 16 to 25 percent and those areas greater than 25 percent.
- 5.6.2.3** Soil types and boundaries as shown in the Northumberland County Soil Survey.
- 5.6.2.4** Prominent natural and topographic features including but not limited to, watercourses, wetlands, drainage channels, sinkholes, rock outcroppings, regulatory 100-Year floodplains and floodways, tree masses, plant and wildlife habitat for rare, threatened, or endangered species, areas identified in the Northumberland County Natural Heritage Inventory (see [http://www.naturalheritage.state.pa.us/CNAI\\_PDFs/Northumberland%20NHI%20-%202008%20update%20WEB.pdf](http://www.naturalheritage.state.pa.us/CNAI_PDFs/Northumberland%20NHI%20-%202008%20update%20WEB.pdf)), and other pertinent elements that may influence design. Additionally the Plan shall indicate any proposed disturbance, encroachment, or alteration to such features when located upon the site proposed for development.

- 5.6.2.5 General vegetative cover of the site including a brief description and type (i.e. meadow, woodland, transitional).
  - 5.6.2.6 Location of quarry sites, solid waste disposal areas, illegal dumps, EPA Superfund sites, hazardous waste contamination, and other potentially hazardous conditions on the site and on adjacent tracts.
  - 5.6.2.7 Show approximate location and cite source information for significant historic and cultural features such as cemeteries, burial sites, archaeological sites, historic buildings, structures, plaques, markers, or monuments on the subject tract.
  - 5.6.2.8 All existing or recorded streets, roads, alleys, or other means of access and easements on or adjacent to the tract; including name or number, jurisdiction of ownership, right-of-way or easement width, width and condition of pavement and grades and, in the case of easements, the purpose for which it was created.
  - 5.6.2.9 The location, ownership, and width of associated right-of-way or easement for any of the following features: existing buildings, storm and sanitary sewers, water supply lines, culverts, natural gas lines, on-lot sewage facilities, petroleum or petroleum products lines, power transmission and telephone lines, fire hydrants, stormwater management facilities, cellular towers, railroads, trails, wellhead protection areas and other significant manmade features on or adjacent to the site.
  - 5.6.2.10 Location and material of all existing permanent monuments and lot line markers.
- 5.6.3 Proposed Site Conditions** – The following proposed conditions shall be shown on the plan:
- 5.6.3.1 Tabulation of site data, including total acreage of land to be subdivided or developed, number of lots, proposed density, number of dwelling units, existing land use, proposed land use, acreage of any proposed open space or other public/common areas, amount of impervious area and the amount of tract residual.
  - 5.6.3.2 All required yards and building setback lines, with distances from the street centerline or street right-of-way lines, whichever is required by the Township Zoning Ordinance.
  - 5.6.3.3 Lot layout with lot lines, exact dimensions, lot square footage, lot acreage and location and material of all permanent monuments and lot

line markers, including a note that all monuments and lot line markers are set.

- 5.6.3.4** Block and lot numbers in a consecutive and clockwise or left to right order.
- 5.6.3.5** Location and width of rights-of-way and cartways, along with sight distances.
- 5.6.3.6** Delineation of clear sight triangles.
- 5.6.3.7** Identification of buildings and historic features proposed to be demolished.
- 5.6.3.8** Location, width, and intended use of utility, drainage, and all other proposed easements.
- 5.6.3.9** Location of all proposed stormwater management and erosion control facilities.
- 5.6.3.10** Deep-probe and soil percolation test sites and proposed absorption field areas if on-lot sewage disposal facilities are proposed including applicable isolation distances.

#### **5.6.4 Other Required Information and Reports to be Submitted**

- 5.6.4.1** Copies of private deed restrictions, covenants, grants of easements, homeowner and business association agreements or other restrictions.
- 5.6.4.2** A Sewage Facilities Plan, Engineering Feasibility Study and required documentation, in accordance with Section 6.19 of this Ordinance.
- 5.6.4.3** A Stormwater Management and Drainage Plan and narrative, in accordance with the Township Stormwater Management Ordinance if applicable.
- 5.6.4.4** An Erosion and Sedimentation Pollution Control Plan and narrative showing all erosion and sedimentation control measures, temporary as well as permanent, and a letter from the Northumberland County Conservation District stating that the proposed measures meet all state, federal and local requirements.
- 5.6.4.5** If any portion of the project is in a floodplain area, then documentation shall be submitted indicating compliance with all applicable laws and regulations of the Township and of the PA DEP.

- 5.6.4.6** Copies of required permits from the PA DEP and/or other appropriate regulatory agencies for any proposed alteration, excavation, relocation, encroachment or obstruction of a watercourse.
- 5.6.4.7** When the tract contains a natural gas pipeline, petroleum or petroleum products pipeline, an electric transmission line, telecommunications line, or other utility, a letter shall accompany the application from the owner or lessee of such utility stating the minimum setback distance and other requirements pertaining to such features. A valid occupancy permit from such utility provider would also be acceptable.
- 5.6.4.8** Letter of zoning compliance from the Township Zoning Officer is required for Final Plan approval.
- 5.6.4.9** Letter from the Northumberland County Department of Public Safety verifying approval of final assigned lot addresses and tax parcel identification numbers.
- 5.6.4.10** When the land included in the subject tract has an agricultural, woodland, or other natural resource protection easement located within the tract, the application shall be accompanied by a letter from the party holding the easement stating any conditions on the use of the land.
- 5.6.4.11** For lots requiring access onto a state route or highway, a PennDOT Highway Occupancy Permit (HOP) or a letter from PennDOT indicating a HOP can be obtained shall be submitted. For lots requiring access onto a Township street the appropriate municipal Driveway Permit shall be submitted if applicable.
- 5.6.4.12** When the proposed subdivision or land development site contains or formerly contained hazardous substances or groundwater contamination a geotechnical report and a remedial investigation/feasibility study shall be provided. For sites that formerly contained hazardous substances or groundwater contamination, a letter from applicable state and federal agencies verifying that the site meets the remediation standards for the proposed use will suffice in lieu of a remedial investigation/feasibility report.
- 5.6.4.13** All applicable plan processing applications and review fees in accordance with Article 3 of this Ordinance.

## **5.6.5 Certification and Notification**

- 5.6.5.1** Certificate, signature and seal, of the professional land surveyor certifying the accuracy of the survey. See Appendix D-2.

- 5.6.5.2** Certificate, signature, and seal of the landscape architect, surveyor, or professional engineer that all other details on and accompanying the plan are correct. See Appendix D-3 and D-4.
- 5.6.5.3** Certification of Ownership in the form of a notarized statement by the owner(s) certifying ownership of the property. See Appendix D-5.
- 5.6.5.4** Final Plan Review Certification for the Delaware Township Planning Commission. See Appendix D-9.
- 5.6.5.5** Final Plan Review Certification block for Northumberland County Planning Commission. See Appendix D-1.
- 5.6.5.6** Final Plan Approval Certification block for the Township Board of Supervisors. See Appendix D-11.
- 5.6.5.7** A four inch (4") x two inch (2") space in the upper left hand corner to accommodate the Certification Block of the Northumberland County Recorder of Deeds Office.
- 5.6.5.8** Notation on the plan of any modifications granted by the Board of Supervisors pursuant to this Ordinance.
- 5.6.5.9** Notation on the plan of any variances granted in accordance with the applicable zoning ordinance.
- 5.6.5.10** Notation on the plan of the location where private deed restrictions, covenants, grants of easements, agreements or other restrictions are filed.

## **5.7 Lot Additions and Lot Consolidations**

Lot Addition and Lot Consolidation Plans shall be subject to the plan requirements in this Section. In addition, surveys to correct survey errors of existing lots of record and/or for property transfer purposes, when no new subdivision or land development activity is proposed, shall be prepared in accordance with this Section.

**5.7.1 Project Description and Location** – For all Final Plan applications for Lot Additions and Lot Consolidations the following shall be shown on, or where appropriate, accompany the plan.

- 5.7.1.1** A brief narrative describing the proposed project.



- 5.7.1.2** Title Block containing the following:
  - 5.7.1.2.1** Project name or identifying title including the words "Lot Addition or Consolidation"
  - 5.7.1.2.2** Municipality in which it is located
  - 5.7.1.2.3** Plan date and dates of all revisions
  - 5.7.1.2.4** Name and address of the owner or applicant
- 5.7.1.3** Name, address, and telephone number of individual or firm preparing the plan, assigned project number, name signature, registration number, and seal of engineer, surveyor or landscape architect involved in preparation of the plan.
- 5.7.1.4** North arrow.
- 5.7.1.5** Graphic and Written Scale
- 5.7.1.6** Site location map of a sufficient size and scale to clearly show the location of the property, its relation to the surrounding area, including roadway system, municipal boundaries, and community facilities within ½ mile of the project area. May be taken from a U.S.G.S. quadrangle map with sheet name identified.
- 5.7.1.7** Deed book and page number and tax parcel identification number of the subject tract(s) and/or those to be subdivided
- 5.7.1.8** Owners names, deed book and page numbers, and parcel identification numbers of adjacent unplotted land and the names, deed book and page numbers of all abutting recorded subdivisions.
- 5.7.1.9** Total acreage of the entire existing tracts.
- 5.7.1.10** The entire tract boundary with bearings and distances showing the relationship of the proposed development to the entire tract and all prior conveyances, including acreage made from the parent tract since the adoption of the original Delaware Township Subdivision and Land Development Regulations on January 19, 1977.
- 5.7.1.11** Schedule or table of zoning district requirements indicating lot area, width and density.

- 5.7.1.12 List of any variances or other zoning approvals that have been granted or are being requested which have not been granted by the municipality.

**5.7.2 Existing Site Characteristics** – The following existing conditions shall be shown on the plan:

- 5.7.2.1 All existing or recorded streets, roads, alleys, or other means of access and easements on the subject tract(s); including name or number, jurisdiction of ownership, right-of-way or easement width and in the case of easements, the purpose for which they were created.
- 5.7.2.2 Location and material of all existing permanent monuments and lot line markers.

**5.7.3 Proposed Site Conditions** – The following proposed conditions shall be shown on the plan:

- 5.7.3.1 Lot layout with lot lines, exact dimensions, lot square footage, acreage and location and material of all permanent monuments and lot line markers, including a note that all monuments and lot line markers are set.
- 5.7.3.2 If applicable, addresses for each parcel assigned by the Union County GIS Department (or other authorized agency).

**5.7.4 Other Required Information and Reports to be Submitted**

- 5.7.4.1 Copies of private deed restrictions, covenants, grants of easements, homeowner association agreements or other restrictions.
- 5.7.4.2 Letter of zoning compliance from the Township Zoning Officer is required for Final Plan approval.
- 5.7.4.3 When the land included in the subject tract has an agricultural, woodland, or other natural resource protection easement located within the tract, the application shall be accompanied by a letter from the party holding the easement stating any conditions on the use of the land.
- 5.7.4.4 All applicable plan processing applications and review fees in accordance with Article 3 of this Ordinance.

## **5.7.5 Certification and Notification**

- 5.7.5.1** Certificate, signature and seal, of the professional land surveyor certifying the accuracy of the survey. See Appendix D-2.
- 5.7.5.2** Certification of Ownership in the form of a notarized statement by the owner(s) certifying ownership of the property. See Appendix D-5.
- 5.7.5.3** Final Plan Review Certification for the Delaware Township Planning Commission. See Appendix D-9.
- 5.7.5.4** Final Plan Review Certification block for Northumberland County Planning Commission. See Appendix D-1.
- 5.7.5.5** Final Plan Approval Certification block for the Township Board of Supervisors. See Appendix D-11.
- 5.7.5.6** A four inch (4") x two inch (2") space in the upper left hand corner to accommodate the Certification Block of the Northumberland County Recorder of Deeds Office.
- 5.7.5.7** Notation on the plan of any variances granted in accordance with the applicable zoning ordinance.
- 5.7.5.8** Appropriate notation for lot additions, lot consolidations, tract surveys, correction of previous survey errors, etc. See Appendix D-14.
- 5.7.5.9** Notation that a permit for sewage disposal has neither been requested nor granted for the lot and that the grantee, his heirs and assigns, accept the responsibility for obtaining a permit for sewage disposal facilities if, and at the time, same are necessary.
- 5.7.5.10** Notation on the plan of the location where private deed restrictions, covenants, grants of easements, agreements or other restrictions are filed.

## **Article 6**

### **Design Standards and Requirements**

- 6.1 General Requirements
- 6.2 Hazardous Areas
- 6.3 Planning and Zoning Consistency
- 6.4 Blocks
- 6.5 Lot Standards
- 6.6 Lot or Area Requirements
- 6.7 Building Setback Lines (Minimum Yards)
- 6.8 Monuments and Markers
- 6.9 Easements
- 6.10 Street System General Arrangement
- 6.11 Traffic Engineering Report
- 6.12 Required Right-of-Ways
- 6.13 Street Design Standards
- 6.14 Street Construction Standards
- 6.15 Street Improvements
- 6.16 Street Names
- 6.17 Lot Access and Driveways
- 6.18 Off Street Parking and Loading Requirements
- 6.19 Sewage Facilities
- 6.20 Water Supply
- 6.21 Other Utilities
- 6.22 Storm Water Management and Drainage
- 6.23 Erosion and Sedimentation Pollution Control and Grading
- 6.24 Steep Slopes
- 6.25 Floodplain Management
- 6.26 Wetlands
- 6.27 Solution Prone Carbonate Geology and Sinkholes
- 6.28 Natural Features
- 6.29 Cultural and Historic Resources
- 6.30 Community and Natural Features Impact Analysis
- 6.31 Parks and Open Space Reservation

## Article 6

### Design Standards and Requirements

*Sections 6.10 through 6.15, 6.30 and 6.31 do not apply to Minor Subdivisions where private or public street improvements are not involved.*

#### 6.1 General Requirements

- 6.1.1 The principles, standards, and requirements of this Article shall be applied by the Township in evaluating and reviewing proposed subdivision and land development plans, and shall be considered as minimum standards. The Township may impose more restrictive standards where it is deemed appropriate or necessary in order to protect the public health, safety or welfare.
- 6.1.2 Land shall be suited to the purpose for which it is to be subdivided or developed.
- 6.1.3 Applicants are encouraged to utilize the *Conservation Subdivision Design: Four Step Process* and the design principles illustrated in Appendix G.

#### 6.2 Hazardous Areas

Those lands which are subject to hazards of life, health, or property as may arise from fire, flood, disease, geologic conditions, excessive slopes, contamination by hazardous materials and substances, unstable soils or soils of inadequate weight bearing strength, sites with very poor access, or considered to be uninhabitable for other reasons shall not be approved for development unless the hazards have been eliminated or adequate safeguards and/or remediation have been taken to the satisfaction of the Township to prevent further aggravation to and damage from such hazards.

#### 6.3 Planning and Zoning Consistency

- 6.3.1 The location and design of all subdivisions and land developments shall conform to, and be generally consistent with, the Delaware Township Comprehensive Plan and any and all other plans and official maps duly adopted by the Township.
- 6.3.2 New subdivisions and land developments shall be coordinated with all existing or proposed developments on adjacent properties in order to provide for the harmonious development of the entire area.

- 6.3.3** The location and design of all subdivision and land developments shall conform to the Delaware Township Zoning Ordinance. The Board of Supervisors shall not grant plan approval until the Zoning Officer certifies that the plan is consistent with Township zoning requirements.

## **6.4 Blocks**

- 6.4.1** Blocks for residential developments shall generally have a minimum length of 500 feet and a maximum length of 1,600 feet.
- 6.4.2** Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots. Exceptions to this may be permitted for double or reverse frontage lots that border an arterial or collector street or where a barrier such as a watercourse or railroad is present.
- 6.4.3** The depth and width of blocks in nonresidential areas may vary from Sections 6.4.1 and 6.4.2 and shall be determined by the nature of the use in order to serve the public convenience. Nonresidential blocks shall be adequate to provide for safe and convenient traffic circulation, off street parking and loading areas, setbacks, and landscaping, as required by this Ordinance and the Township Zoning Ordinance.

## **6.5 Lot Standards**

### **6.5.1 General Lot Standards**

- 6.5.1.1** Lots shall be laid out to provide buildable areas, reasonable access, usable yards and open space areas, with minimum disturbance to the site. The soil, geologic, and topographic conditions of the site should be compatible with proposed lot uses.
- 6.5.1.2** The configuration of lots shall be based upon the minimum and maximum lot area requirements, the salient natural features, existing improvements, proposed improvements, and the adjacent development pattern.
- 6.5.1.3** Lot configurations should provide for flexibility in building locations while providing safe vehicular and pedestrian circulation.
- 6.5.1.4** Lots that are two (2) or more times the minimum lot area requirements shall be designed with configurations that allow for additional subdivision.

## **6.5.2 Specific Lot Requirements**

- 6.5.2.1** Wherever feasible lot lines shall follow municipal boundaries rather than cross them. Where a lot is divided by a municipal boundary the minimum standards of the each municipality shall apply.
- 6.5.2.2** Side lot lines shall be substantially at right angles or radial to street lines.
- 6.5.2.3** All lots shall front on and have access to an existing or proposed public street or a private street in accordance with Sections 6.10 through 6.17 of this Ordinance.
- 6.5.2.4** Lots that require access to an arterial or collector street shall be avoided. Where lots adjoin arterial or collector streets, access to said lots shall be from local streets, service or marginal access roads.
- 6.5.2.5** Lots shall be laid out and graded to provide proper drainage away from all buildings.
- 6.5.2.6** All portions of a tract being developed shall be taken up in lots, streets, public grounds, recreation areas or other proposed uses so that remnants and landlocked areas shall not be created.
- 6.5.2.7** Corner lots shall have additional width to permit sufficient setbacks from both streets.
- 6.5.2.8** Double frontage lots are prohibited except where provided as reverse frontage lots to reduce driveway intersections along a street with a high volume of vehicular movements.

## **6.6 Lot or Area Requirements**

- 6.6.1** The minimum lot or area requirements shall be determined by the Township Zoning Officer.
- 6.6.2** The prescribed minimum lot or area requirements may be increased by the Commission in those areas with development limitations as described in Section 6.2 and elsewhere in this Ordinance in order to assure the health, safety, and general welfare of the public.

Sections 6.10 through 6.15 below involve the design and construction standards for new streets and are typically not applicable to minor subdivision plans not involving new streets or roadways.

## **6.7 Building Setback Lines (Minimum Yards)**

Minimum yards shall conform to the Township Zoning Ordinance.

- 6.7.1** Setback criteria for special types of subdivisions and land developments (i.e. Open Space Subdivisions, Traditional Neighborhood, Mobile Home Parks, Campgrounds & RV Parks) shall follow the provisions established in Article 7 of this Ordinance.

## **6.8 Monuments and Markers**

- 6.8.1** All pins, monuments, and markers shall be established by a professional land surveyor licensed in the Commonwealth of Pennsylvania. The work shall be performed in accordance with criteria recognized by the professional licensing board. No existing property line evidence shall be disturbed or removed in the course of establishing and locating boundaries, but shall be located and identified on a property survey plan and labeled as is deemed necessary to delineate ownership.

- 6.8.2** Monuments, pins, or markers shall consist of the following materials and dimensions and shall be embedded no less than thirty inches (30"):

- 6.8.2.1** Monuments - Concrete shall be at least 4"x4"x36" or similar circular area with a permanent distinguishing magnetic mark identifying the point on the property.

- 6.8.2.2** Pins and Markers - Steel and other similar durable all weather permanent marker materials shall be at least 36" x 1/2" diameter. Railroad spikes or similar products can be used to locate intersections of streets and property corners within paved surfaces.

- 6.8.2.3** For newly erected monuments it is recommended that a brightly colored wooden stake at least 1"x2"x36" be placed near the monument and/or colored flagging be placed on the monument. Survey caps and underground magnetic markers may also be utilized in conjunction with bars used for markers.

- 6.8.3** Pins or markers shall be placed at all newly established property corners and right-of-way lines to identify the intersection of adjoining properties, separately deeded properties of the same ownership, and access, utility, and drainage easements. Curved lines shall be identified at the points of tangent and changing degree of curvature.

- 6.8.4** In subdivisions of 10 lots or greater, a minimum of two permanent reference monuments shall be established in the external boundary of the subdivision where the bar is set in concrete to meet the standards of a monument.



- 6.8.5** Monuments, pins and markers for new subdivision or land development projects shall be set prior to Final Plan approval. Monuments disturbed during construction shall be re-established by the professional land surveyor promptly at the completion of construction activities, but in all cases prior to any lot sale or building occupation.
- 6.8.6** Maintenance or Removal - It shall be the responsibility of the subdivider or developer to see that all monuments or markers are properly maintained until such time as the lot or tract is conveyed. Maintenance of such monuments or markers shall then become the responsibility of the new owner. Any monuments or markers that are removed shall be replaced by a registered professional land surveyor at the expense of the person(s) removing them.

## **6.9 Easements**

Easements for sanitary sewer, water supply, stormwater drainage facilities, public or private utilities, and pedestrian access shall meet the standards of this Section.

- 6.9.1** Easements shall be adjacent to property lines and street right-of-ways to the fullest extent possible.
- 6.9.2** Nothing shall be placed, planted, set or put within an area of an easement that would adversely affect the function of the easement or conflict with the easement agreement.
- 6.9.3** Utility Easements. The location and size of utility easements shall be reviewed and approved by the applicable utility company, but such easements shall not be less than 15 feet in width.
- 6.9.4** Drainage Easements. Where a subdivision or land development is traversed by an existing or proposed watercourse, drainage way, channel, or stream, a drainage easement shall be provided that conforms substantially with the line of such feature at a width adequate to preserve the unimpeded flow of natural drainage without damaging adjacent property. The minimum width of drainage easements shall be 15 feet.
- 6.9.5** Stormwater Facility Easements. Easements shall be reserved where stormwater drainage facilities exist or are proposed and shall have a minimum width of 15 feet extending from the top of bank of any basin, channel or berm. They shall be adequately designed to provide an area for the collection and discharge of water, the maintenance, repair and reconstruction of the drainage facilities, the passage of machinery for such work, and provide ingress and egress from a public right-of-way. The easement shall remain unobstructed at all times and excavation, the placing of fill, buildings or other permanent

structures or any other alterations that may adversely affect the flow of stormwater within any portion of the easement shall be prohibited.

**6.9.6** Right of Access and Maintenance. All easements shall clearly identify who has the right of access and the responsibility for maintenance.

**6.9.7** Easements, including easement maintenance provisions, shall be prepared in a format suitable for recording and shall be referenced in the deeds of the lots.

**6.10 Street System General Arrangement** - The following criteria shall be considered in the design of streets (including private streets not dedicated) in all subdivisions and land developments:

**6.10.1** The arrangement of streets shall minimize congestion, avoid hazardous intersections, provide convenient and safe access to the property. They shall conform to the circulation plan of the County and Township Comprehensive Plans, to official maps, and to such County, Township, and State road and highway plans as have been duly adopted.

**6.10.2** Proposed streets shall be coordinated with existing or proposed streets on adjacent properties and shall be planned and designed for the continuation of existing streets in adjoining areas, the proper projection of streets into adjoining undeveloped or unplatted areas and the continuation of proposed streets to the boundaries of the tract being developed. No subdivision or land development shall be approved that will result in a tract or parcel of land being landlocked.

**6.10.3** Streets shall be laid out to be harmonious with the existing and proposed site characteristics including, but not limited to, slope, best use, parcel layout, runoff, soil capacity, water table, floodplain, sight distance, traffic volume and safety, pedestrian use, traffic control, and parking.

**6.10.4** Curvilinear streets should be utilized only where their use will be consistent with adjoining development patterns, topography, and natural features of the site.

**6.10.5** Curvilinear streets shall not be used immediately adjacent to an existing grid street system without providing a transition that continues and projects the historic grid.

**6.10.6** Streets shall be laid out to preserve the integrity of their design.

**6.10.7** Streets shall be laid out to conform as much as possible to the topography in order to permit efficient drainage and utility systems, to require the minimum

number of streets necessary for convenient and safe access, and to result in usable lots and satisfactory street grades.

- 6.10.8** Streets which provide ingress and egress to residential areas of single and multiple family dwellings shall be laid out to discourage and minimize their use by through traffic and to discourage excessive speeds; however, street connectivity into and from adjacent areas is encouraged and will generally be required.
- 6.10.9** If lots resulting from a subdivision or land development, including the tract residual, are large enough for re-subdivision, adequate street right-of-way to permit further subdivision and land development shall be provided as necessary.
- 6.10.10** Where a subdivision or land development abuts a collector or arterial street the Township may require an internal street system, marginal access street, rear service street, reverse frontage lots, shared driveways, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections and driveways with the collector or arterial street, and separation of local and through traffic.
- 6.10.11** Adequate vehicular and pedestrian access shall be provided to all lots.
- 6.10.12** Where streets continue into adjacent municipalities the applicant shall coordinate the design of the street with both municipalities in order to ensure uniform cartway widths, pavement cross sections, and other public improvements.
- 6.10.13** All proposed connections to existing streets shall be approved by the jurisdiction owning the existing streets.
- 6.10.14** Streets shall be designed with drainage grates that are safe for crossing by bicycles.
- 6.10.15** All streets being offered for dedication must meet the Pennsylvania Department of Transportation (Penn DOT) requirements for liquid fuel allocation.
- 6.10.16** When streets are offered for dedication the applicant shall provide the required right-of-way, street geometry, street section, drainage facilities, and traffic control. Additional infrastructure may be required where design standards warrant further improvements based on traffic impact studies.
- 6.10.17** Proposed private streets (those not offered for dedication) shall meet all the design standards of this Ordinance, including but not limited to right-of-way, curbs, sidewalks, drainage, construction, traffic control, and setbacks.

- 6.10.18** Where a subdivision or land development abuts or contains an existing street right-of-way of improper width or alignment, the Township may require the dedication or reservation of additional land sufficient to widen the street or correct the alignment. Where an additional dedication or reservation is required, all building setback lines will be measured from such dedicated or reserved right-of-way line.
- 6.10.19** The Township shall have the right to determine the classification of roadway and street systems. This determination, if necessary, should be obtained prior to the design process.

## **6.11 Traffic Engineering Report**

- 6.11.1** The applicant shall prepare a Traffic Engineering Report where any of the following conditions exist:
- 6.11.1.1** It is estimated that the subdivision or land development will generate over two hundred (200) vehicle trips a day based upon the Institute of Transportation Engineers generation rates.
  - 6.11.1.2** The subdivision or land development will result in the creation of twenty-five (25) or more lots.
  - 6.11.1.3** Current traffic problems exist in the local area, such as a high accident location, confusing intersection, or a congested intersection that directly affects access to the subdivision or land development.
  - 6.11.1.4** The ability of the existing roadway system to handle increased traffic or the feasibility of improving the roadway system to handle increased traffic is limited.
  - 6.11.1.5** The proposed development alters the transportation patterns on a public street providing access to the development or proposes the removal or relocation of a street.
- 6.11.2** The Traffic Engineering Report shall be prepared under the supervision of qualified and experienced transportation engineers with specific training in traffic and transportation engineering and at least two (2) years of experience in preparing Traffic Engineering Reports for existing or proposed developments.
- 6.11.3** The Traffic Engineering Report shall at minimum be prepared in accordance with Penn DOT, Publication 201, "Engineering and Traffic Studies".

- 6.11.4** The scope of the traffic study shall be reviewed and approved by the Township and Township Engineer prior to commencement. The scope shall include the proposed intersection and roadway, as well as the surrounding impacted transportation facilities.

## **6.12 Required Right-of-Ways**

- 6.12.1** Right-of-way and cartway widths contained in this Ordinance are the minimum required for public streets based upon the need to provide efficient movement of vehicles, serve utilities, accommodate ponding runoff, storage of plowed snow, emergency parking, temporary roadway adjustments during maintenance and accidents, and to accommodate future improvements.
- 6.12.2** The applicant shall certify prior to final plan approval of a subdivision or land development that title to any street right-of-way is free and clear of all liens and encumbrances and that no prior right-of-way has been granted to any utility or any other person.
- 6.12.3** Right-of-way and cartway widths should not be less than those required for all elements of the design cross sections, utility accommodation, and appropriate border areas, such as in cul-de-sacs, and by the Penn DOT Liquid Fuels Regulations. All plans shall be designed to provide for the entire right-of-way and cartway widths. Refer to Table 6-1 of this Ordinance for the minimum requirements.
- 6.12.4** The Commission shall reserve the right to require a right-of-way width greater than Penn DOT specifications and the standards set forth in Table 6-1 of this Ordinance for reasons of public safety and convenience, for acceleration and deceleration lanes into parking lots, streets, or high density residential developments, or to provide for future service roads.
- 6.12.5** The right of way and cartway width of a new public street that is a continuation of an existing street shall in no case be continued at a width less than the existing street. Where the right-of-way and cartway width of the new street is greater than the existing street, a transition area shall be provided, the design of which is subject to Township approval.
- 6.12.6** All of the right-of-way shall be graded similar to the street grade. The slope of banks along street centerlines shall be no steeper than the following:
- 6.12.6.1** One (1) foot of vertical measurement for three (3) feet of horizontal measurement for fills.
  - 6.12.6.2** One (1) foot of vertical measurement for two (2) feet of horizontal measurement for cuts.

Where a cut or fill abuts a sidewalk there shall be a two (2) foot level area adjacent to the sidewalk and the fill slope shall not exceed three to one (3:1) slope.

**6.12.7** Private right-of-ways shall be in accordance with those requirements prescribed for private streets in Section 6.13.12.5.

**6.12.8** Where a subdivision or land development adjoins undeveloped acreage, new streets or reserved rights- of- way shall be provided to the boundary lines of the development.

**6.13 Street Design Standards** - The following design criteria shall be considered the minimum standards in the design of streets in all subdivisions and land developments:

**6.13.1** Streets shall be designed for a twenty (20)-year service life. If a street is to be utilized prior to completion of construction, the utilized portion must be structurally designed to support all anticipated loading without significant loss of the designed service life of the street.

**6.13.2** Special consideration for future bus and truck routes must be taken into account in the design of streets for pavement thickness and width, sight distances and curb radii.

**6.13.3** Streets located in floodplain or flood prone areas shall be designed and constructed to meet the requirements of the Township's Floodplain Management regulations and Section 6.25 of this Ordinance.

**6.13.4** The existing Level of Service (LOS) on any adjacent street and intersection that will be affected by a proposed subdivision or land development shall not fall below LOS C if it is currently at LOS A, B, or C and shall not be further reduced if it is at LOS D, E, or F.

**6.13.5** Traffic calming techniques should be considered with projects that result in high vehicular or pedestrian traffic, areas of commercial development, and transition areas between commercial and residential development. Techniques shall be employed based on Penn DOT, Publication 383.

**6.13.6 Design Speed.** The maximum design speeds and operating speeds shall be as shown in Table 6-1.

**6.13.7 Vertical Alignment.**

**6.13.7.1** Vertical curves shall be used in changes of grade exceeding one percent. In order to provide proper sight distances, the minimum length (in feet) of vertical curves shall be as computed in accordance

with the Commonwealth of Pennsylvania, Title 67, Transportation, Chapter 441 as from time to time reenacted, amended, and/or replaced.

**6.13.7.2** The minimum grade on all local streets shall be one half (0.5) percent. The maximum grade on any street shall not exceed twelve (12) percent; however, grades not more than sixteen (16) percent may be used for limited distances less than 300 feet and shall be subject to the approval of the Township prior to design. Refer to Table 6-1.

**6.13.7.3** Grades at intersections shall be as flat as possible. The grade of the approach where the traffic is required to stop shall not exceed four (4) percent grade change for forty (40) feet or greater depending on the stacking length of the vehicles caused by high traffic volume areas. Refer to Table 6-2 for further design requirements.

#### **6.13.8 Horizontal Alignment**

**6.13.8.1** Alignment between control points should conform to topography, following closely the natural contours, consistent with the design speed, the traffic volumes to be served, the right-of-way and construction cost.

**6.13.8.2** Horizontal curves shall be designed in accordance with Table 6-1.

#### **6.13.9 Intersections**

**6.13.9.1** Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than seventy-five (75) degrees, or more than one-hundred and five (105) degrees.

**6.13.9.2** No more than two (2) streets shall intersect at the same point.

**6.13.9.3** Street intersections shall be designed with a minimum of fifteen (15) foot radii, but should at all times be designed to safely accommodate the intended vehicular traffic such as combination trucks and buses. Refer to Table 6-2 for additional minimum curb radii.

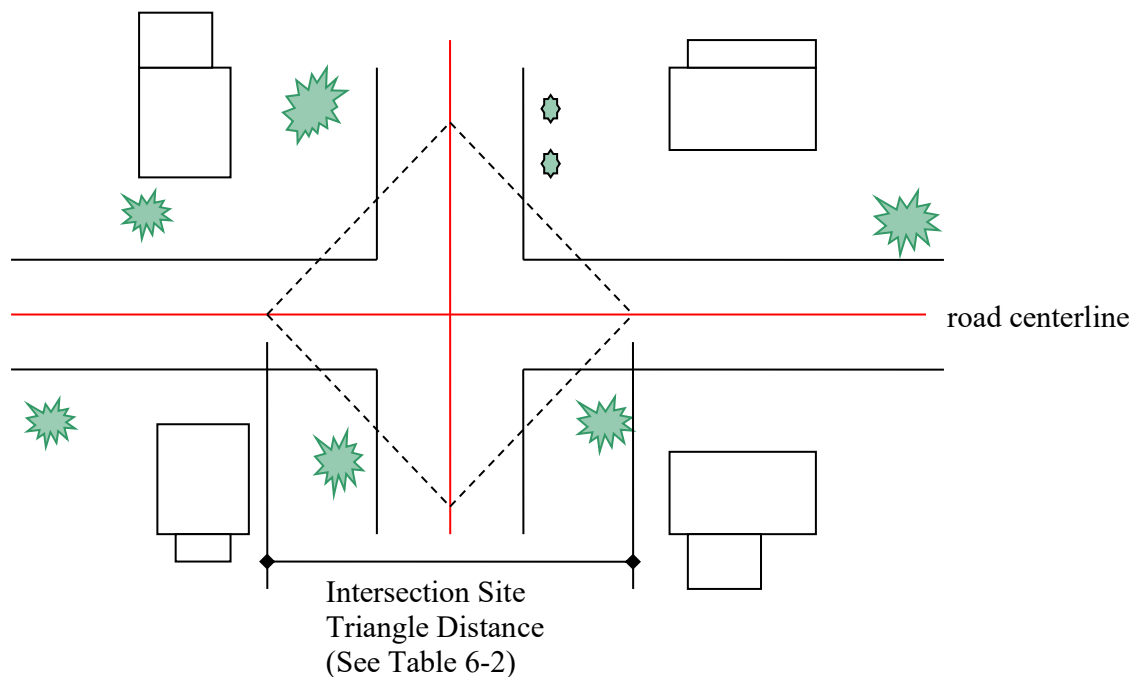
**6.13.9.4** The corner sight distances or clear sight triangle for each design speed shall be as specified in Table 6-2. The clear sight triangle shall be maintained as open space with no visual obstructions (Refer to Figure 1).

**6.13.9.5** Sight distances for all intersection, horizontal alignments, or vertical alignments shall be designed to achieve the required minimum safe sight distances and safe stopping distances as specified in accordance

with the Commonwealth of Pennsylvania, Title 67, Transportation, Chapter 441 as from time to time reenacted, amended and or replaced.

**6.13.9.6** Any street intersecting with another street shall not be located closer than the distances specified in Table 6-2. Distances shall be measured from the centerline of the two intersecting streets along the centerline of said local, collector, or arterial street.

**6.13.9.7** Where a subdivision or land development is provided access by a single street, the Township may require a boulevard-type entrance that would consist of two streets having a width of 20 feet each separated by an island having a width of 10 feet within a right-of-way having a width of 70 feet.



**Figure 1 – Intersection Site Triangle Distance**



**Table 6-1 – Local Road Design Standards**

<b>Criteria</b> (See PennDOT Pub. 70M)	<b>Rural</b>	<b>Suburban Neighborhood</b>	<b>Town/Village</b>	<b>Private</b>
Design Speed (mph)	25-30 mph	25-30 mph	25-30 mph	25-30 mph
Travel Lanes	2	2	2	2
Minimum Vertical Grade <sup>1</sup>	0.5%	0.5%	0.5%	0.5%
Maximum Vertical Grade <sup>2</sup>	12%	12%	12%	12%
Right-Of-Way Width (Feet)	50	50	50	50
Travel Lane Width (Feet)	10	10	10	9
Shoulder Width (Feet) <sup>3</sup>	2	4	2	2
Parking Lane Width (Feet)	na	8	8	na
Minimum Cross Slope	2%	2%	2%	2%
Maximum Cross Slope	6%	6%	6%	8%
Horizontal Curvature (Feet)	150	150	150	150
Reverse Curve Offset (Feet)	100	100	100	100
Vertical Curves (Feet) <sup>4</sup>	See <sup>4</sup>	See <sup>4</sup>	See <sup>4</sup>	See <sup>4</sup>

**6.13.9.8** Any subdivision or land development, which can be expected to generate more than 200 vehicle trips per day shall provide any or all of the following facilities, as may be required to provide safe and efficient operation at any proposed driveway or street:

**6.13.9.8.1** acceleration or deceleration lanes;

**6.13.9.8.2** concrete median or median barriers;

**6.13.9.8.3** left-turn lanes;

**6.13.9.8.4** traffic signals;

**6.13.9.8.5** lane markers; and

**6.13.9.8.6** other such traffic control devices as may be necessary.

**6.13.9.9** Turning lanes, medians, acceleration and deceleration lanes, traffic signals, lane markers and other such traffic control devices required shall be designed in accordance with Penn DOT Design Manuals.

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<sup>1</sup> Streets constructed at minimum grades of 0.5% shall have a 3% cross slope minimum.

<sup>2</sup> Maximum vertical grades in commercial and industrial areas shall not exceed 8%.

<sup>3</sup> Shoulders in streets with curbs shall be constructed to cartway standards.

<sup>4</sup> All sight distances shall be in accordance with the Commonwealth of Pennsylvania, Title 67, Transportation, Chapter 441 as time to time re-enacted and amended.

### 6.13.10 Roadway Cross Sections

Minimum and desirable widths of roadway surface, shoulders, curbs, base, subbase material and surface courses shall be in accordance with the requirements specified in Table 6-1 and Table 6-3 below and Figure 2.

**Table 6-2 – Intersection Design Specifications**

Description	Intersection Types				
	Arterial w/ Collector	Arterial w/ Local <sup>1</sup>	Collector w/ Collector	Collector w/ Local	Local w/ Local
Minimum Distance Between Centerlines (Same Side/Opposite Side)	800'/800'	800'/300'	500'/300'	500'/300'	300'/150'
Angle of Street Intersection <sup>2</sup>	90	90	90	75 to 105	75 to 105
Length/Grade Change of Intersection Approaches	100'/4%	80'/4%	80'/4%	60'/4%	40'/6%
Minimum Curb Radius	50'	35'	35'	25'	20'
Minimum Intersection Sight Triangle Distance <sup>3</sup>	300'	200'	200'	200'	150'

### 6.13.11 Structures

**6.13.11.1** Bridges, culverts, walls, tunnels and other structures should be designed in accordance with the current AASHTO publication “Standard Specifications for Highway Bridges” and Penn DOT Design Manual, Part 4, “Structures”.

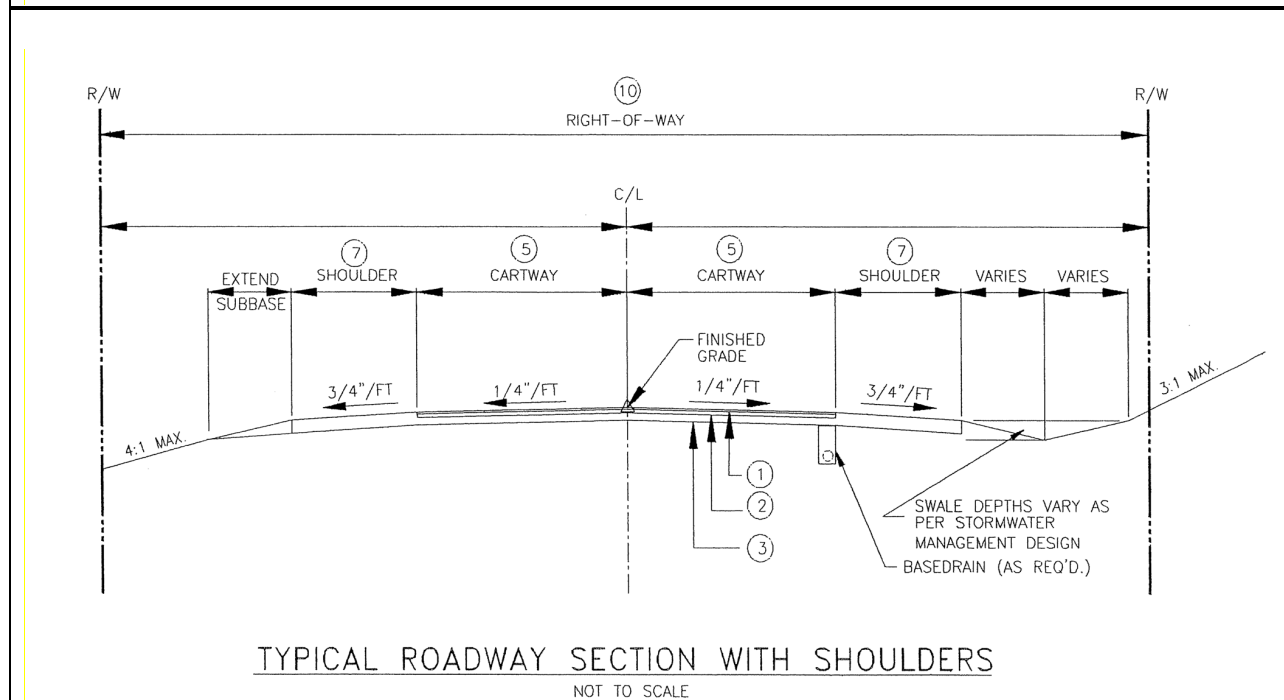
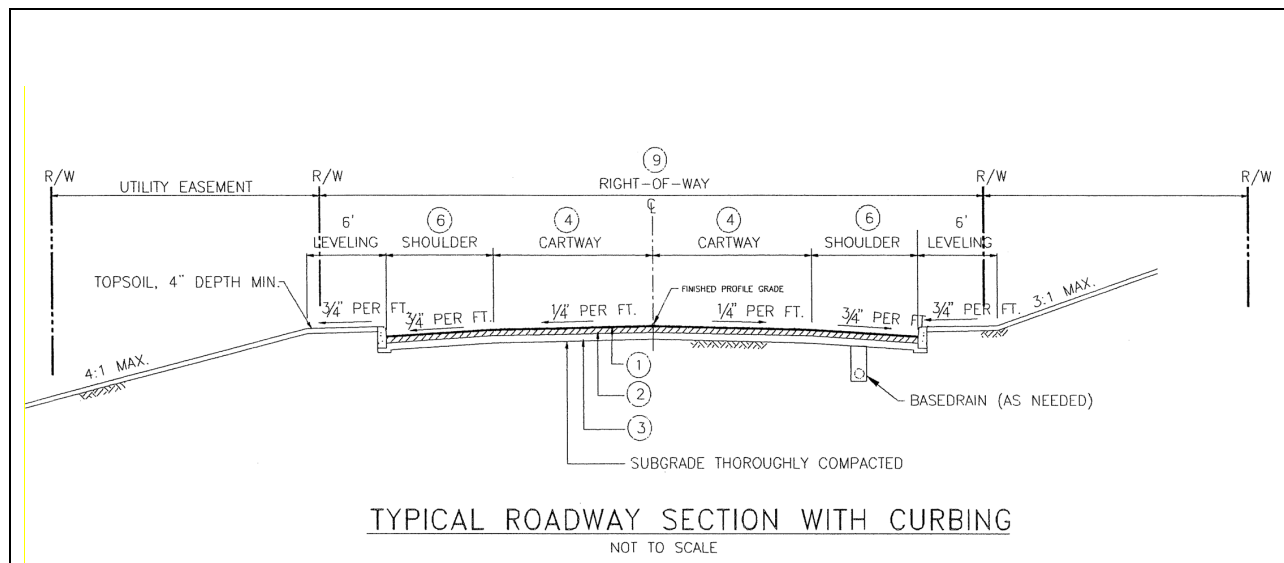
**6.13.11.2** The design of all structures is subject to the review and approval of the Township Engineer.

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<sup>1</sup> Where the centerlines of local streets opening onto opposite sides of an arterial street are within 150 feet of each other, they shall be made to coincide by curving the streets to form a four-way intersection whenever possible.

<sup>2</sup> Angles should be designed to 90 degrees when possible.

<sup>3</sup> This includes railroads. Refer to the detail for proper alignments.



**Figure 2 – Typical Roadway Sections**

1. Wearing Course – See Table 6-3
2. Base Course – See Table 6-3
3. 2A Stone Subbase – See Table 6-3
4. Cartway Width (Curbed) – See Table 6-1
5. Cartway Width (Non-Curbed) – See Table 6-1
6. Shoulder Width (Curbed) – See Table 6-1
7. Shoulder Width (Non-Curbed) – See Table 6-1
8. Pavement Base Drain When Required
9. Right-of-way Line (Curbed)
10. Right-of-way Line (Non-Curbed)

**Table 6-3 – Road and Parking Area Construction Standards**

Material	Type <sup>1</sup>			
	Local	Private <sup>2</sup>	Commercial	Industrial
<u>Wearing Course</u>				
Superpave Asphalt Mixture Design, 9.5 mm PG-64-22 0.0 to 0.3 million ESLS, SRL L <sup>3</sup>	1.5"	1.5"	1.5"	1.5"
<u>Base Course</u>				
Superpave Asphalt Mixture Design, 25 mm, PG 64-22, 0.0 to 0.3 ESAL's <sup>4</sup>	4"	3"	4.5"	4.5"
<u>Binder Course</u>				
Superpave Asphalt Mixture Design, 25 mm, PG 64-22, 0.3 to 3.0 million ESAL's	-	-	-	2"
<u>Compacted 2A Aggregate Subbase</u>	6"	6"	8"	8"

**6.13.11.3** For new construction projects, required bridge widths and design load structural capacities shall be designed using Penn DOT Design Manual, Part 2, "Rural Design Criteria Charts"

**6.13.11.4** A 14'-0" minimum vertical clearance, plus an allowance of six (6) inches to accommodate future resurfacing, shall be provided for all new and reconstructed facilities on or over collector and local road facilities.

**6.13.11.5** A 16'-0" minimum vertical clearance, plus an allowance of six (6) inches to accommodate future resurfacing, shall be provided for all new and reconstructed facilities on or over Interstate, limited access, and arterial facilities.

**6.13.11.6** For additional vertical clearance requirements refer to Penn DOT Design Manual, Part 2 and Penn DOT Design Manual, Part 4.

<sup>1</sup> Arterial and Collector Streets shall be constructed to PennDOT standards and approved by the Commission Engineer.

<sup>2</sup> Alternates as per PennDOT Publication 70M may be considered for private streets serving 5 or fewer lots and <100 ADT.

<sup>3</sup> Commercial and Industrial is 0.3 to 3.0 ESAL's, SRL M.

<sup>4</sup> Commercial and Industrial is 0.3 to 3.0 ESAL's.

**6.13.11.7** The minimum width criteria and minimum design load structural capacities shall be as indicated in the applicable Penn DOT Design Manual, Part 2, Design Criteria Charts.

## **6.13.12 Special Streets**

### **6.13.12.1 Cul-de-Sacs**

**6.13.12.1.1** Cul-de-sac streets shall not be eligible for dedication to the Township (see Section 4.16).

**6.13.12.1.2** A cul-de-sac will not be permitted when a through street is feasible. The feasibility of a through street will be based on the physical features of the tract proposed for development, the potential for extension of the street to adjoining lands, restrictions imposed by other government regulations, and the ability to design to meet all other requirements of this Ordinance. When cul-de-sacs are proposed, the application shall be accompanied by a written analysis of the merits of the design and the reasons that a through street would not be feasible. Approval of cul-de-sac streets shall be at the sole discretion of the Township.

**6.13.12.1.3** Cul-de-sacs shall not be used immediately adjacent to an existing grid street system without providing a transition that continues and projects the historic grid.

**6.13.12.1.4** Cul-de-sacs shall be prohibited where it is possible to provide loop streets that provide better access for emergency vehicles, fewer restrictions on snow removal, and improved pedestrian access.

**6.13.12.1.5** Permanently designed as such a cul-de-sac street shall not exceed one thousand (1,000) feet in length in a single family residential development, eight hundred (800) feet in length in commercial or industrial developments, and six hundred (600) feet in multi-family housing developments the length of which is measured from the centerline intersection with the through street to the center point of the turnaround.

**6.13.12.1.6** Permanent cul-de-sac streets shall have a paved, circular turnaround with a minimum radius to the curb line of forty-five (45) feet and the minimum radius of the right-of-way lines shall be fifty (50) feet.

- 6.13.12.1.7** An interior island may be permitted in the cul-de-sac turnaround in residential areas at the discretion of the Township.
- 6.13.12.1.8** The centerline grade on a cul-de-sac street shall not exceed ten (10) percent and the grade of the diameter of the turnaround shall not exceed four (4) percent.
- 6.13.12.1.9** Temporary cul-de-sacs may have circular, “T” shaped, or “hammerhead” shaped turnarounds. Turnarounds shall be constructed completely within the right-of-way. Restoration of paved areas within the right-of-way shall be the responsibility of the developer connecting to the temporary cul-de-sac.
- 6.13.12.1.10** Unless future extension is clearly impractical or undesirable and is clearly demonstrated by the applicant to the Township, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.

#### **6.13.12.2 Dead End Streets**

- 6.13.12.2.1** Dead end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.
- 6.13.12.2.2** Any dead end street for access to an adjoining property or because of authorized phased development shall be provided with a temporary, all weather turnaround. The use of such turnaround shall be guaranteed to the public until such time the street is extended.

#### **6.13.12.3 Half or Partial Streets** - New half or partial streets are prohibited.

#### **6.13.12.4 Alleys** - Alleys may be permitted with the concurrence of the Township and shall comply with the following standards:

- 6.13.12.4.1** Alleys may not be used as the only means of access to a lot.
- 6.13.12.4.2** Alleys in residential developments shall have a minimum right-of-way width of 16 feet and a minimum cartway width of 12 feet.

- 6.13.12.4.3** Alleys in nonresidential developments shall have a minimum right-of-way width of 20 feet and a minimum cartway width of 16 feet. Where necessary, corners shall have a radius adequate to accommodate any large vehicles that may be expected to use the alley.
- 6.13.12.4.4** Dead end alleys shall not be permitted without an all weather turnaround, subject to the approval of the Township.
- 6.13.12.4.5** The use of alleys for residential development shall be limited to PRD's, TND's, and Open Space Subdivisions with lot widths of 80 feet or less.
- 6.13.12.4.6** Alleys should be designed in accordance with the street standards in Section 6.13 of this Ordinance.
- 6.13.12.4.7** Alleys serving commercial developments should be sized to accommodate emergency vehicles and the vehicular turning movements desired.

#### **6.13.12.5 Private Streets**

- 6.13.12.5.1** All streets shall be planned to be offered for dedication as public streets.
- 6.13.12.5.2** Private streets shall be approved at the sole discretion of the Township.
- 6.13.12.5.3** Private streets shall be prohibited unless design objectives of the development warrant private ownership, and the municipality will not accept dedication of the street, and the following conditions are met:
  - 6.13.12.5.3.1** The private street shall serve not more than five (5) lots;
  - 6.13.12.5.3.2** A private right-of-way agreement shall be properly executed between the landowner granting the access and all affected parties abutting and adjoining said easement and shall create a private right-of-way not less than fifty (50) feet that shall run with the land and be available for the use of all owners, present and future. This agreement at a minimum shall

include all the provisions listed in Appendix H of this Ordinance and must be approved by the Township prior to plan approval;

**6.13.12.5.3.3** The adjoining landowners or an association of property owners must agree that the street(s) shall not be dedicated but shall be maintained by the adjoining landowners or association of property owners;

**6.13.12.5.3.4** The adjoining landowners or association of property owners must agree to the maintenance of the private street in a mud-free condition and agree that the adjoining lot owners or an association of property owners will provide for repair, snow removal, and any other necessary maintenance; and

**6.13.12.5.3.5** An agreement must be entered into by the adjoining landowners or an association of property owners that shall be recorded with the Northumberland County Recorder of Deeds as part of the Final Plan and subsequently reflected in the deeds of all future lot owners. This agreement shall establish the conditions under which the street will be constructed and maintained as well as conditions controlling the offer of dedication and provisions for funds sufficient to restore the private street to the standards required for public streets should dedication occur. At a minimum the agreement shall stipulate the provisions contained in Appendix H of this Ordinance.

**6.13.12.5.4** The private street system shall be designed and built to accommodate the type and volume of traffic anticipated to be generated and shall be constructed in accordance with the standards and criteria established in Sections 6.12, 6.13, 6.15 and 6.17 of this Ordinance.

**6.13.12.5.5** A notation shall be included on the final plan and reflected in the deeds of sold lots identifying the street right-of-way as “Private” and identifying the entity responsible for maintenance.



**6.13.12.5.6** All gates on private streets shall be located a minimum of thirty (30) feet from the public right-of-way and shall not open outward. Local fire department personnel shall have ready access to locking mechanisms on any gate restricting access.

**6.13.12.5.7** Private streets shall be considered a required improvement and must be constructed prior to Final Plan approval or, in lieu of completion of improvements, the applicant must provide an acceptable guarantee to be approved by the Township, Township Engineer, and Township Solicitor, in accordance with Article 4 of this Ordinance.

## **6.14 Street Construction Standards**

**6.14.1** At a minimum all street construction activities shall be performed in strict accordance with Penn DOT, Publication 408 including all references, supplements, and revisions, with Table 6-3 of this Ordinance, and with applicable municipal ordinances and requirements in order to ensure proper serviceability.

**6.14.2** **Liquid Fuels Requirement.** Any street or part thereof offered for dedication, or intended to be offered for dedication to the Township for inclusion into the road system under this Ordinance, shall comply with the minimum requirements of Penn DOT covering the allocation of liquid fuel tax receipts and the standards outlined in this Ordinance.

**6.14.3** All streets and related facilities shall be staked-out during construction by a qualified individual in the construction, engineering, or surveying field to ensure that infrastructure is constructed in accordance with the approved design drawings.

**6.14.4** The applicant shall be responsible for implementing all necessary plans to control, mitigate, and eliminate any forms of pollution, disturbance, or destruction resulting from noise, odor, stormwater, and/or excessive loads or repetitions of loads that may occur during construction.

**6.14.5** The applicant shall furnish the necessary guards, watchmen, warning lights and similar items necessary to maintain state highway and other street traffic in accordance with Penn DOT Publication 203 requirements. In general, the applicant shall not be permitted to interrupt traffic without specific arrangements for detouring traffic in accordance with Penn DOT requirements. When traffic cannot be detoured, a minimum of ½ the roadway width shall be open at all times with traffic control.

## **6.15 Street Improvements**

### **6.15.1 Curbs and Gutter**

**6.15.1.1** Curbing may be required by the Township for:

- 6.15.1.1.1** Stormwater management;
- 6.15.1.1.2** Road stabilization;
- 6.15.1.1.3** To delineate parking areas;
- 6.15.1.1.4** Ten feet on each side of drainage inlets;
- 6.15.1.1.5** At intersections;
- 6.15.1.1.6** At corners; and
- 6.15.1.1.7** At tight radii.

**6.15.1.2** Curbing shall be required for all streets dedicated to the Township and for private streets in subdivisions and land developments having lots 80 feet or less in width.

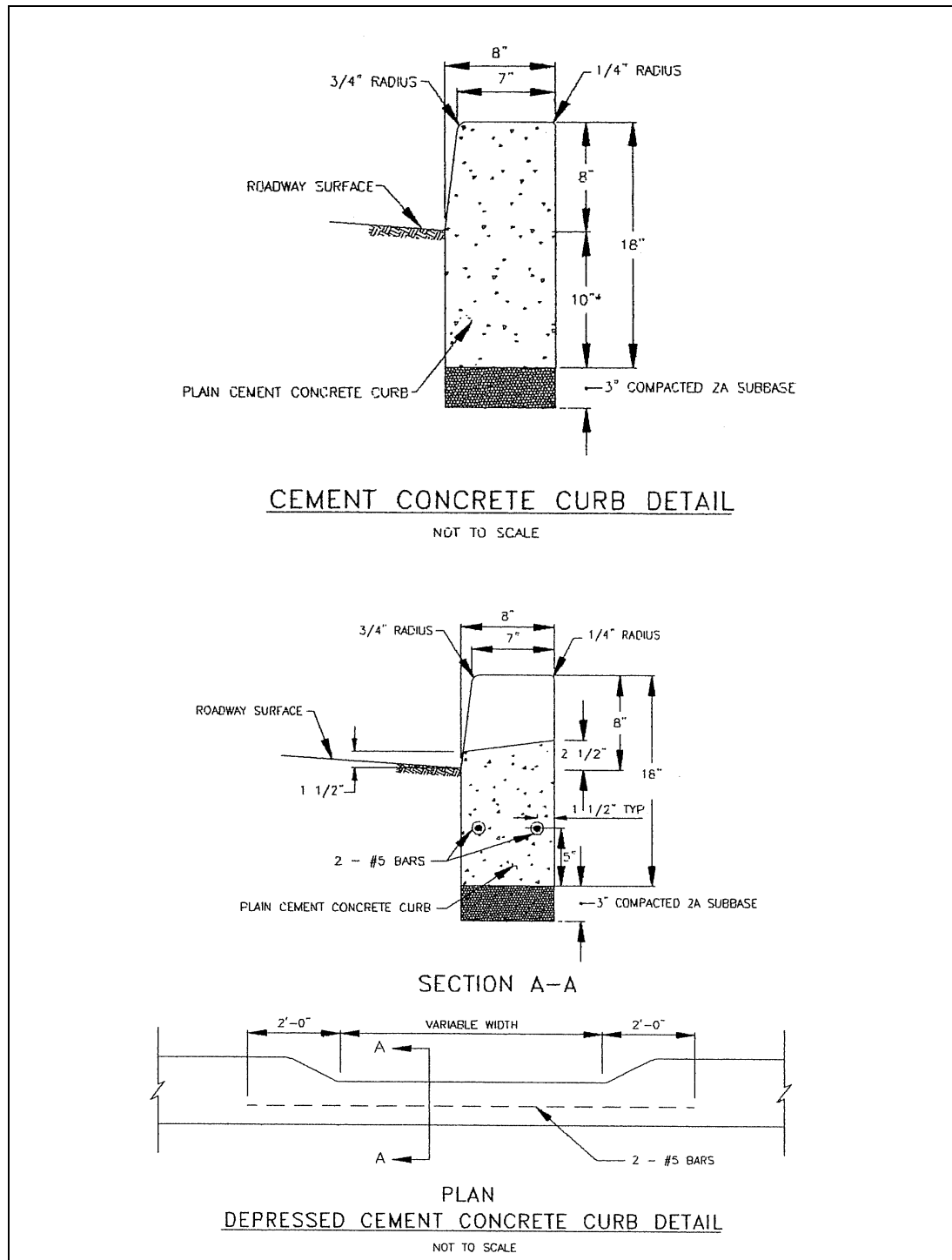
**6.15.1.3** Curbs shall be constructed in accordance with Penn DOT Form 408 specifications as from time to time amended and /or replaced.

**6.15.1.4** Concrete curb shall be eighteen (18) inches high, eight (8) inches wide, and have an exposed face of eight (8) inches. Refer to Figure 4. Alternative types of concrete curb can be approved at the Township's discretion.

**6.15.1.5** Terminal concrete curbs or terminal radii shall be provided at the start or cut-off locations as needed for streets to transition from one pavement section to another.

**6.15.1.6** Curbing shall be designed to provide a ramp for bicycles and/or wheelchair access at each intersection, at the principal entrances to buildings which front on parking lots, and at all crosswalks.

**6.15.1.7** Utilities lines shall be located behind or to the lot side of all curbs.



**Figure 4 – Curbing Details**

## 6.15.2 Shoulders

**6.15.2.1** Paved shoulders and drainage swales shall be used instead of curbs when:

- 6.15.2.1.1** Shoulders are required by State or other law;
- 6.15.2.1.2** Soil or topographic conditions make the use of shoulders and drainage swales preferable; and
- 6.15.2.1.3** It is in the best interest of the community to preserve its rural character.

**6.15.2.2** Shoulders shall be required on public streets where curbing is required. Refer to Figure 2.

**6.15.2.3** The depth of shoulders shall be the combined depth of the surface and base courses. Refer to Figure 2 of Section 6.13 for the roadway pavement depths.

### **6.15.3 Sidewalks and Pathways**

**6.15.3.1** Sidewalks, where provided, shall comply with the following specifications.

**6.15.3.2** Subdivisions and land developments not requiring sidewalks that are located adjacent to or within a reasonable distance of an existing or future rails to trails, rails with trails, greenway or other public trail system, shall consider access from the proposed development to the greenway or trail system through a network of pathways in the design and layout of the plan.

**6.15.3.3** Pedestrian way easements ten (10) feet wide may be required by the Township through the center of blocks more than six hundred (600) feet long, to provide circulation or access to schools, playgrounds, shopping, or other community facilities.

**6.15.3.4** Sidewalks, where provided, shall be located within and be parallel to the street right-of-way; however, alternative locations will be considered to preserve topographic features or to provide visual interest, provided the applicant shows that an alternative systems maintains safe and convenient pedestrian circulation to the satisfaction of the Township.

**6.15.3.5** Sidewalks, where provided, shall be on both sides of the street in front of all residential units. In lieu of sidewalks the Township may alternatively approve pathways as part of a greenway network.

- 6.15.3.6** The minimum width of all sidewalks and pathways shall be five (5) feet. Wider widths may be necessary near major pedestrian generators and employment centers and to accommodate federal Americans with Disability Act (ADA) requirements.
- 6.15.3.7** There shall be a minimum four (4) foot planting strip of grass between the curb or shoulder and the sidewalk. This planting strip may be used for the location of underground utilities, streetlights, and street signs but shall not be used for the planting of street trees unless approval is granted by the Township.
- 6.15.3.8** The grades and paving of the sidewalks shall be continuous across driveways except in non-residential and high-density developments and in certain other cases where heavy traffic volume dictates special treatment.
- 6.15.3.9** The sidewalk shall be constructed of at least four (4) inches of Class AA concrete and a six (6) inch depth at intersections, and handicap and curb cut ramps and shall include rebar reinforcement. All curbs and sidewalks shall be underlain by four (4) inches of compacted crushed stone or gravel. Where sidewalks cross streets serving commercial and industrial uses the Township may impose additional requirements.
- 6.15.3.10** Pathways may be constructed of other materials including pervious materials, provided that the proposed materials and construction are appropriate to the surrounding land use and to the expected volume of pedestrian traffic, and are approved by the Township Engineer.
- 6.15.3.11** Sidewalks and pathways shall be laterally pitched at a slope toward the street not less than one eighth (1/8) inch per foot to provide for adequate surface drainage.
- 6.15.3.12** At corners and pedestrian street-crossing points, sidewalks shall be extended to the curb line with an adequate apron area for anticipated pedestrian traffic and curb cuts and ramps designed in accordance with ADA accessibility requirements.
- 6.15.3.13** Sidewalks and pathways shall not exceed a seven (7) percent grade. All sidewalks and ramps, e.g. slopes greater than five (5) percent, shall be designed in accordance with federal ADA accessibility requirements.
- 6.15.3.14** Minimum construction standards for sidewalks shall be in accordance with Penn DOT Form 408 specifications.

#### **6.15.4 Street and Parking Lot Lighting**

- 6.15.4.1** Street and parking lot lighting, where provided, shall be in accordance with an illumination plan designed in conformance with the standards of the local electric utility company and coordinated with the Township.
- 6.15.4.2** Street lighting shall be provided by the applicant and shown on subdivision and land development plans as follows:
  - 6.15.4.2.1** At all new intersections in commercial and industrial areas;
  - 6.15.4.2.2** At all new intersections on existing arterial or collector streets;
  - 6.15.4.2.3** At the driveway, access, or entrance of any new commercial or residential development with ten lots or more or which enters onto an arterial road.
- 6.15.4.3** A lighting plan shall be provided to illustrate the locations of all free standing and wall mounted luminaries and the photogrametric contours at 0.1 intervals of candlepower.
- 6.15.4.4** Street lighting shall be provided in parking areas, along sidewalks, and between buildings as needed for public safety and convenience.
- 6.15.4.5** The placement, height, and shielding of lighting standards shall provide adequate lighting without hazard to drivers or nuisance to nearby residents and the design of the lighting standard shall be of a type appropriate to the development and the Township. Refer to Table 6-4 for the design requirements.
- 6.15.4.6** Lighting types and levels shall be designed based on recommended intensities specific to the area being lighted; however, in no case shall lighting leaving the property exceed 0.5 foot-candles intensity.
- 6.15.4.7** All light fixtures, standards, and foundations shall be approved by the Township and all lighting plans shall be prepared by a person qualified in the design field.

**Table 6-4 – Lighting Requirements**

Description	Fixture Type					
	Non-Shielded Fixtures <sup>1</sup>		Shielded Fixtures - 90° Cutoff		Shielded Fixture - <90° Cutoff	
	Max. Permitted Illumination (Footcandles)	Max. Permitted Height	Max. Permitted Illumination (Footcandles)	Max. Permitted Height	Max. Permitted Illumination (Footcandles)	Max. Permitted Height
Residential	0.20	10'	0.30	15'	0.50	15'
Agricultural/ Conservation	0.20	15'	0.50	15'	1.0	20
Commercial/ Industrial	0.30	20'	1.50	20'	4.0	25
Institutional	0.30	20'	1.50	20'	4.0	30
Street Lighting	As Per PennDOT Requirements					

### **6.15.5 Street Signs**

**6.15.5.1** The initial design and placement of traffic control, regulatory and street signs shall be provided by the Township and shall follow the requirements specified in Penn DOT Publication 236M, Handbook of Approved Signs.

**6.15.5.2** For private streets the owner or developer shall be responsible for maintaining or replacing signs following the initial placement by the Township. The owner/developer shall be responsible to obtain and install all replacement street signs and posts in accordance with the materials and workmanship prescribed in Penn DOT Publication 408 and all other applicable federal, state, county and local requirements.

**6.15.5.3** The owner/developer shall be responsible to obtain and install all necessary street signs and posts in accordance with the materials and workmanship prescribed in Penn DOT Publication 408 and all other applicable federal, state, county and local requirements.

<sup>1</sup> To be used for decorative lighting only.

## **6.16 Street Names**

- 6.16.1** All streets shall be named.
- 6.16.2** Continuations of existing streets shall be known by the same name.
- 6.16.3** Names for new streets shall not duplicate or closely resemble names of existing streets or approximate such names by the use of suffixes such as “lane”, “way”, “drive”, “court” or “avenue”.
- 6.16.4** All new street names are subject to the review and approval of the Central Susquehanna Regional 911 agency.
- 6.16.5** Notice from the agency that the proposed new street names are acceptable shall be submitted prior to plan approval.

## **6.17 Lot Access and Driveways**

- 6.17.1** **Lot Access** – Access to any lot, tract, parcel, subdivision or development shall be provided in a manner that promotes a safe and efficient ingress and egress to a public street, limits the number of driveways, and promotes common points of ingress and egress that are adequate for existing and future growth, and in accordance with the following:
  - 6.17.1.1** The Township may disapprove any point of ingress or egress to any lot, tract, parcel, or development from any street or highway when the proposed ingress or egress would create unsafe conditions, reduce the capacity of the adjoining street or highway, or result in substandard circulation and impaired vehicle movement.
  - 6.17.1.2** The Township may require the applicant to provide ingress and egress to a particular lot or tract through the remainder of his property or other properties over which the applicant has control.
  - 6.17.1.3** In approving ingress and egress from any State road or highway, the Township can only approve those access points that are not in conflict with safety standards of the Penn DOT. A Highway Occupancy Permit is required for each access point onto a state highway.
  - 6.17.1.4** The receipt of a Highway Occupancy Permit does not assume direct approval of the Township. The Township may require the applicant to reapply for a permit if the location of the Penn DOT approved access is in conflict with any provision of this Ordinance or if the Township feels the location of the access will hinder the safe and efficient movement on any State road or highway or the proper development of the site.



**6.17.1.5** In instances where access onto a Township street is proposed as part of a subdivision or land development proposal, the applicant shall include a copy of such driveway permit as part of the plan submission, or a disclaimer signed by the applicant acknowledging this permit requirement shall be placed on the plans.

**6.17.2 Access over the lands of others.** Generally the same road construction specifications should apply within the easement/right-of-way over lands of others as shall apply within the property being subdivided/developed. It shall be the applicant's responsibility to make any required improvements subject to obtaining the necessary rights to do so over lands of others. When a "landlocked" parcel exists which is proposed to be developed or subdivided, the applicant shall give notice to prospective buyers that the access is not a public street. A notice shall be given in three (3) forms:

**6.17.2.1** A letter shall be submitted from the developer's attorney and shall contain specific identification of the plan by name and number and a statement that the developer has authorized the letter. The letter should also specify the following:

**6.17.2.1.1** Identify the location of the access road, describe the existing/proposed features: i.e. right-of-way width, length, cartway width, type of construction, etc.

**6.17.2.1.2** A list of all construction and design standards as specified in this Ordinance that cannot be met and reasons why the normal and customary standards cannot be met.

**6.17.2.1.3** A clear opinion of the developer's attorney that the applicant and all prospective purchasers will have either an easement or right-of-way across intervening lands of others. There must be a statement that access is not restricted in any manner, other than such limitation expressly contained in the letter.

**6.17.2.2** Notation on the plan to be recorded shall reflect the above situation and be in a prominent location in larger and bolder type than customary plan notes. The note shall describe the location and design of the access road over land of others, identify all normal construction or design standards which are not met, and describe the legal nature of the applicant's use (i.e. easement or right-of-way). Such note shall also relieve the Township of any liability with respect to the provision of an access road by a statement placing such responsibility on either the seller and/or the buyer.

**6.17.2.3** Preparation of proper legal documentation concerning the easement rights and responsibilities for that portion of the access easement over lands of others, for recording in the Northumberland County Recorder of Deeds Office.

**6.17.3 Driveways** - Proposed driveways shall conform to any Township standards that may exist within the Township's Zoning Ordinance or separately adopted Township driveway ordinance. Additionally, all driveways shall, at a minimum, be designed in accordance with the following:

**6.17.3.1** All proposed lots shall be situated in such a fashion that safe and efficient driveway access can be provided onto a public or private street in accordance with this Section in order to facilitate the design of common points of ingress and egress that are adequate for existing and future growth.

**6.17.3.2** Driveways shall not interfere with the normal traffic movement nor be inconsistent with the design, maintenance, and drainage of the street.

**6.17.3.3** The Township may require the joint or shared use of driveways to provide ingress and egress when such design would increase traffic safety by decreasing the potential for vehicular conflicts. In such cases a shared driveway maintenance and use agreement must be entered into by the respective property owners and recorded with the subdivision or land development plan.

**6.17.3.4** In general all private driveway access shall be to a public street; however, private driveway access to private streets or across the lands of another shall only be permitted in the following circumstances:

**6.17.3.4.1** Private driveway access shall be permitted to private streets when said streets are permitted under Section 6.13.12.5 of this Ordinance.

**6.17.3.4.2** Private driveway access over lands of another shall be permitted only where:

**6.17.3.4.2.1** Not more than two (2) lots are involved;

**6.17.3.4.2.2** A complete right-of-way or easement agreement is prepared in a form acceptable to the Township;

**6.17.3.4.2.3** The total number of lots involved shall include all existing and/or proposed lots utilizing the private driveway for access; and

**6.17.3.4.2.4** All of the other requirements of this Ordinance are met.

**6.17.3.5** Requirements for private driveway access agreement(s) are as follows:

**6.17.3.5.1** The private driveway access easement shall be designed to provide a driveway to accommodate traffic volumes of 25 vehicles per day or less and shall be constructed to provide a sound, all-weather driving surface, reasonably smooth and free from mud, dust or standing water. In no case shall the materials have less than an eight (8) inch depth of 2A or 2RC aggregate subbase.

**6.17.3.5.2** A private right-of-way agreement shall be properly executed between the landowner granting access and all affected parties abutting and adjoining said easement and shall create a private right-of-way which shall be covenant running with the land. This agreement shall, at a minimum, include the provisions contained in Appendix H of this Ordinance and shall be recorded with the Northumberland County Recorder of Deeds as part of the Final Plan and subsequently reflected in the deeds of all future lot owners.

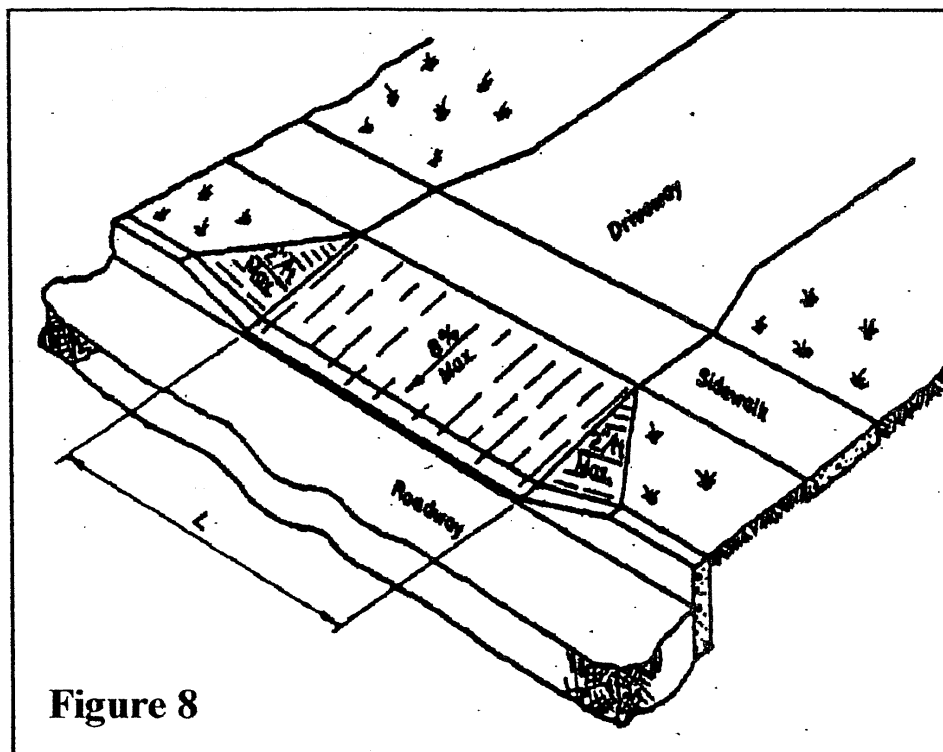
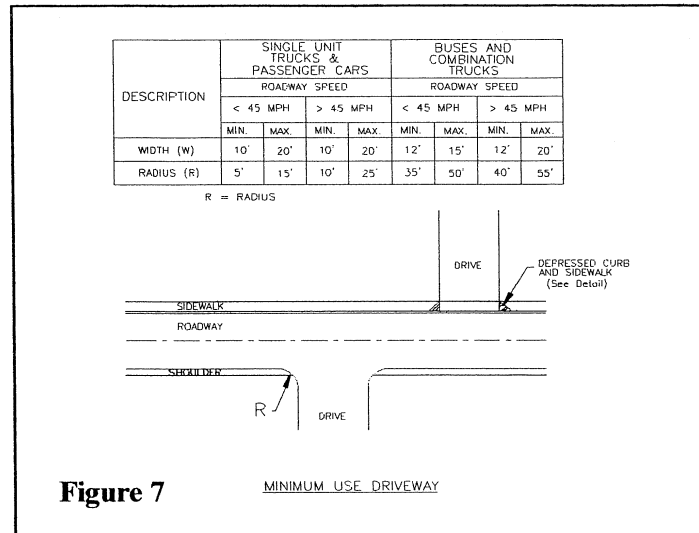
**6.17.3.5.3** Additional design requirements shall be in compliance with Sections 6.12, 6.13, and 6.14 of this Ordinance.

**6.17.3.6 Driveway Classifications.** For the purposes of this Section driveways are separated into the following four classifications:

**6.17.3.6.1** Minimum Use Driveway – A driveway normally used by not more than 25 vehicles per day (See Figures 7 & 8), such as:

**6.17.3.6.1.1** Single family dwellings, duplexes; or

**6.17.3.6.1.2** Apartments with five units or less.



**6.17.3.6.2** Low Volume Driveway – A driveway normally used by more than 25 vehicles per day but less than 750 vehicles per day (see Figure 9), such as:

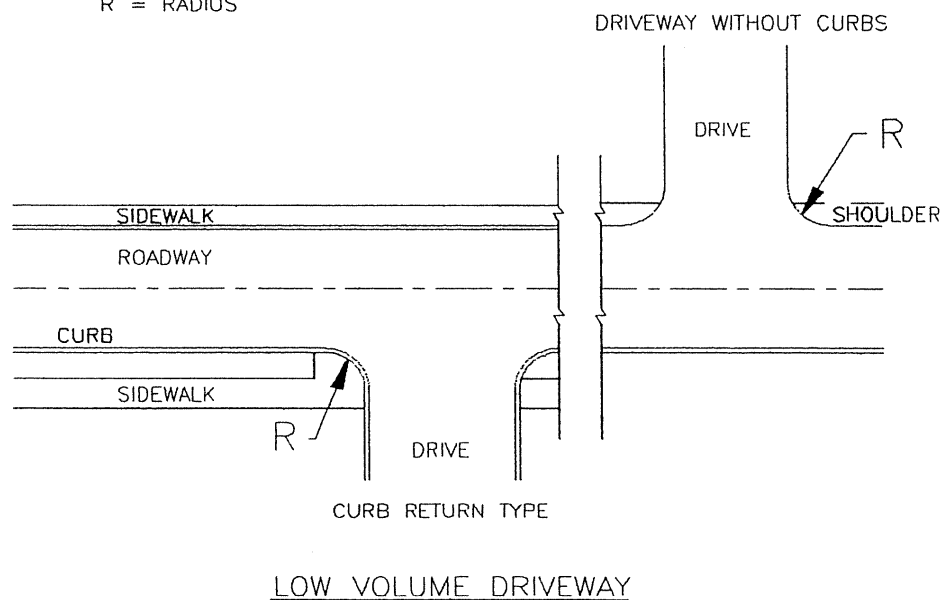
**6.17.3.6.2.1** Office buildings;

**6.17.3.6.2.2** Elementary and junior high schools; or

**6.17.3.6.2.3** Car washes.

DESCRIPTION	SINGLE UNIT TRUCKS & PASSENGER CARS				BUSES AND COMBINATION TRUCKS			
	ROADWAY SPEED				ROADWAY SPEED			
	< 45 MPH		> 45 MPH		< 45 MPH		> 45 MPH	
	MIN.	MAX.	MIN.	MAX.	MIN.	MAX.	MIN.	MAX.
W – ONE WAY	10'	20'	12'	20'	12'	15'	12'	20'
W – TWO WAY	20'	24'	20'	24'	22'	24'	22'	24'
RADIUS (R)	10'	15'	15'	25'	35'	50'	45'	55'

R = RADIUS



**Figure 9**

**6.17.3.6.3** Medium Volume Driveway – A driveway normally used by more than 750 vehicles per day but less than 1,500 vehicles per day, which does not normally require traffic signalization (See Figure 10), such as:

**6.17.3.6.3.1** Motels;

**6.17.3.6.3.2** Fast food restaurants; or

**6.17.3.6.3.3** Service stations and small shopping centers or plazas.

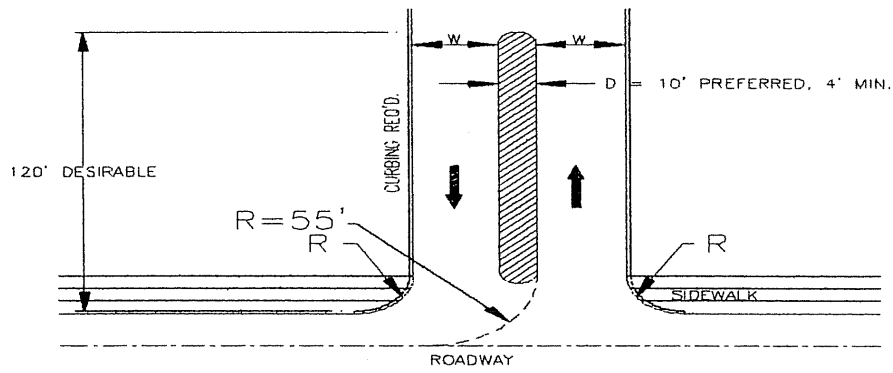
**6.17.3.6.4 High Volume Driveway** – A driveway normally used by more than 1,500 vehicles per day, which often requires traffic signalization (See Figure 11), such as:

**6.17.3.6.4.1** Large shopping centers; or

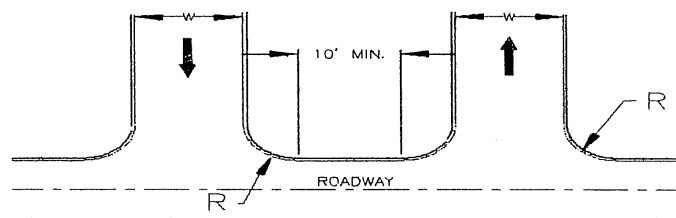
**6.17.3.6.4.2** Multi-building apartment or office complexes.

DESCRIPTION	SINGLE UNIT TRUCKS & PASSENGER CARS				BUSES AND COMBINATION TRUCKS			
	ROADWAY SPEED				ROADWAY SPEED			
	< 45 MPH		> 45 MPH		< 45 MPH		> 45 MPH	
	MIN.	MAX.	MIN.	MAX.	MIN.	MAX.	MIN.	MAX.
WIDTH (W)	14'	28'	14'	28'	14'	28'	14'	28'
RADIUS (R)	15'	30'	15'	25'	45'	55'	50'	55'

R = RADIUS



TWO WAY ENTRANCE WITH MEDIAN DIVIDER



TWO WAY ENTRANCE – SEPARATED DRIVEWAYS

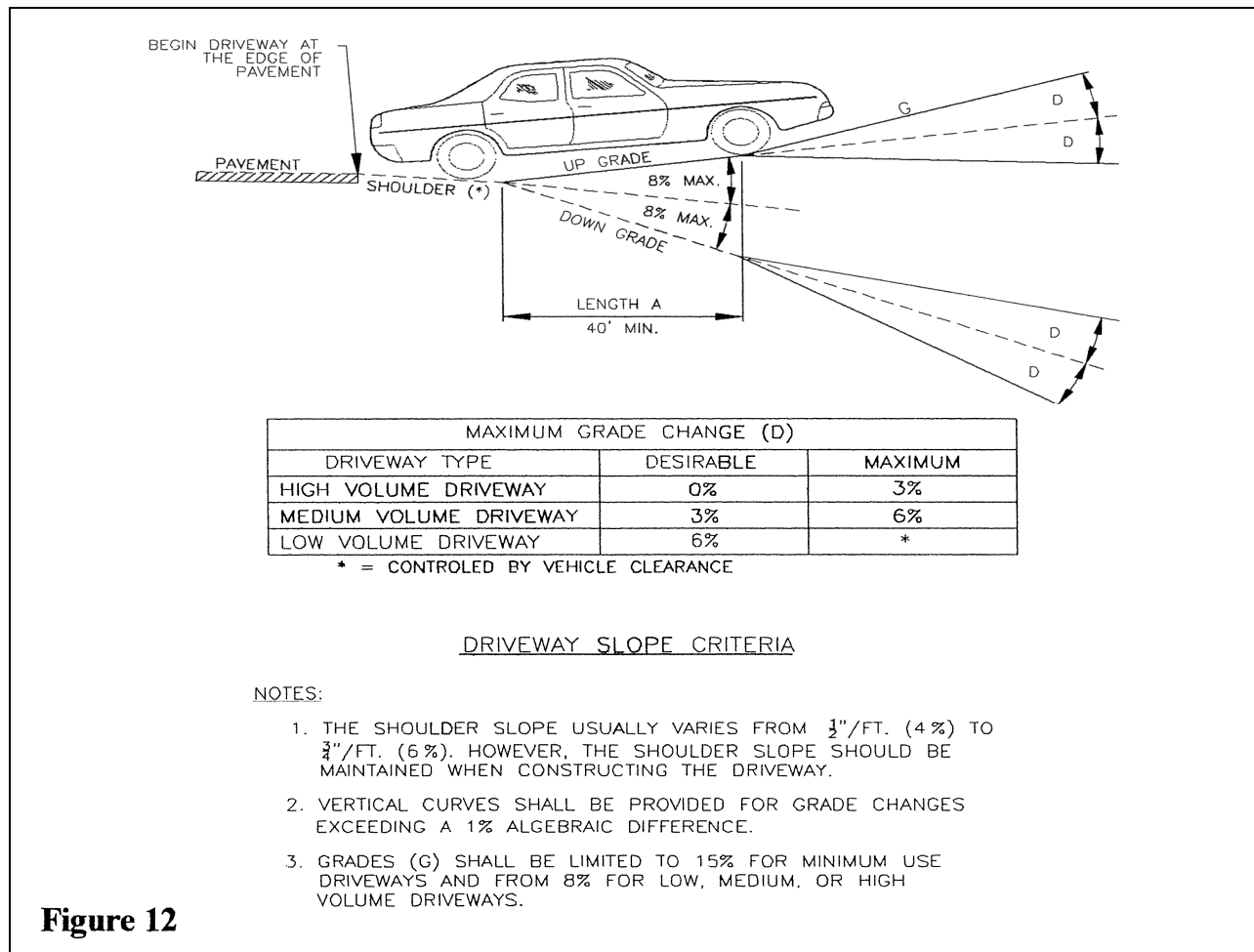
MEDIUM VOLUME DRIVEWAY

**Figure 10**



**Table 6-6 – Driveway Requirements**

Street Designation	Min. Distance Between Driveways	Max. Driveways Per Lot	Minimum Setback	
			Intersections	Property Lines
Limited Access Highway or Principal Arterial	600'	1	600'	10'
Minor Arterial	400'	1	400'	10'
Collector Streets	200'	1	200'	10'
Local Streets	100'	1	100'	5'



**Figure 12**



**6.17.3.8** Driveways shall be located at a point within the property frontage that provides at least the minimum sight distance as prescribed below.

**6.17.3.8.1** Sight distances shall be in accordance with the “Formula Sight Distance Measurement” Forms as presented in Appendix I of this Ordinance but in no case shall the sight distances be less than the minimum Safe Stopping Sight Distance as computed in accordance with Commonwealth of Pennsylvania, Title 67, Transportation, Chapter 441 as from time to time reenacted, amended, and/or replaced.

**6.17.3.8.2** If sight distance requirements specified in this Section cannot be met, the Township may:

**6.17.3.8.2.1** Prohibit left turns by exiting vehicles;

**6.17.3.8.2.2** Restrict turning movements to right turns in and out of a driveway;

**6.17.3.8.2.3** Require installation of a right turn acceleration or deceleration lane;

**6.17.3.8.2.4** Require installation of a separate left turn standby lane;

**6.17.3.8.2.5** Alter the horizontal or vertical geometry of the roadway;

**6.17.3.8.2.6** Require the removal of the physical obstruction from the line of sight; or

**6.17.3.8.2.7** Deny access to the highway.

**6.17.3.8.3** Items in Section 6.17.3.8.2 above shall be at the expense of the Applicant.

**6.17.3.9** Driveways shall be constructed in the following manner:

**6.17.3.9.1** All driveway cartways shall be constructed of a suitable stone base material appropriately compacted and graded to provide a permanent, sound, all-weather driving surface, reasonably smooth and free from mud, dust or standing water, designed to facilitate stormwater drainage patterns.

- 6.17.3.9.2** Driveways shall not be less than ten (10) feet in width and shall meet the design requirements depicted in Figures 7, 8, 9, 10, 11 and 12 and Table 6-6 of this Section.
- 6.17.3.9.3** All driveways shall be constructed so as not to impair drainage within the right-of-way, alter the stability of the improved area, or change the drainage of adjacent areas.
- 6.17.3.9.4** Where a drainage ditch or swale exists the applicant shall install adequate pipe under the driveway in accordance with Penn DOT Publication 408. Drainage pipe installed under driveways shall meet the design requirements of the Delaware Township Stormwater Management Ordinance.
- 6.17.3.9.5** The side slopes for driveway embankments within the right-of-way shall not be steeper than ten (10) to one (1).
- 6.17.3.9.6** Driveways that are gated shall have gates located a minimum of thirty (30) feet from the public right-of-way and shall not open outward. Fire department personnel shall have ready access to locking mechanisms on any gate restricting access.

## **6.18 Off Street Parking and Loading Requirements**

Subdivisions and land developments shall provide off-street parking and loading areas designed to promote orderly and safe parking of vehicles and deliveries in accordance with the Township's Zoning Ordinance.

## **6.19 Sewage Facilities**

### **6.19.1 General Requirements**

- 6.19.1.1** All subdivisions and land developments shall be provided with sanitary sewage facilities in accordance with the Township's official Act 537 Municipal Sewage Facilities Plan, and the laws of the Commonwealth of Pennsylvania.
- 6.19.1.2** Applicants shall submit all necessary plans and specifications for the entire sanitary sewage disposal system, including the facilities related to collection, conveyance, and treatment.

- 6.19.1.3** Applications for plan approval shall not be granted until the applicant has received all necessary sewage planning approvals from the Township and the PA DEP.
- 6.19.1.4** Subdivisions and land developments shall be connected to an existing public sewer system unless the applicant can clearly demonstrate that such connection is not feasible, or the PA DEP recognizes an alternate method of disposal. The Township may require the applicant to have a feasibility study prepared by a registered professional engineer to show that a connection is not feasible.
- 6.19.1.5** In those areas presently served by on-lot sewage disposal but are to be served by municipal sewer service within five (5) years, the Township may require capped sewers, if recommended by the sewer service provider or other local responsible agency and/or the PA DEP.
- 6.19.1.6** All plans for sanitary sewer systems (both public and private) shall be designed by a registered professional engineer in accordance with the requirements of the PA DEP or other governing rules and regulations, and shall be approved by the local sewer authority, the Township Engineer, the Township, and the PA DEP.
- 6.19.1.7** Subdivisions and land developments proposing no development of buildings or improvement of land for purposes requiring sewage facilities need not provide sanitary sewage facilities if the PA DEP has approved a non-building waiver request. Where a waiver is approved by the Sewage Enforcement Officer and PA DEP, the final plan for recording shall include the standard non-building notation. However, in all cases it shall be clearly demonstrated that either public sewer or on-lot sewage disposal can be achieved.
- 6.19.1.8** Lot additions and consolidations need not provide sanitary sewage facilities if the receiving tract(s) has an existing permitted method of sewage disposal or if the Sewage Enforcement Officer and PA DEP have approved a non-building waiver request. Where a waiver is approved by the PA DEP, the final plan for recording shall include the applicable notation required by the PA DEP.
- 6.19.1.9** All subdivision and land development plans shall contain appropriate notation indicating the method of sewage disposal.
- 6.19.2** Public Sanitary Sewer. Where connection to public sewer is proposed, the applicant shall obtain all required sewage planning approvals from the municipality and the PA DEP, and a letter from sewer/municipal authority stating the following:

- 6.19.2.1** Identify the term of the reservation of capacity based on hydraulic load, organic loads and compliance with the influent parameters for collection, conveyance and treatment;
  - 6.19.2.2** Provide capacity for the entire development [partial capacity based upon phases of development will not be accepted]; and
  - 6.19.2.3** Include a statement from the sewer service provider indicating approval of the plans for design, construction standards, installation, and financial guarantees.
- 6.19.3** Private Sanitary Sewer. Where connection to an existing public sewer system is not available, or has been determined to be unfeasible to the satisfaction of the Township, the Township may require the applicant to evaluate the installation of a privately owned sanitary sewer system. Where the use of a private sanitary sewer is proposed the applicant shall provide the following:
  - 6.19.3.1** A detailed operations and maintenance plan;
  - 6.19.3.2** All required sewage planning approvals from the municipality and the PA DEP;
  - 6.19.3.3** Agreements or covenants, acceptable for recording, as deemed necessary by the Township and/or the PA DEP, to guarantee the maintenance and operation of said facility;
  - 6.19.3.4** A note on the plan and a clause in all deeds for lots referring to any maintenance agreements or covenants; and
  - 6.19.3.5** Any terms stipulating conditions of metering, inspection, rights of access, minimum standards for materials and workmanship, testing and enforcement.
- 6.19.4** On-Lot Sewage Disposal. Where connection to an existing public sewer system or the installation of a private system is not feasible, the applicant may propose to utilize on-lot sewage disposal technology in accordance with this Section.
  - 6.19.4.1** Applicant shall have soil percolation tests performed by the municipal Sewage Enforcement Officer, with no less than one test pit per lot shown on the plan, and where marginal conditions are discovered, satisfactory alternative sites shall be identified and preserved.
  - 6.19.4.2** Each lot shall be of a size and shape to accommodate the necessary on-lot sewage disposal systems in accordance with setback and design standards established by the municipality or PA DEP. Such standards

shall ensure safe distances from buildings, property lines, water supplies and other improvements affecting normal function. The on-lot sewage disposal system shall be located on and fully contained within the lot it is intended to serve.

**6.19.4.3** The proposed on-lot sewage disposal system shall be approved by the PA DEP through the appropriate sewage planning review process, and written confirmation shall be received by the Township prior to plan approval.

**6.19.4.4** The Township shall not approve any subdivision or land development where an application fails to meet the required on-lot sewage planning requirements of the Township, the PA DEP, and this Ordinance and/or a sewage permit cannot be obtained.

## **6.20 Water Supply**

### **6.20.1 General Requirements**

**6.20.1.1** All subdivisions and land developments shall be provided with an adequate and safe supply of water for all intended land uses, and said water supply shall meet all applicable federal, state, and local drinking water standards or be capable of economical treatment to attain such quality standards.

**6.20.1.2** Applicants shall submit all necessary plans and specifications for the entire water supply system including the facilities related to sources, storage, treatment, and distribution.

**6.20.1.3** For subdivisions and land developments not connecting to a public water supply, the Township may require the applicant to demonstrate that a reliable, safe and adequate supply exists to support the water usage demands of the proposal without detrimental effects to future users and water sources of adjacent land uses. Such analysis would at a minimum contain information regarding estimated water demand, source of supply and capacity, source reliability, and source quality. The Township reserves the right to require the applicant to drill a test well for the establishment of water quality and quantity in that area.

**6.20.1.4** In areas where known groundwater problems exist, resulting from contamination or inadequate yields of potable supplies, the Township may require the applicant to provide a feasibility study by a licensed professional engineer or hydrogeologist to evaluate the adequacy of water quality and quantity for the proposed development.

- 6.20.1.5** Applications for plan approval shall not be granted until the applicant has received all necessary water supply approvals from the water supplier, the PA DEP, and/or the Susquehanna River Basin Commission.
- 6.20.1.6** Subdivisions and land developments shall be connected to an existing public water supply unless the applicant can clearly demonstrate that such connection is not feasible. The Township may require a feasibility study prepared by a registered professional engineer to show that a connection is not feasible.
- 6.20.1.7** In those areas presently served by on-lot water supply wells, but proposed to be served by a public water supply within five (5) years, the Township may require the installation of a capped water distribution system if recommended by the municipality, the water service provider, other local responsible agency and/or the PA DEP.
- 6.20.1.8** All plans for water supply systems (both public and private) shall be designed by a registered professional engineer and shall conform to current regulatory requirements. The local water supplier, the Township Engineer and the PA DEP shall approve them.
- 6.20.1.9** Fire hydrants shall be installed as an integral part of any public or private water supply system and the placement, design, and construction of such shall meet the specifications of the local fire company, the public water supplier, and the Township when applicable.
- 6.20.1.10** Applicants shall present evidence that the subdivision or land development is to be supplied with water by a certified public utility, a bona fide cooperative association of lot owners, or a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission (PUC) or an application for such certificate, a cooperative agreement or commitment or agreement to serve the area, whichever is appropriate, shall be acceptable evidence. In addition applicants shall be responsible for obtaining applicable Water Extension Permits from the PA DEP.
- 6.20.1.11** All subdivision and land development plans shall contain appropriate notation indicating the method of water supply.
- 6.20.2** Public Water Supply. Where connection to public water supply is proposed the applicant shall provide a written statement from the public water supplier indicating that sufficient supply to serve the proposed development is available, and such notice shall:

- 6.20.2.1** Be dated within forty-five (45) days of the plan application;
  - 6.20.2.2** Identify the term of the reservation of supply;
  - 6.20.2.3** Provide water supply for the entire development [partial supply based upon phases of development will not be accepted]; and
  - 6.20.2.4** Include a statement from the public water supplier indicating approval of the plans for design, construction standards, installation, and financial guarantees.
- 6.20.3** Private Water Supply. Where connection to an existing public water supply is not available or has been determined to be unfeasible to the satisfaction of the Township, the Township may require the applicant to evaluate the installation of a privately owned water supply system. Where the use of a private water supply system is proposed the applicant shall provide the following:
  - 6.20.3.1** A business plan consistent with the PA DEP, PUC, and/or American Waterworks Association (AWWA) guidelines to address all appropriate physical, operational, managerial, and financial issues necessary to determine system viability;
  - 6.20.3.2** A detailed operations and maintenance plan that identifies the source of supply, source capacity, source reliability, source quality, proposed treatment, pumping and storage, distribution system, fire service, customer connections, system management, etc.
  - 6.20.3.3** An operation, maintenance, and restoration fiscal plan that determines users fees for normal annual operations, upgrades and replacement based on the projected life and a contingency plan to address future treatment if the water source falls out of compliance with applicable safe drinking water regulations.
  - 6.20.3.4** Evidence of approval from the Township Engineer, and the PA DEP;
  - 6.20.3.5** Agreements or covenants acceptable for recording as deemed necessary by the Township and/or the PA DEP to guarantee the maintenance of said facility; and
  - 6.20.3.6** A note on the plan and a clause in all deeds for lots referring to any maintenance agreements or covenants.
- 6.20.4** On-Lot Water Supply. Where connection to an existing public water supply or the installation of a private water supply is not feasible the applicant may

utilize on-lot water supply in the form of individual water wells in accordance with this Section.

**6.20.4.1** Wells shall be installed according to applicable federal, state, and local well construction and permitting standards.

**6.20.4.2** Wells shall be adequately isolated from on-lot sewage treatment facilities in accordance with the requirements of the PA DEP and the municipality and shall be safely isolated and protected from other potential sources of contamination.

## **6.21 Other Utilities**

**6.21.1** Electric, telephone, television cable, and other utilities, both main and service lines, shall be placed underground within easements or dedicated public rights-of-way, but not under cartways unless approved in writing by the municipality and utility provider,

**6.21.2** All utilities shall be installed in accordance with the prevailing standards and practices of the utility or other companies and authorities providing such services and the laws of the Commonwealth.

**6.21.3** Underground utility installation shall not be required for the following:

**6.21.3.1** For service to industrial development; and

**6.21.3.2** For a project where the local utility service provider determines that the physical conditions render such underground installation unfeasible.

**6.21.4** Underground installation of the utility distribution and service lines shall be completed prior to street paving, storm drainage, and curbing and sidewalk installation.

**6.21.5** The Township may require the installation of utilities prior to final plan approval where the cost of installation, including the cost of excavation for underground utilities, will not be completely paid by the utility company. In each case the Township shall also consider the procedures for the applicable utility company involved with the extension of services.

## **6.22 Stormwater Management and Drainage**

**6.22.1** The management of stormwater on the site, both during and upon the completion of construction, and the design of any temporary or permanent facilities or structures, and the utilization of a natural drainage system shall be



in full compliance with the Delaware Township Stormwater Management Ordinance.

## **6.23 Erosion and Sedimentation Pollution Control and Grading**

Subdivision and land development activities shall be conducted in strict accordance with this Section in order to prevent accelerated erosion and resulting sedimentation.

**6.23.1** No changes shall be made in the contour of the land, no grading, excavating, removal, or destruction of topsoil, trees or other vegetative cover shall be commenced until a plan for minimizing erosion and sedimentation has been reviewed and approved by the Northumberland County Conservation District and the Township as part of an application for Preliminary or Final Plan approval.

**6.23.2** All applications for subdivision and land development approval will be required to submit an Erosion and Sedimentation Pollution Control Plan and obtain necessary approvals from the Conservation District where land disturbance is proposed. This shall include small projects that are proposing disturbance on less than one (1) acre. In lieu of an Erosion and Sedimentation Pollution Control Plan the Township may accept a written statement from the Conservation District indicating that said plan is not necessary for the project.

**6.23.3** All subdivision and land development applications shall conform to the requirements of Chapter 102 of Administrative Code, Title 25, "Erosion Control Rules and Regulations", as amended or replaced, and to the requirements of the Pennsylvania Department of Environmental Protection.

**6.23.4** The Erosion and Sedimentation Pollution Control Plan shall be prepared by a person trained and experienced in erosion and sedimentation pollution control methods and techniques.

**6.23.5** No grading, removal of vegetation, construction or other disturbance shall be permitted on soils that are classified as slide-prone or unstable in the Northumberland County Soil Survey or on any other areas of a proposed development that exhibit signs of instability or subsidence except in accordance with the provisions of this section.

**6.23.6** The following measures shall be taken to effectively minimize erosion and sedimentation and shall be included where applicable:

**6.23.6.1** Stripping of vegetation and grading shall be kept to a minimum.

**6.23.6.2** Vegetation to be retained shall be protected during the construction process and trees and other vegetation shall be marked and roped off to

protect them from damage by construction equipment. Filling around trees shall also be avoided.

- 6.23.6.3** Topsoil from areas where cuts and fills have been made shall be stockpiled and uniformly redistributed after grading, to aid in the revegetation process.
  - 6.23.6.4** Development plans shall preserve significant natural features, cut and fill operations shall be kept to a minimum, and plans shall conform to the topography so as to create the least erosion potential and to handle adequately the volume and velocity of surface water runoff.
  - 6.23.6.5** Whenever feasible natural vegetation shall be retained, protected and supplemented.
  - 6.23.6.6** The disturbed area and the duration of the exposure shall be kept to a minimum.
  - 6.23.6.7** Disturbed soils shall be stabilized by permanent vegetation and/or by engineered erosion control and drainage measures.
  - 6.23.6.8** Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
  - 6.23.6.9** Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary the rate of surface water runoff shall be structurally retarded during development.
  - 6.23.6.10** Sediment in water runoff shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt fence, hay bales, rock filter berms, and/or similar measures.
- 6.23.7** The following additional erosion and sedimentation control design standards and criteria shall be applied where infiltration Best Management Practices (BMP's) are proposed as part of the stormwater management plan:
- 6.23.7.1** Areas proposed for infiltration BMP's shall be protected from sedimentation and compaction during construction phases so as to maintain their maximum infiltration capacity.
  - 6.23.7.2** Infiltration BMP's shall not be constructed nor receive runoff until the entire contributory drainage area to the infiltration BMP has received final stabilization.

- 6.23.8** The applicant shall be responsible for protecting adjacent and downstream properties from any damage that occurs as a result of earth disturbance on the development site.
- 6.23.9** Fill areas shall be prepared by removing organic material such as vegetation and rubbish and any other material determined by the engineer to prevent proper compaction and stability of the soil.
- 6.23.10** Maximum steepness of graded and cut slopes shall be no greater than two (2) horizontal units to one (1) vertical unit (2:1) except when the Township approves alternatives under the following conditions:
- 6.23.10.1** Where the height of a proposed slope will not exceed ten (10) feet, then a maximum slope steepness of one to one (1:1) may be allowed where the soil and geologic conditions permit, and if doing so will help to preserve existing vegetation or other significant natural features. The cut or fill shall be located so that a line having a slope of two (2) horizontal to one (1) vertical and passing through any portion of the slope face will be entirely inside the property lines of the proposed development.
  - 6.23.10.2** Where a concrete or stone masonry retaining wall, designed to sound engineering standards, sealed by a registered professional engineer, and approved by the Township Engineer, is constructed to support the face of the slope.
  - 6.23.10.3** The material in which the excavation is made is sufficiently stable to sustain a slope steeper than two (2) horizontal to one (1) vertical (2:1), and a written statement is provided by a licensed civil engineer experienced in erosion control and slope stability that is acceptable to the Township Engineer. The statement shall state that the site has been inspected and that the deviation from the slope specified in this Ordinance will not result in injury to persons or damage to property.
  - 6.23.10.4** All fill is located so that settlement, sliding, or erosion will not result in property damage or be hazardous to adjoining property, streets, alleys, or structures.
- 6.23.11** Graded slopes of twenty (20) or more feet in height shall be benched every twelve (12) feet.
- 6.23.11.1** Benches shall have a minimum width of six (6) feet and a maximum slope of five (5) percent.
  - 6.23.11.2** Benches shall be planted with trees at a rate of one (1) tree per thirty (30) lineal feet of bench.

## **6.24 Steep Slopes**

- 6.24.1** Structures and grading of land shall be located on portions of a development site where the slope is less than twenty-five percent (25%).
- 6.24.2** A limited amount of disturbance, up to twenty-five percent (25%) of the steep slope area with grades between twenty-five percent (25%) and thirty-five percent (35%), may be approved if evidence of the safety of any proposed disturbance has been documented. Such evidence of the safety of any proposed disturbance shall require a site investigation and certification in writing, by a registered professional soils engineer, engineering geologist, or civil engineer with demonstrated competency and experience in soils engineering, that the proposed activity will not create or exacerbate unsafe conditions.

## **6.25 Floodplain Management**

The requirements of this Section are intended to protect property owners from increased flood hazards resulting from inappropriate development in the floodplain and to protect potential buyers from purchasing land which may not be suitable for development. Plans shall also comply with the applicable Federal Emergency Management Agency (FEMA) and Township's floodplain management regulations.

- 6.25.1** The inclusion of a floodplain within lots in order to meet the minimum lot area and/or yard requirements is allowed provided each lot contains sufficient area exclusive of the 100-Year regulatory floodplain for buildings and, when applicable, for on-lot sanitary sewage disposal systems and replacement areas.
- 6.25.2** The Township may require the applicant, as a stipulation of plan approval, to include the following note on the plan and a similar reference in the deed for lots containing floodplain areas:
- "NOTE: Lot(s) No.\_\_\_\_ are completely or partially within the regulatory floodplain and any development on such lots shall occur in accordance with all federal, state, and municipal floodplain management regulations. In addition, lending institutions may require the mandatory purchase of flood insurance for home mortgages. "
- 6.25.3** All public and private utilities and facilities shall be designed and constructed to preclude flood damage and shall be floodproofed up to the Regulatory Flood Elevation in accordance with the Federal Emergency Management Agency (FEMA) floodproofing guidelines. Documentation by a Professional Engineer or Architect shall be provided indicating compliance with FEMA guidelines in regard to the following minimum conditions: (1) a flood elevation certificate shall be provided for all building construction; (2) a

determination of the structural adequacy against pressure, velocity, uplift, siding, overturning, and impact; and (3) a statement of the types of materials and safeguards incorporated to prevent leakage, spillage or contamination.

**6.25.4** Final street elevations shall not be less than the 100-Year regulatory base flood elevation.

**6.25.5** When a site is adjacent to or traversed by a watercourse that does not have a 100-Year regulatory floodplain delineated, all structures shall be setback at least 50 feet from the top of the nearest stream bank.

## **6.26 Wetlands**

**6.26.1** No subdivision or land development shall involve uses, activities, or improvements that would result in encroachment into, regrading of, or placement of fill in wetlands in violation of state and/or federal regulations.

**6.26.2** Activities shall be prohibited that will alter, diminish, or eliminate hydrologic conditions, existing hydric soil conditions, or wetland plant species.

**6.26.3** If wetlands are to be altered by the proposed activity the Township shall require copies of appropriate permits and approvals granted by state and/or federal regulatory agencies prior to plan approval.

**6.26.4** The Township may require the applicant, as a stipulation of plan approval, to include the following note on the plan and a similar reference in the deed for lots containing wetland areas:

"NOTE: Wetlands exist on Lot(s) No. \_\_\_\_\_. Wetlands are protected under state and federal law and caution should be exercised to ensure that any development proposed for Lot No. \_\_\_\_\_ does not disturb the wetlands."

**6.26.5** A jurisdictional wetland delineation by the United States Army Corps of Engineers is strongly encouraged and may be required where wetlands exist and could be impacted by development activities.

**6.26.6** Development activities are encouraged to avoid wetland impacts by design with the natural environment. Wetlands should be used to compliment development by integrating stormwater management and water quality management activities where practical.

## **6.27 Solution Prone Carbonate Geology and Sinkholes**

**6.27.1** All subdivisions and land developments in areas underlain by carbonate geology shall be designed and constructed to minimize any impacts which

may affect, increase, diminish, or change any natural drainage, natural springs, water quality, geological stability or groundwater table.

- 6.27.2** Subdivisions and land developments that pose significant risks of stimulating the formation of sinkholes or of causing hydrologic connection of contaminated surface water with subsurface aquifers shall not be approved without certification, from a professional engineer and/or other qualified individual with demonstrated competency in geology or hydrogeology, that such proposed use and design is safe and environmentally sound.
- 6.27.3** When the Township determines there is probability that a project will affect or be affected by carbonate geologic hazards, the Township may require the submission of a hydrogeologic report.
- 6.27.4** In making a determination whether or not a project will affect or be affected by carbonate geologic hazards, the Township shall consider the carbonate features in the vicinity, testimony of qualified experts (i.e. professional geologist, hydrogeologist, or engineer with documented expertise of carbonate geology) and such other reasonable information as may be available.
- 6.27.5** All sinkholes shall be posted by permanent and clearly visible on-site notices prohibiting any disposal of refuse, rubbish, hazardous wastes, organic matter or soil into the sinkhole. Concrete liners, rockfill or other acceptable capping procedures may be permitted in the sinkhole for purposes of preventing dumping of said materials with the approval of the Township Engineer.
- 6.27.6** All sinkholes shall have a buffer as determined necessary for public safety. The buffer size will vary based upon site conditions and an analysis of drainage in the sinkhole area by a professional engineer or other qualified individual with demonstrated competency in geology or hydrogeology.
- 6.27.7** No stormwater management basins shall be placed in or over sinkholes, closed depressions, lineaments in carbonate areas, fracture traces, caverns, ghost lakes, or disappearing streams.
- 6.27.8** New sinkhole formation, as a result of construction activities or natural causes, shall be reported to the Township and the PA DEP. Emergency repairs may be required under the supervision of the PA DEP or the Township's Engineer to prevent groundwater contamination.
- 6.27.9** Improvements necessary to safeguard against groundwater contamination, or structural instability for proposed development, or construction activities as a result of the hydrological investigation, will be a condition of final subdivision or land development plan approval.

## **6.28 Natural Features**

### **6.28.1 Habitats and Natural Features of Special Concern**

- 6.28.1.1** Where the presence of natural features and habitats of special concern (i.e. those areas listed in the Natural Areas Inventory of Northumberland County or habitats of rare, threatened and endangered species) is known or suspected, or where required by the PA DEP or other permitting agency, the applicant shall notify the Pennsylvania Department of Conservation and Natural Resources (PA DCNR) of the proposed subdivision or land development and request a determination concerning the presence of significant resources from the Pennsylvania Natural Diversity Index (PNDI).
- 6.28.1.2** Where a proposed subdivision or land development includes an identified natural feature and/or habitat of special concern, such as rare, threatened or endangered species which are regulated by municipal, state, or federal law, the applicant shall provide evidence of compliance with any applicable regulation.
- 6.28.1.3** The Township will impose conditions it deems reasonable and appropriate in order to protect such habitats and to prevent degradation of natural features.

### **6.28.2 Existing Wooded Areas**

- 6.28.2.1** Subdivisions and land developments shall be designed to avoid unnecessary removal or destruction of trees and understory vegetation, particularly in undeveloped tract areas.
- 6.28.2.2** At least twenty-five percent (25%) of the number of trees that exist at the time of plan approval shall be maintained or replaced immediately following construction. Replacement trees shall be a mix of native species with a minimum trunk caliper of two (2) inches and a minimum height of six (6) feet. They shall be planted at a density equivalent to that existing before development.
- 6.28.2.3** Development activities are encouraged to integrate wooded areas into stormwater management design to promote natural infiltration of runoff where practical.
- 6.28.2.4** Priority shall be given to the preservation of trees and vegetation in 100-year floodplains, wetlands, stream corridors and steep slopes.
- 6.28.2.5** Any tree that may be noteworthy because of its species, age, uniqueness, rarity or status as a landmark due to historical or other

cultural associations shall be preserved unless removal is deemed necessary as determined by a professional arborist, forester, or landscape architect or if the tree is likely to endanger the public or an adjoining property.

**6.28.2.6** Trees to be preserved shall be protected during construction and the critical root zones shall be clearly staked and protected by fencing to prevent damage.

**6.28.3 Stream Corridors-** In order to prevent increased erosion, stream bank instability, non-point source and thermal pollution, the removal of trees and vegetation shall be not be permitted within fifty feet (50') of the top bank of any watercourse. Invasive species, however, may be removed if replaced with native vegetation and, selective timber harvesting is permitted as part of the development if accompanied by a certified forest resources and timber management plan prepared by a qualified professional forester.

Sections 6.29, 6.30 and 6.31 below are typically not applicable for Minor Subdivision Plans.
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## **6.29 Cultural and Historic Resources**

**6.29.1 Archaeological Investigations.** Where the presence of archaeological features is known or suspected, or where required by the PA DEP or other permitting agency, the applicant shall notify the Pennsylvania Historic and Museum Commission (PHMC) of the proposed subdivision or land development and request a determination concerning the presence of significant resources from PHMC.

**6.29.2 Historic Resource Preservation.** Subdivisions and land developments shall be designed to preserve, adaptively reuse, or otherwise provide for the historic features of Northumberland County, and new construction shall be designed to be visually complimentary to historic structures and sites. If due to size, scale, construction material, or type of proposed use, a subdivision or land development would jeopardize the historic value of a site or structure, such new construction shall be screened or otherwise visually buffered.

**6.29.3 Historic Resource Demolition.** No historic feature as defined in this Ordinance shall be infringed upon, demolished, or moved from its original foundations without approval of the Township. The applicant shall submit to the Township letters from the PHMC and from the Northumberland County Historical Society with their review and recommendation. In evaluating any request for demolition of a historic feature the Township shall take into



account the significance of the property, the condition of the feature and the potential for repair, restoration, stabilization and reuse, the impact of the feature in relation to the total project, and the hardship, if any, on the applicant.

- 6.29.4 Retention of Local Names.** Applicants are encouraged to perpetuate historic names or geographic references that are traditionally associated with the area in which a project is located, rather than proposing project names that are not consistent with local or County traditions or culture.

## **6.30 Community and Natural Features Impact Analysis**

- 6.30.1** All subdivisions and land development applications that involve the creation of 25 or more dwelling units, generate 200 vehicle trips or more per average weekday, or are considered a development of regional significance, shall be required to include a Community Impact and Natural Features Analysis in accordance with this Section.

- 6.30.2 Community Impact Analysis.** The Community Impact Analysis shall analyze and evaluate the impact of the proposed subdivision or land development on community facilities and shall include but not be limited to a detailed examination of the following:

- 6.30.2.1** Water supply analysis, including the volume of water needed to support the proposed use, source(s), source viability, source quality, and impact of proposed use on surface water flows, groundwater levels, and adjacent wells.
- 6.30.2.2** Sewage collection and treatment.
- 6.30.2.3** Accessibility to and adequacy of emergency services (ambulance, fire and police).
- 6.30.2.4** Surface, ground, and storm water management including potential for contamination of surface and groundwater supplies.
- 6.30.2.5** A Visual Impact Assessment which shall include (i) a Zone of Visibility Map to determine the locations from which the facility may be observed, (ii) pictorial representations of key viewpoints as may be appropriate, including but not limited to public roads, public parks, public lands, historic districts and sites, and other locations where the site is visible to large numbers of persons, and (iii) an assessment of the visual impact of the facility as it relates to appropriate screening.

- 6.30.2.6 Air quality impacts, including a description of proposed emissions and specific information related to impacts upon human health and the environment.
- 6.30.2.7 Other community facilities that may be impacted.
- 6.30.2.8 A comparison shall be made and submitted of the estimated costs for services to the municipality versus the estimated revenues to be generated from the subdivision or land development.
- 6.30.2.9 The applicant shall demonstrate that the appropriate providers of utility services, including but not limited to, electric, sewer, water, telephone, and refuse removal have certified that services will be provided to the site.
- 6.30.2.10 A Traffic Engineering Study shall be prepared as part of the Community Impact Analysis in accordance with Section 510 of this Ordinance.
- 6.30.2.11 A market analysis that shall demonstrate a sufficient market exists for the specific types of development proposed.
- 6.30.3 **Natural Features Analysis.** The Natural Features Analysis shall analyze and evaluate the impact of the proposed subdivision or land development on natural features on the subject tract and the surrounding area. This analysis shall include but not be limited to the following:
  - 6.30.3.1 An analysis of natural drainage patterns and water resources, including streams, natural swales, ponds, lakes, wetlands, floodplain areas and permanent and seasonal high water table areas.
  - 6.30.3.2 An analysis of the site geology that considers characteristics of underlying rock formations, shallow bedrock, aquifers, karst features, and factors that may cause the rock formations to be unstable.
  - 6.30.3.3 An analysis of soil types on the site including a delineation of prime agricultural soils, hydric soils, unstable soils, soils most susceptible to erosion, and evidence that the soil is suitable for the intended uses.
  - 6.30.3.4 An analysis of topography.
  - 6.30.3.5 An analysis of existing vegetative cover emphasizing the location of woodland and meadowland areas. Dominant tree and plant species shall be identified and certification shall be given that no vegetation on the site is classified as Rare, Threatened or Endangered or listed as

worthy of special protection in the Northumberland County Natural Heritage Inventory. A PNDI search shall be conducted.

**6.30.3.6** An analysis of impacts on wildlife and wildlife habitat and certification shall be given that no species of wildlife or wildlife habitat on the site is classified as Rare, Threatened or Endangered or listed as worthy of special protection in the Northumberland County Natural Heritage Inventory.

**6.30.4** The Community Impact and Natural Features Analyses shall contain proposals to minimize any adverse impacts identified, including, where appropriate, alternative solutions or proposals.

### **6.31 Parks and Open Space Reservation**

**6.31.1 Voluntary Provision.** Applicants for approval of major subdivisions and land developments are encouraged to the maximum extent practicable to include open space areas and facilities to meet the recreational needs of residents, employees, and other users of the proposed development.

**6.31.2 Mandatory Open Space Dedication.** Applicants for approval of subdivisions and land developments shall set aside and dedicate adequate areas for parks, open space and recreational uses in accordance with any officially adopted county, Township or multi-municipal parks and recreation master plan that meets the requirements of the Pennsylvania Municipalities Planning Code.

**6.31.3 Fee in Lieu of Dedication.** The Township may accept fees in lieu of land dedication based upon any officially adopted county, Township or multi-municipal parks and recreation master plan.

**6.31.4 General Standards of Dedicated Lands.** Lands to be dedicated shall meet the following minimum standards:

**6.31.4.1** Land area shall be reasonably located so as to serve all residents of the subdivision or land development.

**6.31.4.2** Land area intended for park and open space use shall be accessible from a public street or shall adjoin and become part of an already existing public park or open space area which is accessible to a public street.

**6.31.4.3** No more than twenty-five (25%) percent of the park and open space land shall contain detention basins or other stormwater management facilities or be located within a floodplain or wetland unless such area is part of a linear trail or greenway along an existing watercourse.

**6.31.4.4** When public park and open space land exists adjacent to the tract being subdivided or developed the dedicated, park and open space land shall be located to adjoin and enlarge said lands.

**6.31.5 Private Reservation of Open Space.** With approval of the Township, and of the local municipality having an official parks and recreation master plan, an applicant may elect to fulfill open space requirements by a private reservation of open space and recreation areas through the establishment of an association of property owners or through the donation of a conservation easement to a land trust or other appropriate conservation organization.

**6.31.6 Ownership and Maintenance of Private Open Space.** Private open space areas shall be owned and maintained by the developer, association of property owners, land trust or other entity acceptable to the Township. A plan for ownership and maintenance of the private open space shall be provided with the plan and shall at a minimum meet the requirements of Section 7.4.11 and 7.4.12 of this Ordinance.

## **Article 7**

### **Land Development Requirements**

- 7.1 General
- 7.2 Mobile Home Parks Regulations
- 7.3 Campgrounds and Recreational Vehicle Parks
- 7.4 Traditional Neighborhood Development (TND)

## **7.1 General**

**7.1.1** The standards in this Article shall be applied *in addition to* the other requirements of this Ordinance in evaluating applications for special types of subdivisions and land developments. Special subdivisions and land developments include, but are not limited to, planned residential developments, traditional neighborhood developments, mobile home parks, and campgrounds and recreational vehicle parks.

**7.1.2** Applicants shall be responsible for obtaining all necessary permits and approvals from the Pennsylvania Department of Labor and Industry, Department of Environmental Protection, Department of Health, and other applicable local, state, and federal agencies.

## **7.2 Mobile Home Parks**

The follow standards in addition to those found in the Township Zoning Ordinance shall apply to the development of a Mobile Park.

### **7.2.1 Density, Dimensional and General Standards**

**7.2.1.1** The minimum tract size for a Mobile Home Park development shall be five (5) acres.

**7.2.1.2** The minimum tract width of a Mobile Home Park development shall not be less than 300 feet.

**7.2.1.3** Mobile Home Parks shall be designed to serve the long-term placement of mobile homes.

**7.2.1.4** The maximum number of mobile home lots within a Mobile Home Park shall not be more than five (5) lots per acre of the total area of the Mobile Home Park.

**7.2.1.5** The minimum depth of individual lots within a Mobile Home Park shall not be less than ninety (90) feet or equal to the overall length of the mobile home to be placed on the lot plus thirty (30) feet, whichever length is greater.

**7.2.1.6** The minimum width of individual lots within a Mobile Home Park shall not be less than fifty (50) feet and those lots intended for doublewide mobile homes shall not be less than eighty-five (85) feet in width.

- 7.2.1.7** The minimum lot size for individual lots within a mobile home park shall not be less than 5,000 square feet of area and individual lots intended for doublewide mobile homes shall not be less than 7,650 square feet in area.
- 7.2.1.8** The minimum distance between mobile homes in the Mobile Home Park shall not be less than twenty-five (25) feet.
- 7.2.1.9** Mobile Homes within the Mobile Home Park shall be situated so that no mobile home will be placed less than fifty (50) feet from any exterior boundary of the park.
- 7.2.1.10** Each lot in a Mobile Home Park shall have a number placed on the lot in the form of a sign or directly on the mobile home, that is clearly visible from the road on which the structure fronts.
- 7.2.1.11** The longitudinal gradient and cross slope of any Mobile Home Park shall not exceed five percent (5%) and the slope of the individual mobile home lot pad areas shall not exceed three percent (3%).
- 7.2.1.12** Each mobile home lot shall be provided with a concrete patio of a minimum of two hundred (200) square feet.
- 7.2.1.13** All Mobile Home Parks shall be landscaped in accordance with the Township Zoning Ordinance.

## **7.2.2 Site Layout**

- 7.2.2.1** Mobile homes placed on individual lots within the Mobile Home Park are preferably to be placed off-center on the lots so as to provide a larger usable open space in one section of the lot.
- 7.2.2.2** Groups or clusters of units shall be placed, whenever feasible, to create interior spaces and courtyards.
- 7.2.2.3** There shall be variety in the arrangement and orientation of mobile homes, with particular attention given to topography and existing trees.
- 7.2.2.4** Mobile Home Parks shall be designed so that all lots and streets are well drained and free of standing water, and designed in accordance with the stormwater management requirements of Section 6.22.

#### **7.2.2.5 Streets and Access**

- 7.2.2.5.1** All mobile home lots shall abut on the internal street system of the Mobile Home Park.
- 7.2.2.5.2** All streets within a Mobile Home Park shall be centered in a minimum fifty (50) foot right-of-way.
- 7.2.2.5.3** Where mobile home lots are created having frontage on an existing street, the Mobile Home Park street pattern shall provide reverse frontage access to an interior street within the Mobile Home Park.
- 7.2.2.5.4** All streets within Mobile Home Parks shall be constructed and paved in accordance with the applicable design standards of Sections 6.10 through 6.17 as determined by the Township and Township Engineer.
- 7.2.2.5.5** All streets shall be private, and the maintenance, repair, and rehabilitation for adequate and safe ingress and egress shall be the responsibility of the Mobile Home Park owner(s).

#### **7.2.2.6 Off Street Parking Areas and Sidewalks**

- 7.2.2.6.1** All mobile homes shall have 2 off-street parking spaces.
- 7.2.2.6.2** Additional parking spaces for vehicles of non-residents shall be provided at the rate of one (1) space for every three (3) mobile home lots. Such parking spaces shall be provided through off-street common parking areas and shall be in locations that are sufficiently dispersed throughout the Mobile Home Park to serve all mobile home lots.
- 7.2.2.6.3** All mobile home parks shall provide safe, convenient, all season sidewalks and/or pedestrian walkways between the mobile home lots, streets and all community facilities for park residents.

#### **7.2.2.7 Sewage Disposal, Water Supply and Other Utility Requirements**

- 7.2.2.7.1** All mobile home parks shall be provided with public or central sewer disposal and water supply service.
- 7.2.2.7.2** Each mobile home lot shall be provided with a suitable method for connecting the sewage drain outlet to the sewer



line. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy a lot. Surface drainage shall be diverted away from the riser and the rim of the riser pipe shall be encased in a waterproof cap.

**7.2.2.7.3** Each mobile home lot shall have a water riser pipe to connect the mobile home water system to the central or public water system serving the park.

**7.2.2.7.4** All utilities within a Mobile Home Park shall be provided underground to each lot.

**7.2.2.7.5** The Mobile Home Park owner(s) shall be responsible for ownership, maintenance, repair and rehabilitation of adequate utilities to each mobile home lot.

#### **7.2.2.8 Illumination Standards**

**7.2.2.8.1** All Mobile Home Parks shall be furnished with lighting fixtures so spaced and so equipped with luminaries to provide adequate levels of illumination throughout the park for the safe movement of vehicles and pedestrians.

**7.2.2.8.2** Lighting shall be designed in accordance with Section 6.15.4 of this Ordinance.

#### **7.2.2.9 Common Opens Space Requirement**

**7.2.2.9.1** A minimum of ten percent (10%) of the gross area of the Mobile Home Park shall be set aside and provided as open space area available for the use and enjoyment of residents for varied outdoor recreational uses.

**7.2.2.9.2** Common open space shall be substantially free of structures except for those designed for recreational purposes, and shall be in addition to those areas devoted to meeting the buffer yard requirements of this Ordinance.

**7.2.2.9.3** Common open space areas shall be located and designed so they are easily accessible to residents and so that natural features are preserved.

#### **7.2.2.10 Service Buildings and Facilities**

**7.2.2.10.1** Cluster mailboxes shall be installed where approved by the U.S. Postal Service.

**7.2.2.10.2** Where Liquified Petroleum Gas (LPG) and/or fuel oil supply systems are on site to supply mobile home lots such outside fuel storage tanks or cylinders shall be securely fastened in place and adequately protected from physical damage.

**7.2.2.11 Fire Protection**

**7.2.2.11.1** All Mobile Home Parks shall be provided with fire hydrants that meet the requirements, standards, and recommendation of the Township and Fire Company.

**7.2.2.12 Solid Waste Collection and Disposal**

**7.2.2.12.1** All Mobile Home Parks shall be provided with solid waste collection stations at convenient but inconspicuous locations, each serving not more than 15 mobile home lots. They shall consist of self-closing containers placed upon a concrete slab and accessible for truck pick up. They shall be completely screened from view by solid fencing.

**7.2.2.13 Miscellaneous Structural Requirements**

**7.2.2.13.1** Each mobile home lot shall be improved to provide an adequate frost-free foundation for the placement of the mobile home, thereby securing the superstructure against uplift, sliding or rotation. At a minimum, this shall include the provision of a pad or stand which shall be equal to the length and width of the mobile home to be used at the site.

**7.2.2.13.2** Each mobile home pad or stand shall have adequate provision such as anchor bolts and tie-down straps for both “over the top” and “frame tie downs” to assure that each mobile home has available a means of securing the structure to the site.

**7.2.2.13.3** Each mobile home shall have a skirt installed that is designed to complement the appearance of the mobile home and is coordinated with other units throughout the park.

**7.2.2.13.4** If a hitch or towbar is attached to a mobile home for transport purposes it shall be removed and remain removed from the mobile home when it is placed on its mobile home foundation.

**7.2.2.14 Plan Notes** - The following note shall be placed on all plans for Mobile Home Parks:

"It shall be the responsibility of the Mobile Home Park owner to maintain all improvements and facilities including but not limited to areas and facilities designated for internal roads, sewage disposal, water supply, stormwater management, open space, and solid waste collection."

### **7.3 Campgrounds and Recreational Vehicle Parks**

#### **7.3.1 Design Standards**

- 7.3.1.1** The minimum tract size for a campground or recreational vehicle park shall be ten (10) acres.
- 7.3.1.2** The maximum number of camping or recreational vehicle spaces within each campground shall be no more than 15 per acre of the total area of the tract or tracts.
- 7.3.1.3** Each camping or recreational vehicle space shall be numbered.
- 7.3.1.4** All camping or recreational vehicle spaces shall abut and have a minimum of thirty (30) feet of frontage on an internal street of the campground or recreational vehicle park.
- 7.3.1.5** The minimum size, dimensions and separation from other sites of each camping or recreational vehicle space shall 2,000 square feet (40 ft. wide by 50 ft deep).
- 7.3.1.6** A minimum of two (2) off street parking spaces shall be provided for each camping or recreational vehicle space within the development. Or one (1) space per site with one (1) space for every two (2) camping spaces off-site.
- 7.3.1.7** Each camping or recreational vehicle space shall be provided with individual electrical, sewage, and water connections. The Commission may waive these elements for primitive and tent sites.
- 7.3.1.8** Every campground and recreational vehicle park shall be provided with a public comfort station with showers, restroom facilities and a sheltered drinking fountain in accordance with requirements of the Commonwealth of Pennsylvania including Title 28, Chapter 19 relating to organized camps and campgrounds. (A copy of Chapter 19,

"Organized Camps and Campgrounds" is contained in Appendix K of this Ordinance and is available at [www.pacode.com](http://www.pacode.com).)

- 7.3.1.9** Every campground and recreational vehicle park shall be provided with a paved sanitary station for the disposal of wastes from vehicle holding tanks. All sanitary stations shall be designed in accordance with PA DEP Sewage Planning requirements and other applicable laws of the Commonwealth.
- 7.3.1.10** A minimum of twenty (20) percent of the gross area of the campground or recreational vehicle park or 500 square feet per camping unit, whichever is greater, shall be set aside for recreation and open space use by all users of the facility.
- 7.3.1.11** Camping spaces shall be improved to provide an adequate foundation for the placement of a camping unit. Where camping units are intended to include travel trailers, recreational vehicles or other similar portable units, such foundation shall consist of at least a durable, dust free all weather surface.
- 7.3.1.12** Standard tent sites (non-primitive) shall be provided with a leveling area (tent pad) for the placement of tents.
- 7.3.1.13** Camping and recreational vehicle spaces shall be appropriately segregated and buffered to promote safety and compatibility among users, and to eliminate nuisances.
- 7.3.1.14** Internal streets shall meet the minimum design and construction requirements for private streets in accordance with Sections 6.10 through 6.17 of this Ordinance with the exception of the following:
  - 7.3.1.14.1** One way drives or roadways shall be no less than 12 feet in travel lane width with four (4) foot shoulders.
  - 7.3.1.14.2** Cul-de-sac streets shall be provided with a turnaround having an outside right-of way diameter of at least 90 feet.
  - 7.3.1.14.3** With proper stormwater management and drainage to prevent roadway instability and erosion, internal streets in campgrounds may be surfaced with an all weather surface that will provide a mud-free cartway with the permission of the Township. However the Township may require that the main entrance be surfaced with a pavement treatment to the main office facility.

- 7.3.1.15 Sidewalks or pedestrian ways shall be provided to ensure safe pedestrian circulation within the campground or recreation vehicle park to comfort stations, open space areas, and commercial facilities, when offered.
- 7.3.1.16 Campgrounds or recreational vehicle parks shall provide landscaping and buffer plantings along all property lines in accordance with the Township Zoning Ordinance.
- 7.3.1.17 Other ancillary services such as laundry facilities, camp store, grocery, office, bathhouse and caretaker's residence, etc. are permitted, provided that such buildings shall be strictly for the use and convenience of those persons utilizing the campground or recreational vehicle park, and are in conformance with the Township zoning regulations.

**7.3.2 Flood Evacuation Plans.** Wherever such uses are situated in the regulatory floodplain or known flood prone areas, the campground owner shall ultimately be responsible for evacuation of all units within the campground prior to the occurrence of an anticipated flood. In addition, the campground owner/developer shall submit with the plan application and keep on file with the Township and the area Emergency Services agency a Flood Evacuation Plan that includes the following:

- 7.3.2.1 Narrative description of the manner in which the site will be safely evacuated upon public announcement of a possible flood event by the National Weather Service or Federal, State or local emergency management agencies.
- 7.3.2.2 Sufficient evidence that all recreational vehicles, campers, travel trailers, and all temporary occupants will be removed from the regulatory floodplain or known floodprone areas prior to the occurrence of a flood.
- 7.3.2.3 The designation of an appropriate site to store each unit during the flood emergency. If the designated site area is not owned by the campground owner, a formal agreement to use the lands of others shall be executed.
- 7.3.2.4 The name, address and telephone number of the campground owner, individuals designated to remove each unit during a flood emergency and other responsible parties, such as management and maintenance personnel.
- 7.3.2.5 Evidence that park rules and regulations require recreational vehicles, campers, travel trailers and similar vehicles to maintain current vehicle

registration, be properly maintained and fully operational, and to be transportable and not permanently affixed to the land.

**7.3.3 Plan Notes.** The following notations shall be placed on the plan:

**7.3.3.1** Campgrounds and Recreation Vehicle Parks are designed for intermittent recreational use and recreational vehicles used for full-time residential occupancy shall not be permitted.

**7.3.3.2** It shall be the responsibility of the Campground and/or Recreational Vehicle Park owner to maintain all improvements and facilities, including but not limited to areas and facilities designated for internal roads, sewage disposal, water supply, stormwater management, open space, and solid waste collection.

**7.4 Traditional Neighborhood Development (TND) -**

The purpose of this section is to promote the orderly and natural extension of existing boroughs and villages within the community and to encourage new development that fosters the traditional "small town" feel by integrating a mix of compatible and complimentary land uses and the establishment of pedestrian oriented neighborhoods. Design elements not specifically regulated by this section or other parts of this Ordinance shall be negotiated with the Township during the Sketch Plan and/or Preliminary Plan application.

**7.4.1** The minimum tract size for TND's shall be 10 acres.

**7.4.2** TND's shall be served by public sewage treatment and water supply facilities.

**7.4.3** TND's shall be planned in accordance with municipal zoning regulations and the provisions of Article VII-A, Sections 701-A (b) and 706-A (d) of the Pennsylvania Municipalities Planning Code.

**7.4.4** TND's shall be designed in accordance with generally accepted TND design standards. The following publications should be referenced for TND design guidelines:

**7.4.4.1** *Crossroads, Hamlet, Village, Town.* 1999. Randall Arendt.

**7.4.4.2** *New Urbanism: Comprehensive Report and Best Practices Guide.* 2001. Robert Steuteville, et al.

**7.4.4.3** *PennSCAPES: Pennsylvania Strategies, Codes, and People Environments.* 2002-2003, Hamer Center for Community Design Assistance. The Pennsylvania State University.

- 7.4.5** Individual lot sizes for TND's shall be consistent with the surrounding neighborhood and shall be laid out to accommodate a variety of residential and non-residential building types and uses but shall not be less than 5,000 square feet in area. The Township at their discretion may allow the minimum lot size to be equivalent to the average lot size within the adjacent existing developed area.
- 7.4.6** TND's shall be a natural extension of an existing village, borough, town or developed area or shall be in the form of infill development.
- 7.4.7** TND Setbacks shall be as follows:
- Front Yard: 15 feet  
Side Yard: 6 feet  
Rear Yard: 20 feet
- 7.4.8** Minimum Lot Frontage - Minimum lot frontage shall be consistent with the existing developed area but should be a minimum of 50 feet. The Township at their discretion may allow the minimum lot frontage to be equivalent to the average of the frontage within the adjacent existing developed area.
- 7.4.9** The percentage of open space shall be compatible and consistent with the developed portions of the surrounding area and with municipal zoning provisions. Where not specified by municipal ordinance, all TND's shall have a minimum of 15% of the site as open space area permanently dedicated to parks, public commons, squares, plazas, and other open space.
- 7.4.10 TND Streets**
- 7.4.10.1** Streets in a TND are to be planned using a grid pattern or loose network forming blocks.
- 7.4.10.2** Streets in a TND shall generally have 15 to 25 mile per hour design speeds.
- 7.4.10.3** The TND transportation network should seek to minimize vehicular speed and short cutting while making walking and cycling safer, easier and more pleasant.
- 7.4.10.4** Alleys should be used where possible in order to place garages and utilities at the rear of lots so the streetscape is maintained with house fronts and not dominated by garage doors and utility structures.
- 7.4.10.5** Street design shall be consistent with the Institute of Transportation Engineers (ITE) publication *Traditional Neighborhood Development: Street Design Guidelines*.

**7.4.11 Ownership of Open Space Areas.** Ownership of open space areas shall be in a form acceptable to the Township and shall be in accordance with the following provisions.

**7.4.11.1** Except to provide for permitted open space uses, designated open space shall be restricted from further subdivision and land development by conservation easement, deed of dedication to the Township or other agreement in a form acceptable to the Township duly recorded in the Northumberland County Recorder of Deeds office. Subject to such permanent restrictions, restricted open space land in any open space development may be owned by an association of property owners, the Township, a land trust, or other qualified conservation organization approved by the Township, or private ownership.

**7.4.11.2** The Township may, but shall not be required, to accept dedication in the form of fee simple ownership of restricted open space land, provided that:

**7.4.11.2.1** Such land is accessible to the public;

**7.4.11.2.2** There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance and recording fees;

**7.4.11.2.3** The Township agrees to and have access to maintain such lands; and

**7.4.11.2.4** Where the Township accepts dedication of restricted open space land that contains improvements, the Township may require the posting of financial security to ensure the structural integrity of said improvements as well as the functioning of said improvements in accordance with Article 4 of this Ordinance.

**7.4.11.3** Association of Property Owners - The restricted open space land and associated facilities may be held in common ownership by an association of property owners through the use of a Declaration and other documents approved by the Township. Such documents shall be in conformance with the Uniform Planned Community Act of December 19, 1996, No. 180, (68 Pa. C.S.A. 5101) as amended. The Association shall be formed and operated under the minimum provisions contained in Appendix L of this Ordinance.



**7.4.11.4** Condominiums - The restricted Open Space land and associated facilities may be held in common through the use of Condominium Declaration and other documents, approved by the Township. Such documents shall be in conformance with the Uniform Condominium Act of July 2, 1980, No. 82 (68 Pa. C.S.A. 3101) as amended. All common Open Space land shall be held as “common elements” or “limited common elements”. To the degree applicable, condominium agreement(s) shall comply with the provisions of Subsection 7.4.11.3 above, set forth for Associations of Property Owners. Condominium agreement(s) shall be filed with the plans. At the time of Preliminary Plan submission, the Applicant shall provide draft condominium agreement(s) with sufficient detail to demonstrate feasible compliance with this Section.

**7.4.11.5** Dedication of Easements - The Township may, but shall not be required to, accept easements for public use of any portion or portions of restricted open space land. The title of such land shall remain in common ownership by the developer or an association of property owners or condominium association provided that:

**7.4.11.5.1** Such land is accessible to the public;

**7.4.11.5.2** There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance and recording fees; and

**7.4.11.5.3** A satisfactory maintenance agreement is reached between the developer, association of property owners or condominium association and the Township.

**7.4.11.6** Transfer of Easements to a Private Conservation Organization - With the permission of the Township, an Owner may transfer easements to a private or nonprofit organization recognized by the Township, whose purpose it is to conserve open space and/or natural resources, provided that:

**7.4.11.6.1** The organization is acceptable to the Township and is a qualified and bona fide conservation organization with perpetual existence;

**7.4.11.6.2** The conveyance contains appropriate provisions for proper reversion or transfer to a receiving authority, which itself has such a clause in the event that the organization becomes unwilling or unable to continue carrying out its functions; and

**7.4.11.6.3** A maintenance agreement acceptable to the Township is entered into by the Developer and the organization.

**7.4.11.7** Private Ownership - Restricted open space may be retained in ownership by the Applicant or developer or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space contained herein.

**7.4.12 Open Space Management and Maintenance.** Ownership and maintenance shall be in form acceptable to the Township and shall be in accordance with the following provisions.

**7.4.12.1** All open space subdivision plans shall be accompanied by a conceptual plan for the long-term management and maintenance of the open space that is to be created as part of the development.

**7.4.12.2** The management plan shall include a description of the following:

**7.4.12.2.1** Manner in which the restricted open space will be owned and by whom it will be managed and maintained;

**7.4.12.2.2** Conservation, land management, and agricultural techniques and practices that will be used to maintain and manage the open space in accordance with conservation plan(s) approved by the County Conservation District where applicable;

**7.4.12.2.3** Professional and personnel resources and insurance that will be necessary in order to maintain and manage the property;

**7.4.12.2.4** The nature of public or private access that is planned for the open space; and

**7.4.12.2.5** The source of money that will be available for such management, preservation, and maintenance on a perpetual basis.

**7.4.12.3** In order to allow for the changing needs inherent in the perpetual management of land, the Open Space Management Plan shall contain a provision to the effect that it may be changed by written application to the Township, so long as the proposed change is feasible and consistent with the purposes of open space preservation set forth herein and so long as the change avoids the likelihood of the obligation of management and maintenance of the land falling upon the Township without the consent of the Township.

- 7.4.12.4** The conceptual management plan shall be transformed into a more detailed open space management plan and presented to the Township for review and approval with the Preliminary Subdivision and Land Development Plan. The Township may require the plan to be recorded with the Final Subdivision and Land Development Plan in the County Recorder of Deeds office.
- 7.4.12.5** In the event the organization, individual or any successor responsible for ownership, management and/or maintenance shall, at any time after establishment fail to manage and maintain the open space or any portion thereof in reasonable order and condition in accordance with the approved development plan, the Township may assume responsibility for maintenance and enter upon said lands and take corrective action, the entire cost of which--including administrative costs and penalties-- shall be charged to the property owner, association of property owners, condominium association, conservation organization, individual owners, or other responsible entity.

## **Article 8**

### **Administration and Enforcement**

- 8.1 General
- 8.2 Fees
- 8.3 Past Due or Unpaid Fees
- 8.4 Modifications
- 8.5 Right to Challenge and Appeal
- 8.6 Records
- 8.7 Right of Entry
- 8.8 Ordinance Violations
- 8.9 Previous Violations
- 8.10 Preventive Remedies
- 8.11 Injunctions
- 8.12 Enforcement Remedies

## **Article 8**

### **Administration and Enforcement**

#### **8.1 General**

This Section outlines the procedures for administration and enforcement of this Ordinance as well as procedures for challenges and appeals of decisions rendered under this Ordinance.

#### **8.2 Fees**

**8.2.1** The Board of Supervisors shall establish by Resolution the required subdivision and land development plan application review fees to cover costs incurred by the Township for reviewing and processing applications submitted and determining compliance under this Ordinance.

**8.2.2** Review fees shall include but not be limited to covering the expenses and costs of the following:

**8.2.2.1** Township administrative and technical staff employees involved in the review;

**8.2.2.2** Charges by the Township's professional consultants, including but not limited to expert witnesses, attorneys, engineers, planners or other required specialists for undertaking reviews, reports, field trips, and recommendations, including attendance at necessary meetings and public hearings, for the preparation of any legal or other documents required by the proposed Plan, and also for the inspection of improvements installed by the Applicant;

**8.2.2.3** Fees charged to the Township to cover the cost of any review, report or recommendation or application submitted to other appropriate agencies shall also be paid by the applicant; and

**8.2.2.4** Advertising, notices or other expenses incurred in the processing of the proposed Plan.

**8.2.3** An initial application fee is due at the time of plan submission and a plan will not be accepted without the applicable review fee. A copy of the most recent Fee Resolution is available from the Township's Administrator.

**8.2.4** Additional review fees may be required to cover the costs of additional services in excess of the initial fees collected at the time of plan application and may include, but not be limited to the following:

**8.2.4.1** Cost of preparation and advertisement of necessary legal or other public notices or ads;

**8.2.4.2** Cost of required stenographic services;

**8.2.4.3** Cost of retaining professional advisors and consultants; and

**8.2.4.4** Cost of Township Engineer and/or other special consultants to review plans and to monitor and inspect improvements both during and after construction.

**8.2.5** All fees shall be payable to the Township of Delaware.

**8.2.6** Applicable review fees shall be submitted at the time of plan application, and engineering and/or consultant review or inspection fees shall be submitted immediately upon receiving an invoice for such fees.

**8.2.7** Fees shall be reasonable, and shall include charges for staff, Township Engineer or other consultants necessary to review plans and to monitor construction and inspect improvements.

**8.2.8** An applicant may dispute the amount of review and inspection fees in accordance with the procedures for fee dispute resolution contained in Sections 503 (1) and 510 (g) of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, (53 P.S. 10101, et seq.) as from time to time reenacted and amended.

### **8.3 Past Due or Unpaid Fees**

**8.3.1** The Township shall not accept new applications for subdivision or land development proposals from applicants with past due or unpaid fees until all such payments in arrears are made in full including any accrued interest.

**8.3.2** The Township shall not approve applications for subdivision or land development submitted by applicants with past due or unpaid fees until all such payments in arrears are made in full including any accrued interest.

### **8.4 Modifications**

**8.4.1** An applicant may request the grant of a modification by the Board of Supervisors to any mandatory provision(s) of this Ordinance.

- 8.4.2** All modification requests shall be in writing on a Modification Request Form and shall accompany the application for subdivision or land development. Modification Request Form is in Appendix J.
- 8.4.3** All modification requests shall include the following:
- 8.4.3.1** Provision(s) of the Ordinance involved
  - 8.4.3.2** The grounds and facts of unreasonableness or hardship on which the request is based justification for modification or evidence of equal or better results.
  - 8.4.3.3** The minimum modification necessary.
- 8.4.4** The Board of Supervisors shall grant modifications if the applicant demonstrates that all of the following criteria which apply are met:
- 8.4.4.1** That literal compliance with the mandatory provision(s) of the Ordinance is unreasonable or causes unique and undue hardship as it applies to the particular land being developed or subdivided.
  - 8.4.4.2** The need for the modification is not a self-created hardship.
  - 8.4.4.3** The modification request is not based upon an economic justification.
  - 8.4.4.4** The granting of the modification will not detract from the character of the surrounding area and will not be contrary to the public interest.
  - 8.4.4.5** The modification is the minimum necessary.
  - 8.4.4.6** The modification can be demonstrated to provide equal or better results.
- 8.4.5** In granting modifications the Board of Supervisors may impose such conditions as will, in its judgment, encourage innovative design and/or secure substantially the objectives of the standards and requirements of this Ordinance.
- 8.4.6** The applicant shall note all modifications granted on the plan.
- 8.4.7** The Planning Commission shall not have the authority to grant modifications to this Ordinance.

## **8.5 Right To Challenge and Appeal**

**8.5.1 Appeal of Township Decisions.** Any applicant or person aggrieved by a finding, decision, or recommendation of the Township with respect to the approval or disapproval of a plan or modification request may appeal to the Northumberland County Court of Common Pleas as provided for in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, (53 P.S. 11001-A, et seq.) as from time to time reenacted and amended.

**8.5.2 Mediation.** As an alternative to an adjudicatory appeal of a Board of Supervisors decision, an applicant may request the use of mediation as an aid in resolving the dispute. The Board of Supervisors is not obligated in any manner to approve the mediation option, and the merits of such requests shall be evaluated on a case-by-case basis. Participation in mediation shall be wholly voluntary by the parties, and shall not be interpreted as expanding or limiting police powers or as modifying any principles of substantive law. Mediation, when approved by the Board of Supervisors, shall be conducted as follows:

**8.5.2.1** The parties must develop and agree to terms and conditions of funding mediation.

**8.5.2.2** The selected mediator shall be agreed upon by both parties and at a minimum shall have a working knowledge of subdivision and land development procedures and demonstrated skills in mediation.

**8.5.2.3** The parties shall agree on time limits for completing mediation.

**8.5.2.4** The parties may negotiate and agree upon suspending time limits otherwise authorized by this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, (53 P.S. 10101, et seq.) as from time to time reenacted and amended.

**8.5.2.5** All parties with an interest in the mediation shall be identified and afforded an opportunity to participate.

**8.5.2.6** Subject to legal constraints, the parties shall determine whether some or all of the mediation sessions shall be open or closed to the public.

**8.5.2.7** Parties shall assure that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the Board of Supervisors.

**8.5.2.8** Parties agree that offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceeding.



## **8.6 Records**

The Township shall keep for the public record a written record of all activity related to plans upon which action is taken, including all requests for and action taken on modifications.

## **8.7 Right of Entry**

Upon presentation of proper credentials, duly authorized representatives of the Township may enter at reasonable times upon any property under jurisdiction of this Ordinance to inspect the condition of the properties, facilities, and improvements in regard to any aspect regulated by this Ordinance.

## **8.8 Ordinance Violations**

**8.8.1 Discovery of Violation.** Upon discovery of an alleged violation of this Ordinance, the Township shall notify the municipal zoning and building code officials of the unlawful action and shall request that they refuse to issue any permit or grant any approval necessary to further improve or develop the property.

**8.8.2 Written Notice.** The Township shall notify an applicant, developer, and/or property owner of violations of this Ordinance in writing, by certified mail "return receipt requested" or by hand carried delivery, immediately upon being made aware of such violations. Notices of violation issued by the Township shall state the facts pertaining to the violation, cite those provisions of the Ordinance in violation, specify a time within which the violation shall be corrected in order to prevent further enforcement action, and indicate the applicants' right to an appeal.

**8.8.3 Cease and Desist.** Any person, partnership, or corporation notified of a violation of this Ordinance shall immediately cease and desist such activity until the matter is resolved to the Township's satisfaction.

## **8.9 Previous Violations**

**8.9.1** Where an application is proposed for a tract of land, portions of which have previously been subdivided or developed in violation of this Ordinance or the Delaware Township Land Subdivision and Development Ordinance of 1977 as amended, such application shall include a description and plan detailing all previous lots sold or transferred without proper approval.

**8.9.2** The Township reserves the right to require that all lands subdivided or developed without proper approval meet the minimum standards of this Ordinance.

- 8.9.3** The Township further reserves the right to review, approve, or disapprove all subdivisions and land developments already recorded in the Northumberland County Recorder of Deeds Office if such plans do not meet the minimum requirements of this Ordinance, were recorded without prior review or approval of the Township, and/or do not meet applicable provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, (53 P.S. 10101, et seq.) as from time to time reenacted and amended.

## **8.10 Preventive Remedies**

- 8.10.1 Authority to Initiate Court Action.** In addition to other remedies the Township may institute and maintain appropriate actions in law or equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages, and to prevent illegal occupancy of a building, structure or premise. 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.
- 8.10.2** As provided by Section 515.1(b) of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, (53 P.S. 10515.1 (b), et seq.) as from time to time reenacted and amended, the Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance or the Delaware Township Land Development and Subdivision Ordinances of 1995 as amended. This authority to deny such permit or approval shall apply to any of the following applicants:
- 8.10.2.1** The owner of record at the time of such violation.
  - 8.10.2.2** 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.
  - 8.10.2.3** 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.
  - 8.10.2.4** 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.
- 8.10.3** As an additional condition for issuance of a permit or the granting of approval to any 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 applied to the property at the time the applicant acquired an interest in the real property.

## **8.11 Injunctions**

The Township shall have the power and authority to seek legal redress by an action for injunction brought before the appropriate court of equity, jurisdiction to enjoin such transfer, sale or agreement to transfer or sell, and/or to enjoin any type of construction or improvement by an applicant or landowner where a violation of this Ordinance has occurred, and to enjoin the Register and Recorder of Deeds from the recordation of any unapproved subdivision or land development plan or deed of sale made in violation of this Ordinance.

## **8.12 Enforcement Remedies**

- 8.12.1** Any person, partnership, or corporation who or which has violated any provision of this Ordinance, shall, upon being found liable therefore in a civil enforcement proceeding commenced by Delaware Township, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.
- 8.12.2** No judgment shall commence or be imposed, levied, or payable until the date of determination by a District Justice.
- 8.12.3** If the defendant neither pays nor appeals the decision in a timely manner, Delaware Township may enforce the judgment pursuant to the applicable rules of civil procedure.
- 8.12.4** Each day that a violation continues shall constitute a separate violation, unless the District Justice or the Judge of the Northumberland County Court of Common Pleas, 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 that event, there shall be deemed to have been only one such violation until the fifth day following the date of determination of a violation by the District Justice or the Judge of the Northumberland County Court of Common Pleas, and thereafter each day that a violation continues shall constitute a separate violation.
- 8.12.5** All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid to the Township of Delaware.
- 8.12.6** The Northumberland County Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending final adjudication of the violation and judgment.

**8.12.7** Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than Delaware Township the right to commence any action for enforcement pursuant to this Section.

## List of Appendices

Appendix A – Checklists  
Appendix B – Application  
Appendix C – Time Extension Request  
Appendix D – Model Certifications  
Appendix E – Improvements Cost Example  
Appendix F1 – Improvements Guarantee Agreement - Letter of Credit Example  
Appendix F2 – Improvements Guarantee Agreement - Cash Deposit Example  
Appendix G – Conservation Design Guide  
Appendix H – Private Right-of-Way Agreement  
Appendix I – Driveway Sight Distance Measurements  
Appendix J - Modification Request  
Appendix K – DEP Campground Regulations  
Appendix L – Association Agreement Requirements

Note: Appendices are provided as examples to aid in ordinance administration and may be revised periodically. The latest versions are available from the Township Administrator.

## SKETCH PLAN CHECKLIST

Ordinance Requirement	Section	Page	Yes	No	NA
Administrative Items					
One (1) completed Application Form					
Six (6) copies of Sketch Plan	5.2	5-2			
Plan Requirements					
Location sketch to facilitate property location	5.2.1	5-2			
Existing tract boundaries accurately labeled with names of adjacent property owners	5.2.2	5-3			
Title block w/ landowner, municipality, date, individual preparing the plan, scale, etc.	5.2.3	5-3			
North arrow	5.2.4	5-3			
Significant topographic and natural features (water bodies, floodplains, streets, etc.)	5.2.5	5-3			
General street, parking, building and lot layout including acreage of area developed	5.2.6	5-3			
Proposed land use; if multiple uses proposed show general location of each use	5.2.7	5-3			
Statement explaining the methods of water supply and sewage disposal to be used	5.2.8	5-3			

## PRELIMINARY PLAN CHECKLIST

Ordinance Requirement	Section	Page	Yes	No	NA
<b>Administrative Items</b>					
One (1) completed Application Form	3.7.2.3	3-7			
Six (6) copies of Preliminary Plan	3.7.2.1	3-7			
Two (2) copies of all reports, deed covenants, notifications, studies, etc.	3.7.2.2	3-7			
Filing Fee in the form of a check or money order payable to Delaware Township	3.7.2.4	3-7			
Request for Modifications of this Ordinance form(s) and supporting documentation	5.4.1.13	5-5			
<b>Plan Requirements – Project Description and Location</b>					
Brief narrative describing the proposed project	5.4.1.1	5-4			
Title block with project name, municipality, plan date, revision dates, and name, address, and phone number of the owner	5.4.1.2	5-4			
Name, address, phone # of firm/plan preparer along with assigned project #, signature, registration #, and seal of professional preparing the plan	5.4.1.3	5-4			
North arrow	5.4.1.4	5-4			
Graphic and written scale	5.4.1.5	5-4			
Site location map of a sufficient size and scale to clearly show location of property	5.4.1.6	5-4			
Deed book and page and parcel ID number of the tract to be subdivided or developed	5.4.1.7	5-5			
Total acreage of the entire existing tract	5.4.1.8	5-5			
Tract boundary w/bearings and distances showing relationship of proposal to the entire tract and all prior conveyances from parent tract since 1991	5.4.1.9	5-5			
Owners names, deed book and page and parcel ID number of adjacent unplotted land and the names, deed book and page of all abutting recorded subdivisions	5.4.1.10	5-5			
Table of zoning district requirements including lot area and bulk, density, building and impervious coverage, yards and zoning for adjacent lands if different	5.4.1.11	5-5			
List any variances or other zoning approvals being requested or that have been granted	5.4.1.12	5-5			
<b>Plan Details - Existing Site Characteristics</b>					
Topographic contours (see Ordinance section for details)	5.4.2.1	5-5			
Steep slopes showing areas 16 to 25 % and those areas greater than 25%	5.4.2.2	5-5			
Soil types and boundaries	5.4.2.3	5-5			
Prominent natural and topographic features (See Ordinance section for details)	5.4.2.4	5-6			
General vegetative cover of the site including a brief description	5.4.2.5	5-6			
Note indicating whether site is or is not underlain by carbonate geology	5.4.2.6	5-6			
Location of quarry sites, solid waste disposal areas, wildcat dumps, EPA Superfund sites, and other potentially hazardous conditions on the site or adjacent tracts	5.4.2.7	5-6			

<b>Ordinance Requirement</b>	<b>Section</b>	<b>Page</b>	<b>Yes</b>	<b>No</b>	<b>NA</b>
Approximate location for significant historic and cultural features on or w/in 200' of site (see Ordinance section for details)	5.4.2.8	5-6			
Existing recorded streets, roads, alleys or other means of access and easements on or adjacent to the tract; including name or number, ownership, width, condition of pavement and grades, and purpose for which easement was created	5.4.2.9	5-6			
Location, ownership and width of rights-of-ways and easements for features listed in this section (see Ordinance section for details)	5.4.2.10	5-6			
Location and material of all existing permanent monuments and lot line markers	5.4.2.11	5-6			
<b>Plan Details - Proposed Site Conditions</b>					
Site data including total acreage, # of lots, density, # dwelling units, existing and proposed land use, impervious area, tract residual, parking required, parking provided, open space and common areas, etc.	5.4.3.1	5-7			
Required yards and building setback lines w/distances	5.4.3.2	5-7			
Lot layout w/lot lines, approximate dimensions, lot square footage and acreage	5.4.3.3	5-7			
Block and lot numbers in a consecutive and clockwise or left to right order	5.4.3.4	5-7			
Exact location, name, width, and grade of proposed streets, alleys, driveways or other access	5.4.3.5	5-7			
Location and width of rights-of-way and cartways along with sight distances	5.4.3.6	5-7			
Delineation of clear sight triangles	5.4.3.7	5-7			
Design information for horizontal curves (degree of curvature, radius, arc length, point of tangents)	5.4.3.8	5-7			
Length of tangents between reverse curves	5.4.3.9	5-7			
Curb radii at intersections and intersection equalities between streets	5.4.3.10	5-7			
Curb and gutter location	5.4.3.11	5-7			
Location of sidewalks and/or trails with widths, grades, and ramps for ADA requirements	5.4.3.12	5-7			
Location of streetlights, street signs, and traffic control devices, signs and/or pavement markings	5.4.3.13	5-7			
Location and type of vegetation and landscaping to be planted between curb and shoulder of ROW	5.4.3.14	5-7			
Location and species of street trees, shade trees, and landscaping to be planted	5.4.3.15	5-7			
Location of light fixtures, types, and sizes	5.4.3.16	5-8			
Proposed public buildings and areas, playgrounds, open space, etc.	5.4.3.17	5-8			
Identification of buildings and historic features proposed to be demolished	5.4.3.18	5-8			
Location, width, and use of utility, drainage and all other proposed easements	5.4.3.19	5-8			
Location and pipe diameter of storm water, sanitary sewer, and water mains and laterals.	5.4.3.20	5-8			
Location of fire hydrants and other operational water main infrastructure	5.4.3.21	5-8			



<b>Ordinance Requirement</b>	<b>Section</b>	<b>Page</b>	<b>Yes</b>	<b>No</b>	<b>NA</b>
Location of all proposed stormwater management and erosion control facilities	5.4.3.22	5-8			
Deep probe and soil percolation test sites and proposed absorption field areas if on-lot sewage disposal facilities are proposed, including isolation distances	5.4.3.23	5-8			
<b>Other Required Information and Reports to be Submitted</b>					
Copies of private deed restrictions, covenants, grants of easements, homeowner and business association agreements or other restrictions	5.4.4.1	5-8			
Preliminary design of proposed bridges and culverts	5.4.4.2	5-8			
Typical street cross section for each street-should include entire ROW and show materials for base, surfacing, and method of construction	5.4.4.3	5-8			
Street centerline profile for proposed streets showing finished grade (See Ordinance for details)	5.4.4.4	5-8			
Grading plan showing cross sections for cut fill areas and for general site development activities including parking areas, buildings, stormwater facilities, etc.	5.4.4.5	5-9			
Typical curb and gutter design, materials and method of construction	5.4.4.6	5-9			
Typical sidewalk or trail design, materials and method of construction	5.4.4.7	5-9			
Sewage Facilities Plan and/or Engineering Feasibility Study and required documentation	5.4.4.8	5-9			
Water Facilities Plan and required documentation	5.4.4.9	5-9			
Appropriate letters from utility service providers	5.4.4.10	5-9			
Stormwater Management and Drainage Plan and narrative	5.4.4.11	5-9			
Sketch of proposed streets, sanitary and storm sewer and water lines for the remainder of the tract when the preliminary plan only covers a portion of the tract	5.4.4.12	5-9			
Estimated cost of all improvements including an itemized list of components (unit cost, quantity, etc.)	5.4.4.13	5-9			
Schedule of phased installation of improvements and anticipated dates of final plan filing	5.4.4.14	5-9			
Landscaping Plan including names, sizes, quantities and location of plant materials	5.4.4.15	5-9			
Erosion and Sedimentation Pollution Control Plan and approval letter from Northumberland Co. Cons. District	5.4.4.16	5-9			
Documentation that all floodplain and floodway regulations are met	5.4.4.17	5-10			
Copies of required regulatory permits for proposed alterations/obstructions to water resources	5.4.4.18	5-10			
Community Impact Analysis, Natural Features Analysis and Traffic Engineering Study	5.4.4.19	5-10			
Occupancy permit or letter from utility owner regarding minimum setback distance compliance	5.4.4.20	5-10			
Letter of Township zoning compliance	5.4.4.21	5-10			
Letter of approval from Union County GIS Department (or other authorized agency) for road and subdivision names	5.4.4.22	5-10			
Letter from any agricultural or conservation easement holders stating conditions on property	5.4.4.23	5-10			
Penn DOT Highway Occupancy Permit or appropriate municipal driveway permit	5.4.4.24	5-10			
Appropriate signed Memorandum of Understanding (Developer's Agreement) for improvements	5.4.4.25	5-10			

<b>Ordinance Requirement</b>	<b>Section</b>	<b>Page</b>	<b>Yes</b>	<b>No</b>	<b>NA</b>
Appropriate remediation reports and/or testing for contaminated sites (See Ordinance)	5.4.2.26	5-11			
<b>Plan Certifications and Notifications</b>					
Certificate, signature and seal of the professional land surveyor certifying survey accuracy	5.4.5.1	5-11			
Certificate, signature and seal of the landscape architect, surveyor, or professional engineer that all other details on and accompanying the plan are correct.	5.4.5.2	5-11			
Certification of Ownership in the form of a notarized statement by the owner(s)	5.4.5.3	5-11			
Preliminary Plan Review Certification Block for Delaware Township Planning Commission	5.4.5.4	5-11			
Preliminary Plan Review Certification Block for Northumberland County Planning Commission	5.4.5.5	5-11			
Preliminary Plan Approval Certification Block for Township Supervisors	5.4.5.6	5-11			
Notation on the plan of any modifications granted by the Township pursuant to the Ordinance	5.4.5.7	5-11			
Notation on the plan of any variances granted in accordance with the applicable zoning ordinance	5.4.5.8	5-11			

## FINAL PLAN CHECKLIST

Ordinance Requirement	Section	Page	Yes	No	NA
<b>Administrative Items</b>					
One (1) completed Application Form	3.8.2.3	3-12			
Six (6) copies of Final Plan	3.8.2.1	3-11			
Two (2) copies of all reports, deed covenants, notifications, studies, etc.	3.8.2.2	3-12			
Filing Fee in the form of a check or money order payable to Delaware Township	3.8.2.4	3-12			
Request for Modifications of this Ordinance form(s) and supporting documentation	5.5.1.13	5-13			
<b>Plan Requirements – Project Description and Location</b>					
Brief narrative describing the proposed project	5.5.1.1	5-12			
Title block with project name, municipality, plan date, revision dates, and name, address, and phone number of the owner	5.5.1.2	5-12			
Name, address, phone # of firm/plan preparer along with assigned project #, signature, registration #, and seal of professional preparing the plan	5.5.1.3	5-12			
North arrow	5.5.1.4	5-12			
Graphic and written scale	5.5.1.5	5-12			
Site location map of a sufficient size and scale to clearly show location of property	5.5.1.6	5-12			
Deed book and page and parcel ID number of the tract to be subdivided or developed	5.5.1.7	5-12			
Total acreage of the entire existing tract	5.5.1.8	5-12			
Tract boundary w/bearings and distances showing relationship of proposal to the entire tract and all prior conveyances from parent tract since September 5, 1995	5.5.1.9	5-12			
Owners names, deed book and page and parcel ID number of adjacent unplotted land and the names, deed book and page of all abutting recorded subdivisions	5.5.1.10	5-12			
Table of zoning district requirements including lot area and bulk, density, building and impervious coverage, yards and zoning for adjacent lands if different	5.5.1.11	5-13			
List any variances or other zoning approvals being requested or that have been granted	5.5.1.12	5-13			
<b>Plan Details - Existing Site Characteristics</b>					
Topographic contours (see Ordinance section for details)	5.5.2.1	5-13			
Steep slopes showing areas 16 to 25 % and those areas greater than 25%	5.5.2.2	5-13			
Soil types and boundaries	5.5.2.3	5-13			
Prominent natural and topographic features (See Ordinance section for details)	5.5.2.4	5-13			
General vegetative cover of the site including a brief description	5.5.2.5	5-13			
Note indicating whether site is or is not underlain by carbonate geology	5.5.2.6	5-13			
Location of quarry sites, solid waste disposal areas, wildcat dumps, EPA Superfund sites, and other potentially hazardous conditions on the site or adjacent tracts	5.5.2.7	5-14			

<b>Ordinance Requirement</b>	<b>Section</b>	<b>Page</b>	<b>Yes</b>	<b>No</b>	<b>NA</b>
Approximate location for significant historic and cultural features on or w/in 200' of site (see Ordinance section for details)	5.5.2.8	5-14			
Existing recorded streets, roads, alleys or other means of access and easements on or adjacent to the tract; including name or number, ownership, width, condition of pavement and grades, and purpose for which easement was created	5.5.2.9	5-14			
Location, ownership and width of rights-of-ways and easements for features listed in this section (see Ordinance section for details)	5.5.2.10	5-14			
Location and material of all existing permanent monuments and lot line markers	5.5.2.11	5-14			
<b>Plan Details - Proposed Site Conditions</b>					
Site data including total acreage, # of lots, density, # dwelling units, existing and proposed land use, impervious area, tract residual, parking required, parking provided, open space and common areas, etc.	5.5.3.1	5-14			
Required yards and building setback lines w/distances	5.5.3.2	5-14			
Lot layout w/lot lines, approximate dimensions, lot square footage and acreage	5.5.3.3	5-14			
Block and lot numbers in a consecutive and clockwise or left to right order	5.5.3.4	5-15			
Exact location, name, width, and grade of proposed streets, alleys, driveways or other access	5.5.3.5	5-15			
Location and width of rights-of-way and cartways along with sight distances	5.5.3.6	5-15			
Delineation of clear sight triangles	5.5.3.7	5-15			
Design information for horizontal curves (degree of curvature, radius, arc length, point of tangents)	5.5.3.8	5-15			
Length of tangents between reverse curves	5.5.3.9	5-15			
Curb radii at intersections and intersection equalities between streets	5.5.3.10	5-15			
Curb and gutter location	5.5.3.11	5-15			
Location of sidewalks and/or trails with widths, grades, and ramps for ADA requirements	5.5.3.12	5-15			
Location of streetlights, street signs, and traffic control devices, signs and/or pavement markings	5.5.3.13	5-15			
Location and type of vegetation and landscaping to be planted between curb and shoulder of ROW	5.5.3.14	5-15			
Location and species of street trees, shade trees, and landscaping to be planted	5.5.3.15	5-15			
Location of light fixtures, types, and sizes	5.5.3.16	5-15			
Proposed public buildings and areas, playgrounds, open space, etc.	5.5.3.17	5-15			
Identification of buildings and historic features proposed to be demolished	5.5.3.18	5-15			
Location, width, and use of utility, drainage and all other proposed easements	5.5.3.19	5-15			
Location and pipe diameter of storm water, sanitary sewer, and water mains and laterals.	5.5.3.20	5-16			
Final vertical and horizontal alignment for sanitary sewer, water and storm sewer and drainage systems. Manhole locations, size and material.	5.5.3.21	5-16			

<b>Ordinance Requirement</b>	<b>Section</b>	<b>Page</b>	<b>Yes</b>	<b>No</b>	<b>NA</b>
Location of fire hydrants and other operational water main infrastructure	5.5.3.22	5-16			
Location of all proposed stormwater management and erosion control facilities	5.5.3.23	5-16			
Deep probe and soil percolation test sites and proposed absorption field areas if on-lot sewage disposal facilities are proposed, including isolation distances	5.5.3.24	5-16			
Assigned tax parcel identification numbers and addresses from appropriate Northumberland County agencies.	5.5.3.25	5-16			
<b>Other Required Information and Reports to be Submitted</b>					
Copies of private deed restrictions, covenants, grants of easements, homeowner and business association agreements or other restrictions	5.5.4.1	5-16			
Final design of proposed bridges and culverts	5.5.4.2	5-16			
Typical street cross section for each street-should include entire ROW and show materials for base, surfacing, and method of construction	5.5.4.3	5-16			
Street centerline profile for proposed streets showing finished grade (See Ordinance for details)	5.5.4.4	5-16			
Grading plan showing cross sections for cut fill areas and for general site development activities including parking areas, buildings, stormwater facilities, etc.	5.5.4.5	5-16			
Typical curb and gutter design, materials and method of construction	5.5.4.6	5-16			
Typical sidewalk or trail design, materials and method of construction	5.5.4.7	5-17			
Sewage Facilities Plan and/or Engineering Feasibility Study and required documentation	5.5.4.8	5-17			
Water Facilities Plan and required documentation	5.5.4.9	5-17			
Appropriate letters from utility service providers	5.5.4.10	5-17			
Stormwater Management and Drainage Plan and narrative	5.5.4.11	5-17			
Sketch of proposed streets, sanitary and storm sewer and water lines for the remainder of the tract when the preliminary plan only covers a portion of the tract	5.5.4.12	5-17			
Final cost of all improvements including an itemized list of components (unit cost, quantity, etc.)	5.5.4.13	5-17			
Appropriate signed Memorandum of Understanding (Developer's Agreement) for improvements	5.5.4.14	5-17			
A fully executed improvements guarantee	5.5.4.15	5-17			
Landscaping Plan including names, sizes, quantities and location of plant materials	5.5.4.16	5-17			
Erosion and Sedimentation Pollution Control Plan and approval letter from Northumberland Co. Cons. District	5.5.4.17	5-17			
Documentation that all floodplain and floodway regulations are met	5.5.4.18	5-17			
Copies of required regulatory permits for proposed alterations/obstructions to water resources	5.5.4.19	5-18			
Community Impact Analysis, Natural Features Analysis and Traffic Engineering Study	5.5.4.20	5-18			
Occupancy permit or letter from utility owner regarding minimum setback distance compliance	5.5.4.21	5-18			
Letter of County zoning compliance	5.5.4.22	5-18			
Approval letters from Lycoming County agencies for road names, addresses, tax parcel numbers	5.5.4.23	5-18			

<b>Ordinance Requirement</b>	<b>Section</b>	<b>Page</b>	<b>Yes</b>	<b>No</b>	<b>NA</b>
Letter from any agricultural or conservation easement holders stating conditions on property	5.5.4.24	5-18			
Penn DOT Highway Occupancy Permit or appropriate municipal driveway permit	5.5.4.25	5-18			
Appropriate remediation reports and/or testing for contaminated sites (See Ordinance)	5.5.2.26	5-18			
<b>Plan Certifications and Notifications</b>					
Certificate, signature and seal of the professional land surveyor certifying survey accuracy	5.5.5.1	5-19			
Certificate, signature and seal of the landscape architect, surveyor, or professional engineer that all other details on and accompanying the plan are correct.	5.5.5.2	5-19			
Certification of Ownership in the form of a notarized statement by the owner(s)	5.5.5.3	5-19			
Final Plan Review Certification Block for Delaware Township Planning Commission	5.5.5.4	5-19			
Final Plan Review Certification Block for Northumberland County Planning Commission	5.5.5.5	5-19			
Final Plan Approval Certification Block for Township Supervisors	5.5.5.6	5-19			
Four inch by two inch (4"x2") block in upper left hand corner for Recorder's Office Block	5.5.5.7	5-19			
A certificate of dedication of streets, sidewalks, and other public property	5.5.5.8	5-19			
Notation indicating any area/and improvement(s) that are not to be offered for dedication	5.5.5.9	5-19			
Notation on the plan of any modifications granted by the Township pursuant to the Ordinance	5.5.5.10	5-19			
Notation on the plan of any variances granted in accordance with the applicable zoning ordinance	5.5.5.11	5-19			

## MINOR SUBDIVISION PLAN CHECKLIST

Ordinance Requirement	Section	Page	Yes	No	NA
<b>Administrative Items</b>					
One (1) completed Application Form	3.8.2.3	3-12			
Ten (10) copies of Final Plan	3.8.2.1	3-11			
Three (3) copies of all reports, deed covenants, notifications, studies, etc.	3.8.2.2	3-12			
Filing Fee in the form of a check or money order payable to Delaware Township	3.8.2.4	3-12			
Request for Modifications of this Ordinance form(s) and supporting documentation	5.5.1.13	5-13			
<b>Plan Requirements – Project Description and Location</b>					
Brief narrative describing the proposed project	5.6.1.1	5-20			
Title block with project name, municipality, plan date, revision dates, and name, address, and phone number of the owner	5.6.1.2	5-20			
Name, address, phone # of firm/plan preparer along with assigned project #, signature, registration #, and seal of professional preparing the plan	5.6.1.3	5-20			
North arrow	5.6.1.4	5-20			
Graphic and written scale	5.6.1.5	5-20			
Site location map of a sufficient size and scale to clearly show location of property	5.6.1.6	5-20			
Deed book and page and parcel ID number of the tract to be subdivided or developed	5.6.1.7	5-20			
Total acreage of the entire existing tract	5.6.1.8	5-20			
Tract boundary w/bearings and distances showing relationship of proposal to the entire tract and all prior conveyances from parent tract since 1991	5.6.1.9	5-21			
Owners names, deed book and page and parcel ID number of adjacent unplotted land and the names, deed book and page of all abutting recorded subdivisions	5.6.1.10	5-21			
Table of zoning district requirements including lot area and bulk, density, building and impervious coverage, yards and zoning for adjacent lands if different	5.6.1.11	5-21			
List any variances or other zoning approvals being requested or that have been granted	5.6.1.12	5-21			
<b>Plan Details - Existing Site Characteristics</b>					
Topographic contours (see Ordinance section for details)	5.6.2.1	5-21			
Steep slopes showing areas 16 to 25 % and those areas greater than 25%	5.6.2.2	5-21			
Soil types and boundaries	5.6.2.3	5-21			
Prominent natural and topographic features (See Ordinance section for details)	5.6.2.4	5-21			
General vegetative cover of the site including a brief description	5.6.2.5	5-22			
Note indicating whether site is or is not underlain by carbonate geology	5.6.2.6	5-22			
Location of quarry sites, solid waste disposal areas, wildcat dumps, EPA Superfund sites, and other potentially hazardous conditions on the site or adjacent tracts	5.6.2.7	5-22			

<b>Ordinance Requirement</b>	<b>Section</b>	<b>Page</b>	<b>Yes</b>	<b>No</b>	<b>NA</b>
Approximate location for significant historic and cultural features on or w/in 200' of site (see Ordinance section for details)	5.6.2.8	5-22			
Existing recorded streets, roads, alleys or other means of access and easements on or adjacent to the tract; including name or number, ownership, width, condition of pavement and grades, and purpose for which easement was created	5.6.2.9	5-22			
Location, ownership and width of rights-of-ways and easements for features listed in this section (see Ordinance section for details)	5.6.2.10	5-22			
Location and material of all existing permanent monuments and lot line markers	5.6.2.11	5-22			
<b>Plan Details - Proposed Site Conditions</b>					
Site data including total acreage, # of lots, density, # dwelling units, existing and proposed land use, impervious area, tract residual, parking required, parking provided, open space and common areas, etc.	5.6.3.1	5-22			
Required yards and building setback lines w/distances	5.6.3.2	5-23			
Lot layout w/lot lines, approximate dimensions, lot square footage and acreage	5.6.3.3	5-23			
Block and lot numbers in a consecutive and clockwise or left to right order	5.6.3.4	5-23			
Location and width of rights-of-way and cartways along with sight distances	5.6.3.5	5-23			
Delineation of clear sight triangles	5.6.3.6	5-23			
Identification of buildings and historic features proposed to be demolished	5.6.3.7	5-23			
Location, width, and use of utility, drainage and all other proposed easements	5.6.3.8	5-23			
Location of all proposed stormwater management and erosion control facilities	5.6.3.9	5-23			
Deep probe and soil percolation test sites and proposed absorption field areas if on-lot sewage disposal facilities are proposed, including isolation distances	5.6.3.10	5-23			
Assigned tax parcel identification numbers and addresses from appropriate Northumberland County agencies.	5.6.3.11	5-23			
<b>Other Required Information and Reports to be Submitted</b>					
Copies of private deed restrictions, covenants, grants of easements, homeowner and business association agreements or other restrictions	5.6.4.1	5-23			
Sewage Facilities Plan and/or Engineering Feasibility Study and required documentation	5.6.4.2	5-23			
Stormwater Management and Drainage Plan and narrative	5.6.4.3	5-24			
Erosion and Sedimentation Pollution Control Plan and approval letter from Northumberland Co. Cons. District	5.6.4.4	5-24			
Documentation that all floodplain and floodway regulations are met	5.6.4.5	5-24			
Copies of required regulatory permits for proposed alterations/obstructions to water resources	5.6.4.6	5-24			
Occupancy permit or letter from utility owner regarding minimum setback distance compliance	5.6.4.7	5-24			
Letter of County zoning compliance	5.6.4.8	5-24			
Approval letters from Union County GIS Department (or other authorized agency) for road names, addresses, tax parcel numbers	5.6.4.9	5-24			



<b>Ordinance Requirement</b>	<b>Section</b>	<b>Page</b>	<b>Yes</b>	<b>No</b>	<b>NA</b>
Letter from any agricultural or conservation easement holders stating conditions on property	5.6.4.10	5-24			
Penn DOT Highway Occupancy Permit or appropriate municipal driveway permit	5.6.4.11	5-24			
Appropriate remediation reports and/or testing for contaminated sites (See Ordinance)	5.6.2.12	5-24			
<b>Plan Certifications and Notifications</b>					
Certificate, signature and seal of the professional land surveyor certifying survey accuracy	5.6.5.1	5-25			
Certificate, signature and seal of the landscape architect, surveyor, or professional engineer that all other details on and accompanying the plan are correct.	5.6.5.2	5-25			
Certification of Ownership in the form of a notarized statement by the owner(s)	5.6.5.3	5-25			
Final Plan Review Certification Block for Delaware Township Planning Commission	5.6.5.4	5-25			
Final Plan Review Certification Block for Northumberland County Planning Commission	5.6.5.5	5-25			
Final Plan Approval Certification Block for Township Supervisors	5.6.5.6	5-25			
Four inch by two inch (4"x2") block in upper left hand corner for Recorder's Office Block	5.6.5.7	5-25			
Notation on the plan of any modifications granted by the Township pursuant to the Ordinance	5.6.5.8	5-25			
Notation on the plan of any variances granted in accordance with the applicable zoning ordinance	5.6.5.9	5-25			

## LOT ADDITION/LOT CONSOLIDATION PLAN CHECKLIST

Ordinance Requirement	Section	Page	Yes	No	NA
<b>Administrative Items</b>					
One (1) completed Application Form	3.8.2.3	3-12			
Ten (10) copies of Final Plan	3.8.2.1	3-11			
Filing Fee in the form of a check or money order payable to Delaware Township	3.8.2.4	3-12			
<b>Plan Requirements – Project Description and Location</b>					
Brief narrative describing the proposed project	5.7.1.1	5-26			
Title block with project name, municipality, plan date, revision dates, and name, address, and phone number of the owner	5.7.1.2	5-26			
Name, address, phone # of firm/plan preparer along with assigned project #, signature, registration #, and seal of professional preparing the plan	5.7.1.3	5-26			
North arrow	5.7.1.4	5-26			
Graphic and written scale	5.7.1.5	5-26			
Site location map of a sufficient size and scale to clearly show location of property	5.7.1.6	5-26			
Deed book and page and parcel ID number of the tract to be subdivided or developed	5.7.1.7	5-26			
Owners names, deed book and page and parcel ID number of adjacent unplotted land and the names, deed book and page of all abutting recorded subdivisions	5.7.1.8	5-26			
Total acreage of the entire existing tract	5.7.1.9	5-27			
Tract boundary w/bearings and distances showing relationship of proposal to the entire tract and all prior conveyances from parent tract since 1991	5.7.1.10	5-27			
Table of zoning district requirements including lot area and bulk, density, building and impervious coverage, yards and zoning for adjacent lands if different	5.7.1.11	5-27			
List any variances or other zoning approvals being requested or that have been granted	5.7.1.12	5-27			
<b>Plan Details - Existing Site Characteristics</b>					
Existing recorded streets, roads, alleys or other means of access and easements on or adjacent to the tract; including name or number, ownership, width, condition of pavement and grades, and purpose for which easement was created	5.7.2.1	5-27			
Location and material of all existing permanent monuments and lot line markers	5.7.2.2	5-27			
<b>Plan Details - Proposed Site Conditions</b>					
Lot layout w/lot lines, approximate dimensions, lot square footage and acreage	5.7.3.1	5-27			
Assigned tax parcel identification numbers and addresses from appropriate Northumberland County agencies.	5.7.3.2	5-27			
<b>Other Required Information and Reports to be Submitted</b>					
Copies of private deed restrictions, covenants, grants of easements, homeowner and business association agreements or other restrictions	5.7.4.1	5-27			
Letter of Township zoning compliance	5.7.4.2	5-27			

<b>Ordinance Requirement</b>	<b>Section</b>	<b>Page</b>	<b>Yes</b>	<b>No</b>	<b>NA</b>
Letter from any agricultural or conservation easement holders stating conditions on property	5.7.4.3	5-28			
Approval letters from Union County GIS Department (or other authorized agency) for road names, addresses, tax parcel numbers	5.7.4.4	5-28			
<b>Plan Certifications and Notifications</b>					
Certificate, signature and seal of the professional land surveyor certifying survey accuracy	5.7.5.1	5-28			
Certification of Ownership in the form of a notarized statement by the owner(s)	5.7.5.2	5-28			
Final Plan Review Certification Block for Delaware Township Planning Commission	5.7.5.3	5-28			
Final Plan Review Certification Block for Northumberland County Planning Commission	5.7.5.4	5-28			
Final Plan Approval Certification Block for Township Supervisors	5.7.5.5	5-28			
Four inch by two inch (4"x2") block in upper left hand corner for Recorder's Office Block	5.7.5.6	5-28			
Notation on the plan of any variances granted in accordance with the applicable zoning ordinance	5.7.5.7	5-28			
Appropriate notation for lot additions, lot consolidations, tract surveys, correction of survey errors.	5.7.5.8	5-28			
Notation that a permit for sewage disposal has neither been requested nor granted for the lot and that the grantee, his heirs and assigns accept the responsibility for obtaining a permit for sewage disposal facilities if, and at the time, same are necessary.	5.7.5.9	5-28			

Return to: Delaware Township  
PO Box 203  
Watsonstown, PA 17777

Phone 570 538-1018  
Fax 570 538-1018

## DELAWARE TWP. APPLICATION FOR SUBDIVISION OR LAND DEVELOPMENT

**SUBJECT:** Request for review of a Subdivision or Land Development under the Delaware Twp. Subdivision and Land Development Ordinance. This Application must be completed by the Applicant, and submitted to the above address, along with a minimum of eight (8) sets of plans, accompanying documents, and the required fee (see reverse side).

### TO BE COMPLETED BY STAFF

DATE OF SUBMISSION: \_\_\_\_\_

REQUIRED FEE: \_\_\_\_\_

NUMBER OF PLANS SUBMITTED: \_\_\_\_\_

### TO BE COMPLETED BY APPLICANT

Development Name (if applicable): \_\_\_\_\_ Location: \_\_\_\_\_

Owner's Name: \_\_\_\_\_ Phone : \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_ Phone : \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Architect/Engineer/Surveyor Name: \_\_\_\_\_ Phone : \_\_\_\_\_

Architect/Engineer/Surveyor Address: \_\_\_\_\_

<b>TYPE OF REVIEW REQUESTED</b>  <input type="checkbox"/> Unofficial Sketch <input type="checkbox"/> Preliminary <input type="checkbox"/> Final	<b>TYPE OF PLAN</b>  <input type="checkbox"/> Minor Subdivision— 5 lots or less <input type="checkbox"/> Major Subdivision <input type="checkbox"/> Add-on Subdivision <input type="checkbox"/> Land Development	Tax Parcel(s): # _____ # _____ # _____  Zoning District: _____									
<b>PLAN INFORMATION</b>  Total Area (gross acres): _____ Acreage of Residual: _____ Ownership of Roads: <input type="checkbox"/> Public <input type="checkbox"/> Private  Located in Floodway or Floodplain: <input type="checkbox"/> Yes <input type="checkbox"/> No  Erosion/Sedimentation Control Plan:  <input type="checkbox"/> Submitted <input type="checkbox"/> Not applicable	<b>PROPOSED LAND USE / # OF LOTS</b>  <input type="checkbox"/> Agriculture _____ <input type="checkbox"/> Single Family _____ <input type="checkbox"/> Townhouses _____ <input type="checkbox"/> Twin Units _____ <input type="checkbox"/> Apartments _____ <input type="checkbox"/> Mobile Homes _____ <input type="checkbox"/> Commercial _____ <input type="checkbox"/> Industrial _____ <input type="checkbox"/> Institutional _____ <input type="checkbox"/> Other _____	<b>PROPOSED UTILITIES</b> (check appropriate boxes)  <table><tr><td></td><td><i>Water</i></td><td><i>Sewer</i></td></tr><tr><td>Public/ Community</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>On-site</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></table> No new sewage disposal or water supply proposed <input type="checkbox"/>		<i>Water</i>	<i>Sewer</i>	Public/ Community	<input type="checkbox"/>	<input type="checkbox"/>	On-site	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Water</i>	<i>Sewer</i>									
Public/ Community	<input type="checkbox"/>	<input type="checkbox"/>									
On-site	<input type="checkbox"/>	<input type="checkbox"/>									
<b>PREVIOUS SUBDIVISIONS</b> Date(s) of previous subdivision(s), if applicable, and number of lots: _____	<div style="border: 1px solid black; padding: 5px;"><p>The term "lot" as defined in the Delaware Twp. Subdivision and Land Development Ordinance includes a parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or build upon as a unit.</p></div>										

I, or we, acknowledge that all the information provided in this Application and in the Plan and documents are true and factual. I, or we, understand that false statements herein are made subject to the penalties of 18 PA. CS—Section 4904, relating to unsworn falsification to authorities, and I or we, shall comply with all ordinances of Delaware Township as they apply.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## FEE SCHEDULE

The following fees shall apply to each land subdivision or land development submitted to the Delaware Township for review.

<b>SKETCH PLAN:</b> No Charge		
<b>SUBDIVISION PLANS:</b>	<b><u>Base Fee</u></b>	<b><u>Fees for each Lot or Unit</u></b>
Minor Subdivisions (less than 5 lots)	\$125.00	Plus \$10.00 /lot/unit (whichever is greater)
Major Subdivisions (greater than 5 lots)	\$300.00	Plus \$10.00 /lot/unit (whichever is greater)
Add-on Subdivisions	\$100.00	Plus \$10.00 /“add-on lot”
<b>LAND DEVELOPMENT PLANS:</b>	<b><u>Base Fee</u></b>	<b><u>Fees for each Lot or Unit</u></b>
Minor Land Development*	\$125.00	Plus \$10.00 /lot/unit (whichever is greater)
Major Land Development*	\$300.00	Plus \$10.00 /lot/unit (whichever is greater)
<b>TIME EXTENSIONS:</b>	1st—No Charge	Subsequent: \$50.00 each
* Minor Land Development is less than 5,000 square feet of impervious coverage with no improvements. All other land developments will be considered Major for purposes of application fees.		

**Checks should be made payable to: Delaware Township**

**TIME LIMITATIONS:** The Township has ninety (90) days within which to review and render a decision on subdivision and land development plans once applications are officially filed in accordance with the Delaware Twp. Subdivision and Land Development Ordinance. The review period may be extended if requested by the applicant. When the time period has been stopped due to an incomplete application package, incorrect fee or other reasons, the time period will continue from the day in which the application package is deemed complete.

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### STAFF USE ONLY

Date Received by Twp.: \_\_\_\_\_

Review Completed By: \_\_\_\_\_

Date of Review: \_\_\_\_\_

Plan Number: \_\_\_\_\_

County Zoning Compliance: \_\_\_\_\_

Date Action Taken: \_\_\_\_\_

☐ Approved
 ☐ Denied
 

- Preliminary
- Final

**THIS PLAN HAS BEEN SUBMITTED TO:**

County Conservation District	Date _____
PennDOT	Date _____
DEP	Date _____
Emergency Services	Date _____
Engineer	Date _____
Other _____	Date _____

## TIME EXTENSION REQUEST FORM

### SECTION I - GENERAL INFORMATION

Applicant \_\_\_\_\_ Date \_\_\_\_\_  
Address \_\_\_\_\_ Plan Title \_\_\_\_\_  
\_\_\_\_\_  
Phone \_\_\_\_\_  
\_\_\_\_\_  
Signature<sup>1</sup> \_\_\_\_\_

<sup>1</sup>- By signing this form the Applicant understands that the Time Extension Requested is in addition to the 90-day time limit prescribed by the Pennsylvania Municipalities Planning Code for plan approval.

### SECTION II - TIME EXTENSION REQUEST

I/We, \_\_\_\_\_, request that Delaware Township, Northumberland County favorably consider the granting of a Time Extension to the ( ) Preliminary or ( ) Final Plan for the plan referenced in Section I above.

Length of Time Extension Requested \_\_\_\_\_ Days Date Requested Extension due to  
expire \_\_\_\_\_ Applicant's Justification for Time  
Extension \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### SECTION III - ADMINISTRATOR AND/OR BOARD OF SUPERVISORS RECOMMENDATION

Is this the minimum Time Extension necessary? ☐ Yes ☐ No

Reviewed by: ☐ Administrator ☐ Board of Supervisors

Date of Review \_\_\_\_\_ Reviewer \_\_\_\_\_

Recommendation: ☐ Approval ☐ Denial

Reason(s) for Approval/Denial \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## APPENDIX D-1

### Non-Jurisdictional Northumberland County Planning Commission Review Certification

The Northumberland County Planning Commission, as required by the Pennsylvania Municipalities Planning Code, has received a copy of this plan for review and comment on \_\_\_\_\_, 201\_\_\_\_. This does not indicate approval or disapproval of the plan by the Northumberland County Planning Commission and the Commission does not represent nor guarantee that this plan complies with the various ordinances, rules, regulations, or laws of the local municipality, the Commonwealth, or the Federal government.

\_\_\_\_\_  
Planning Director (or Staff Designee)

## APPENDIX D-2

### Certificate of Survey Accuracy

I hereby certify that, to the best of my knowledge, the survey and plan shown and described hereon is true and correct to the accuracy required by the Delaware Township Subdivision and Land Development Ordinance and in accordance with the laws of the Commonwealth of Pennsylvania.

\_\_\_\_\_201\_\_\_\_ 1

2

<sup>1</sup> – Signature of the registered Professional Land Surveyor.

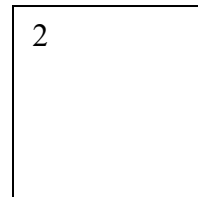
<sup>2</sup> – Seal of the registered Professional Land Surveyor.

### APPENDIX D-3

#### Professional Engineer Certification

I hereby certify that, to the best of my knowledge, the engineering details shown and described hereon are true and correct and are designed in conformance with the Delaware Township Subdivision and Land Development Ordinance and in accordance with the laws of the Commonwealth of Pennsylvania.

\_\_\_\_\_201\_\_\_\_\_1



1 – Signature of the registered Professional Engineer.

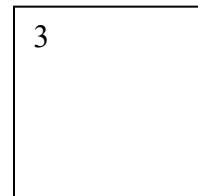
2 – Seal of the registered Professional Engineer.

### APPENDIX D-4

#### Other Professional Certifications

I hereby certify that, to the best of my knowledge, the \_\_\_\_\_1 details shown and described hereon are true and correct and are in conformance with the Delaware Township Subdivision Land Development Ordinance and in accordance with the laws of the Commonwealth of Pennsylvania.

\_\_\_\_\_201\_\_\_\_\_2



1 – Insert area of professional competency (i.e. geologic, hydrogeologic, agronomic, landscape)

2 – Signature of the registered professional or recognized expert.

3 – Seal of the registered professional.



## APPENDIX D-5

### Certificate of Ownership and Acknowledgement of Plan (Individual)

On this, the \_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, before me, the undersigned officer, personally appeared \_\_\_\_\_<sup>1</sup> who being duly sworn according to law, deposes and says they are the owner and/or equitable owner of the property shown on this plan, that they acknowledge the same to be their act and plan, and desire the same to be recorded as such according to law.

\_\_\_\_\_<sup>2</sup>  
Witness my hand and seal on this day and date written above.

\_\_\_\_\_<sup>3</sup>

My Commission Expires \_\_\_\_\_, 201\_\_\_\_.

<sup>1</sup> – Identify ownership or equitable ownership

<sup>2</sup> – Signature of the owner(s).

<sup>3</sup> – Signature and seal of the Notary Public or Other Officer authorized to acknowledge deeds.

**Certificate Of Ownership and Acknowledgement Of Plan**  
(Co-Partnership)

On this, the \_\_\_\_ day of \_\_\_\_\_, 201\_\_, before me, the undersigned officer, personally appeared \_\_\_\_\_<sup>1</sup> being from the firm of \_\_\_\_\_<sup>2</sup> who being duly sworn according to law, deposes and says that the co-partnership is the owner and/or equitable owner of the property shown on this plan, that the plan thereof was made at its direction, that it acknowledges the same to be its act and plan, and desire the same to be recorded as such according to law.

\_\_\_\_\_<sup>3</sup>

Witness my hand and seal on this day and date written above.

\_\_\_\_\_<sup>4</sup>

My Commission Expires \_\_\_\_\_, 201\_\_.

<sup>1</sup> – Individual(s) representing the co-partnership

<sup>2</sup> – Name of the co-Partnership

<sup>3</sup> – Signature of the owner(s)

<sup>4</sup> – Signature and seal of the Notary Public or Other Officer authorized to acknowledge deeds.

**Certificate of Ownership and Acknowledgement of Plan**  
(Corporate)

On this, the \_\_\_\_ day of \_\_\_\_\_, 201\_\_, before me, the undersigned officer, personally appeared \_\_\_\_\_<sup>1</sup> being of \_\_\_\_\_<sup>2</sup> who being duly sworn according to law, deposes and says that the corporation is the owner and/or equitable owner of the property shown on this plan, that he/she is authorized to execute said plan on behalf of the corporation, that the plan is the act and deed of the corporation and was made at its direction, and that the corporation further desires the same to be recorded as such according to law on its behalf.

\_\_\_\_\_<sup>3</sup>

Witness my hand and seal on this day and date written above.

\_\_\_\_\_<sup>4</sup>

5

My Commission Expires \_\_\_\_\_, 201\_\_.

- 1- Individual's Title
- 2- Name of Corporation
- 3- Signature of Individual
- 4- Signature and seal of the Notary Public or Other Officer authorized to acknowledge deeds.
- 5- Corporate Seal

**APPENDIX D-6**

**Preliminary Plan Review By Delaware Township Planning Commission**

The Delaware Township Planning Commission, as required by the Delaware Township Subdivision and Land Development Ordinance, has received a copy of the Preliminary Plan for \_\_\_\_\_<sup>1</sup> on \_\_\_\_\_ 201\_\_ for review and comment. This certification does not indicate approval or disapproval of the plan by the Township nor does it represent any guarantee or inference that the plan complies with any applicable laws, regulations and ordinances.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Vice Chairperson or Secretary

1 - Name of subdivision or land development.

## APPENDIX D-7

### Board of Supervisors Delaware Township Preliminary Plan Certification

Preliminary Plan approval granted by the Board of Supervisors of Delaware Township on \_\_\_\_\_, 201\_\_\_\_. The Preliminary Plan includes the complete set of plans and information that was filed as part of the application. **This plan may not be recorded in the office of the Northumberland County Recorder of Deeds.**

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Vice Chairperson or Secretary

## APPENDIX D-8

### Delaware Township Modification Notification

At a meeting held on \_\_\_\_\_, 201\_\_, the Board of Supervisors of Delaware Township granted the following modification(s) to the following standards required by the Delaware Township Subdivision and Land Development Ordinance: (list modifications(s) including citation of ordinance section number).

## APPENDIX D-9

### Final Plan Review by Delaware Township Planning Commission

The Delaware Township Planning Commission, as required by the Delaware Township Subdivision and Land Development Ordinance, has received a copy of the Final Plan for \_\_\_\_\_<sup>1</sup> on \_\_\_\_\_ 201\_\_ for review and comment. This certification does not indicate approval or disapproval of the plan by the municipality nor does it represent any guarantee or inference that this plan complies with any applicable laws, regulations and ordinances.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Vice Chairperson or Secretary

1 -Name of subdivision or land development.

## **APPENDIX D-10**

### **Zoning Variance and Special Exception Use Notes**

At a meeting held on \_\_\_\_\_, 201\_\_\_\_, the Delaware Township Zoning Hearing Board granted a variance to the following requirements of the Delaware Township Zoning Ordinance: (list variance(s) including citation of ordinance section number).

At a meeting held on \_\_\_\_\_, 201\_\_\_\_, the Delaware Township Board of Supervisors granted approval of a conditional use permit for the land uses shown on this plan in accordance with the Delaware Township Zoning Ordinance.

## **APPENDIX D-11**

### **Board of Supervisors of Delaware Township Final Plan Certification**

Final Plan approval granted by the Board of Supervisors of Delaware Township on \_\_\_\_\_, 201\_\_\_\_. The Final Plan includes the complete set of plans and information that was filed as part of the application.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Vice Chairperson or Secretary

## APPENDIX D-12

### Improvements Dedication Certification

We the undersigned, owners of the real property shown and described herein, do certify that we have laid off, platted and subdivided said property and that all proposed streets, easements, and other property identified as proposed public property shown and not heretofore dedicated, are hereby dedicated to the public use.

\_\_\_\_\_  
Owner\* 201\_\_

\* For multiple owners there should be signature blocks for each one.

## APPENDIX D-13

### Non-Dedicated Improvements Notation

The following improvements\_\_\_\_\_<sup>1</sup> shown on this set of plans **are not dedicated** for public use. The owner his successors, executors and assigns shall retain ownership and maintenance responsibilities of non-dedicated improvements.

<sup>1</sup> - List those improvements shown on the Final Plan that **are not dedicated** for public use.

## **APPENDIX D-14**

### **Lot Addition, Consolidation, Tract Survey, Survey Correction Notes**

#### Lot Addition Notation

This Final Plan depicts Lot No. \_\_\_\_ as a lot addition to the existing land(s) of record of the Grantee as recorded in Deed Book\_\_ Page\_\_. Both parcels are to be considered as one for future subdivision, land transfer, land development and/or building purposes. A permit for sewage disposal has been neither requested nor granted for this lot. The Grantee, his heirs, successors, and assigns accept the responsibility for obtaining a permit for sewage disposal facilities if, and at the time, same are necessary. Lot(s) \_\_ and \_\_ shown hereon, as of the date of this plot plan notice recording, the property/subdivision is and shall be dedicated for the express purpose of a lot addition.

No portion of this property/subdivision has to be approved by Delaware Township or the approving agency for the installation of sewage disposal facilities. No sewage permit will be issued for the installation, construction to or use of any sewage collection, conveyance, treatment or disposal system (except repairs to existing systems) unless the municipality and the approving agency have approved sewage facilities planning for the property/subdivision shown hereon in accordance with the Pennsylvania Sewage Facilities Act (35 P.S. Section 750.1 et. seq.) and regulations promulgated thereunder. Prior to signing, executing, implementing or recording any sales contract or subdivision plan, any purchaser or subdivider of any portion of this property should contact appropriate officials of Lewis Township which is charged with administering the Sewage Facilities Act to determine what sewage facilities planning is required and the procedure and requirements for obtaining appropriate permits or approvals.

#### Lot Consolidation Notation

This Final Plan depicts the consolidation of the entire area of existing lots of record, as formerly recorded in Deed Book\_\_ Page\_\_, into a single lot with the effect of eliminating one or more original lots of record. The land area of said former lots of record is completely contained within the surveyed tract boundary shown hereon and which are to be considered as a single lot for future subdivision, land transfer, land development and/or building purposes. <sup>1</sup>

#### Tract Survey Notation

This Final Plan does not propose any subdivision of property or land development activity and is for the sole purpose of updating the tract survey of existing land(s) of record of the owner as recorded in Deed Book \_\_ Page\_\_.

<sup>1</sup> - Lot consolidation differs from a Lot Addition in that a consolidation combines the total tract area of two or more lots into a single lot and the consolidation plan would show a new tract boundary survey for the land area that was combined with former common lot lines eliminated.

## WHITE DEER MOUNTAIN ESTATES - PHASE II

### Summary of Cost Opinion

<u>Description</u>	<u>Cost<sup>1</sup></u>
1. General Construction	\$16,700.00
2. Roadway and Sewer Construction	\$47,250.00
3. Water and Sanitary Sewer Construction	\$101,190.00
4. Landscaping Amenities	\$0.00
5. Underground Utilities Construction	\$6,300.00
6. Highway Improvements	\$0.00
Total Estimated Construction Cost <sup>2</sup> =	<b><u>\$171,440.00</u></b>
Estimated Engineering Fees =	\$4,000.00
Estimated Permitting Fees (0.5%) =	\$857.20
Estimated Inspection Fees (0.5%) =	\$857.20
Estimated Legal and Administration Fees (4%) =	\$6,857.60
Contingency =	<b><u>\$3,428.80</u></b>
Total Estimated Phase II Project Cost =	<b><u>\$187,440.80</u></b>

1 - The Cost Opinion is based upon the Steam Valley Estates Phase II Final Land Development Plan.

2 - Refer to the attached itemized schedule of prices for the individual project costs.



XYZ Engineering Company  
110 Market Street  
Williamsport, PA 17701

[illegible]

ITEMIZED SCHEDULE OF EXPENSES for White Deer Mt. Estates, Phase II "Roadway and Storm Sewer Construction"					
Item No.	Description	Unit	Quantity	Unit Cost	Total Price
1	Excavation, unclassified	C.Y.	1,000	\$4.50	\$4,500.00
2	Topsoil stripping and stockpiling	C.Y.	1,300	\$3.50	\$4,550.00
3	Bituminous wearing course, ID-2, 1 1/2" depth	S.Y.	2,020	\$3.00	\$6,060.00
4	Bituminous wearing course, ID-2, 2 1/2" depth	S.Y.	0	\$4.50	\$0.00
5	Bituminous concrete base course, 4" depth	S.Y.	2,120	\$5.10	\$10,812.00
6	Bituminous concrete base course, 4 1/2" depth	S.Y.	0	\$5.55	\$0.00
7	Subbase, 6" depth	S.Y.	2120	\$4.00	\$8,480.00
8	Roadway subsurface reinforcement	TN	0	\$18.00	\$0.00
9	4" pavement base drain	L.F.	0	\$6.00	\$0.00
10	Rolled bituminous curbing	L.F.	1350	\$2.00	\$2,700.00
11	Trench excavation, 0'-6- depth	L.F.	185	\$4.00	\$740.00
12	Trench excavation, 6'-8' depth	L.F.	0	\$10.00	\$0.00
13	Trench excavation, 8'-10' depth	L.F.	0	\$14.00	\$0.00
14	Trench excavation, 10'-12' depth	L.F.	0	\$18.00	\$0.00
15	Storm sewer pipe, 15" diameter, HDPE-SB	L.F.	177	\$24.00	\$4,248.00
16	Storm sewer pipe, 18" diameter, HDPE-SB	L.F.	0	\$28.00	\$0.00
17	Storm sewer pipe, 24" diameter, HDPE-SB	L.F.	0	\$38.00	\$0.00
18	Storm sewer pipe, 30" diameter, HDPE-SB	L.F.	0	\$42.00	\$0.00
19	Storm sewer pipe, 42" diameter, HDPE-SB	L.F.	0	\$55.00	\$0.00
20	Storm sewer pipe, 45"x29" diameter, HDPE-SB	L.F.	0	\$75.00	\$0.00
21	Storm sewer pipe, 24"diameter, RCCP	L.F.	0	\$45.00	\$0.00
22	Select backfill No. 57 coarse aggregate	C.Y.	120	\$18.00	\$2,160.00
23	Type "M" inlet	EA.	2	\$900.00	\$1,800.00
24	Type "M" inlet, special	EA.	0	\$1,500.00	\$0.00
25	Type "C" inlet frame and grate, bicycle safe	EA.	2	\$400.00	\$800.00
26	Reinforce concrete junction box, 2'x2'x2'	EA.	0	\$900.00	\$0.00
27	Reinforce concrete junction box, 3'x3'x3'	EA.	0	\$950.00	\$0.00
28	Concrete flared end sections, 15" diameter	EA.	1	\$400.00	\$400.00
29	Concrete flared end sections, 24" diameter	EA.	0	\$500.00	\$0.00
30	Type "D-W" endwall, 42" diameter	EA.	0	\$2,800.00	\$0.00
31	Aggregate rip-rap, R-4	S.Y.	0	\$10.00	\$0.00
32	Reinforced concrete box culvert, 4'x10', 45 deg.	L.F.	0	\$765.00	\$0.00
33	Line existing culvert, 54" diameter gal. CMP	L.F.	0	\$120.00	\$0.00
34	Street and light fixture	EA.	0	\$1,200.00	\$0.00
35	Street lighting, electrical service	L.F.	0	\$1.10	\$0.00
36	Pavement markings and line painting	L.S.	0	\$0.00	\$0.00
37	Traffic control signs	EA.	0	\$0.00	\$0.00
38	Guide Rail, 6' x 10' rail	L.F.	0	\$0.00	\$0.00
<b>TOTAL COST</b>					<b>\$47,250.00</b>

ITEMIZED SCHEDULE OF EXPENSES for White Deer Mt. Estates, Phase II "Sanitary Sewer and Water Service Construction"					
Item No.	Description	Unit	Quantity	Unit Cost	Total Price
1	Trench excavation, 0'-6'- depth	L.F.	740	\$5.00	\$3,700.00
2	Trench excavation, 6'-8' depth	L.F.	340	\$10.00	\$3,400.00
3	Trench excavation, 8'-10' depth	L.F.	0	\$14.00	\$0.00
4	Trench excavation, 16'-18' depth	L.F.	340	\$22.00	\$7,480.00
5	Pipe bedding, 1B aggregate	TN.	792	\$10.00	\$7,920.00
6	Select backfill, No. 57 coarse aggregate	C.Y.	1815	\$18.00	\$32,670.00
7	Native backfill, 0'-6' depth	L.F.	740	\$2.00	\$1,480.00
8	Sanitary sewer main, 8" diameter PVC. SDR-35	L.F.	640	\$7.25	\$4,640.00
9	Sanitary sewer lateral, 8"diameter, PVC SDR-35	L.F.	650	\$10.00	\$6,500.00
10	Sanitary sewer clean-out, 8" riser	EA.	0	\$800.00	\$0.00
11	Standard manhole 4' diameter, 0' to 6'	EA.	4	\$1,800.00	\$7,200.00
12	Standard manhole 4' diameter, over 6'	V.F.	12	\$100.00	\$1,200.00
13	Standard manhole adjustment	V.F.	0	\$200.00	\$0.00
14	Standard manhole frame and cover	EA.	4	\$300.00	\$1,200.00
15	Standard manhole, water tight frame and cover	EA.	0	\$500.00	\$0.00
16	Utility stream crossing	EA.	0	\$15.00	\$0.00
17	Existing M.H. connections	EA.	0	\$500.00	\$0.00
18	Water service main, 8" diameter PVC	L.F.	740	\$20.00	\$14,800.00
19	Water service main, 8" diameter PVC	L.F.	650	\$10.00	\$6,500.00
20	Waterman thrust restraint	L.S.	1	\$1,000.00	\$1,000.00
21	Waterman fittings	L.S.	1	\$1,500.00	\$1,500.00
22					\$0.00
23					\$0.00
24					\$0.00
25					\$0.00
26					\$0.00
27					\$0.00
28					\$0.00
29					\$0.00
30					\$0.00
31					\$0.00
32					\$0.00
33					\$0.00
34					\$0.00
35					\$0.00
36					\$0.00
37					\$0.00
38					\$0.00
39					\$0.00
40					\$0.00
41					\$0.00
42					\$0.00
43					\$0.00
<b>TOTAL COST</b>					<b>\$101,190.00</b>

**WHITE DEER MT. ESTATES  
SUBDIVISION/LAND DEVELOPMENT  
IMPROVEMENTS GUARANTY AGREEMENT SAMPLE  
LETTER OF CREDIT**

**THIS AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, by and between the TOWNSHIP OF DELAWARE (“the Township”), PO Box 203, Watsontown, Northumberland County, Pennsylvania 17777;

**AND**

\_\_\_\_\_ (“the Bank”), of \_\_\_\_\_  
\_\_\_\_\_(Address); and

**DANIEL C. KENTON** (“the Owner”) of \_\_\_\_\_  
\_\_\_\_\_(Address); and

**SIMON O. BOONE and RUTH L. BOONE** (“the Developers”), of \_\_\_\_\_  
\_\_\_\_\_(Address).

**BACKGROUND**

I. The Owner owns land in Delaware Township, Northumberland County, Pennsylvania, known as White Deer Mt. Estates. A plan of White Deer Mt. Estates, Phase I by Alexander Smith, Registered Surveyor No. 14326-F, of Smith Et al Engineering, is of record in Northumberland County Plat Book \_\_ and Page \_\_. Phase I of White Deer Mt. Estates has been approved and developed. The Owner desires to sell to the Developers, Phase II of White Deer Mt. Estates.

II The Owner and Developer have submitted to the Township, a plan and application for a Subdivision Plan located in Delaware Township. The Township approved the Preliminary Plan of Phase II on August 18, 2021.

III. Section 509 of the Pennsylvania Municipalities Planning Code (“the Code”), Act 247 of 1968, as amended, 53 P.S. § 10509, and the Township Ordinances prohibit final approval of

any land development plans until all improvements as required by the Township Subdivision and Land Development Ordinance and all improvements as set forth on the Subdivision/Land Development plan have been installed.

IV. Section 509 of the Code does permit the final plan approval of a subdivision or land development whenever financial security in an amount sufficient to cover the costs of all required improvements is deposited with the Township.

V. The Owners desire to begin development as soon as practicable in accordance with the subdivision and land development ordinance of the Township of Delaware (“Township Ordinances”).

VI. The parties hereto desire to enter into an agreement setting forth the responsibilities of each to facilitate the approval and implementation of the approved Land Development and the installation of improvements required.

#### **AGREEMENT**

**NOW, THEREFORE**, in consideration of the Final Subdivision/Land Development approval by Township of the Subdivision/Land Development plan of **WHITE DEER MT. ESTATES PHASE II**, in Delaware Township, submitted by Developer, and in an effort to protect and promote the public health, safety and general welfare of the community, the parties hereto, intending to be legally bound, do hereby agree as follows:

**1. Bids for Improvements** - The Developer has received and provided the Township with bona fide bids for the completion of all improvements shown on the approved subdivision plan of Phase II of White Deer Mt. Estates as required by the Township Ordinances (“the Required Improvements”). True and correct copies of the bids, designated as Exhibit A, are attached to and made a part of this Agreement.

**2. Final Plan Approval** - The subdivision plan of Phase II of White Deer Mt. Estates prepared by Smith Et al Engineering, submitted by the Owner and the Developer, and preliminarily approved by the Township, is incorporated here by this reference. A condition of final plan approval of Phase II of White Deer Mt. Estates shall be the execution of this Agreement, and

after final plan approval is granted, the Owner is authorized to transfer the land of Phase II of White Deer Mt. Estates to Developers for development.

**3. Designated Financial Guaranty** - As a guaranty of the Developers' completion of all the Required Improvements, the Bank Grants an irrevocable line of credit ("the Credit Line") to the Developers and the Township in an amount which is equal to at least 110% of the cost of completion of the Required Improvements estimated as of 90-days following the date scheduled for completion by the developer.

**4. Township Rights** - Until the Required Improvements are declared acceptable or are deemed approved: (a) the Developers may draw against the Credit Line only with the written approval of the Township; (b) every change order on the bids for the Required improvements must be approved in writing by the Township; and (c) the Township may require the Developer and the Bank to increase the Credit Line from time to time in amounts equal to 110% of any increases in costs caused by the change orders.

**5. Completion of Improvements** - The Developers shall proceed with all the Required Improvements and complete them within one (1) year of the date of this Agreement, unless an extension of time is granted to the Developers by the Township upon written request by the Developers.

**6. Inspection and Acceptance of Improvements** - Upon written notice, by certified or registered mail, from the Developers to the Township and its engineer that the Required Improvements have been completed, the Township within 40 days thereafter, by its respective engineer or qualified consultant, in accordance with Section 510 of the Code, shall make timely inspection of the Required Improvements and shall give the Developers written notice within 15 days after receipt of engineer's report by certified or registered mail, that the Required Improvements are acceptable or the reasons why they are unacceptable and what work or changes are necessary to make them acceptable.

**7. Approval and Release of Liability** - If the Required improvements are acceptable, or if they are deemed approved because of the unexcused failure of the Township to comply with applicable time limits: (a) the Developers shall be released forthwith from all liability to the

Township under the Credit Line, or otherwise, for completion of the Required improvements; (b) the rights of the Township under paragraph 4 with respect to the Credit Line shall end immediately; (c) the Township when requested by the Developers, shall give written notice to the Bank of the release of the Developers under this paragraph and the termination of the Township's rights under paragraph 4; and (d) all obligations of the Bank and the Developers under this Agreement shall be null and void.

**8. Default by Developers** - If the Developer has not completed the Required Improvements within one year of the date of this Agreement, or any extension granted to the Developer by the Township, it shall be conclusively presumed that Developer is in default of this Agreement.

**9. Notice of Default** - Upon default of this Agreement, the Township shall provide Developers with written notice of default sent to Developers by certified mail.

**10. Township Remedies** - If the Developers are in default, the Developers and the Bank authorize the Township to draw against the Credit Line to complete the Required Improvements.

The power of the Township to draw against the Credit Line shall be deemed to be coupled with an interest, and may be exercised as often as may be necessary until the Credit Line is exhausted, or the improvements completed. This credit line shall be irrevocable. The Developers shall be liable for all draws so made and the Township shall have no liability whatsoever with respect to them. If the Credit Line is insufficient to complete the Required Improvements, the Developers personally guarantee the completion of the improvements, and authorize the prothonotary or any attorney of any court of record of Pennsylvania or elsewhere to confess judgment against them for the entire cost of completing the Required Improvements.

**11. Compliance with Subdivision and Land Development Ordinance** - Nothing herein shall be constructed in any way to relieve Developers from full and complete compliance with the Subdivision and Land Development Ordinance of Delaware Township, Northumberland County, Pennsylvania.

**12. Costs of Services** - Should the Township in its sole discretion, determine that the services of persons other than its employees are needed to determine the amount of work completed, the amount of work remaining, the quality of the work or improvements completed, the estimated cost of the work to be completed or of any remedial work needed, the reasonable and necessary costs of said services shall be the responsibility of Developers and paid when requested.

**13. Entry upon Land** - Developer does hereby specifically authorize the Township, its agents, employees or independent contractors, upon giving reasonable advance notice to Developer, to enter upon Developer's land for the purpose of making such an inspection as it deems necessary or performing such work as it deems under the terms of this Agreement. Prior to the Township performing any such work itself or having the services of others to perform such work under paragraph 10 of this Agreement, Township shall provide written notice of default under paragraph 9 .

**14. Binding Effect** - The Agreement shall be binding upon the parties hereto, their heirs, executors, administrators and assigns.

**IN WITNESS WHEREOF**, each of the parties to this Agreement, intending to be legally bound by it, has caused it to be signed on such party's behalf by a person or persons duly authorized to do so on the day, month, and year first above written.

**WHITE DEER MT. ESTATES  
SUBDIVISION/LAND DEVELOPMENT  
GUARANTY AGREEMENT**

**ATTEST:**

\_\_\_\_\_

**DELAWARE TOWNSHIP**

By: \_\_\_\_\_  
Chairman

By: \_\_\_\_\_  
Secretary

**ATTEST:**

\_\_\_\_\_

**OWNER**

By: \_\_\_\_\_  
Daniel C. Kenton



**ATTEST:**

\_\_\_\_\_

**DEVELOPERS**

By: \_\_\_\_\_  
Simon O. Boone

By: \_\_\_\_\_  
Ruth L. Boone

**ATTEST:**

\_\_\_\_\_

**BANK**

By: \_\_\_\_\_  
W.R. Dell, Vice President

SUBDIVISION IMPROVEMENTS GUARANTY AGREEMENT SAMPLE  
With  
FUNDS ON DEPOSIT WITH DELAWARE TOWNSHIP

THIS AGREEMENT, made this \_\_\_\_ day of \_\_\_\_\_ 2021, by and between:

1. The TOWNSHIP OF DELAWARE, Northumberland County, PO Box 203  
Watsontown, PA 17777, hereinafter referred to as "Township" and
2. \_\_\_\_\_, of \_\_\_\_\_,  
hereinafter referred to as "Developers".

WITNESSETH:

WHEREAS, the Developers own a 77.48 acre parcel of land located in Delaware Township, Northumberland County, Pennsylvania, and further designated as \_\_\_\_\_ on the parcel map of Northumberland County, of which they do intend to develop Stormwater management facilities for the \_\_\_\_\_ Poultry Barns; and

WHEREAS, §509 of the Pennsylvania Municipalities Planning Code, Act 170 of 1988, P.L. 1329, as amended(P.S. ), hereinafter referred to as "the Code", and the Subdivision and Land Development Ordinance for Delaware Township, prohibit final approval of any land development unless and until all improvements as may be required by the Township Ordinance have been completed; and

WHEREAS, §509 of the Code does provide an alternative method for developers to proceed with their subdivision and land developments without first completing all such improvements. The developer is required to place with the Township, financial security in an amount sufficient to cover the cost of any such improvements or common amenities as mentioned above; and

WHEREAS, the Developers do desire to commence development of their aforesaid parcel as soon as practicable in accordance with the Subdivision and Land Development Ordinance for Township, as amended; and

WHEREAS, the Township and Developers do desire to enter into an agreement setting forth the responsibilities of each to facilitate the approval and implementation of

the approved land development plan and the installation of the improvements required therefore;

NOW, THEREFORE, in consideration of the final land development plan approval by the Township of the plan for the Poultry Barn in Delaware Township, dated the \_\_\_\_ day of \_\_\_\_\_ 2016, drawn and prepared by \_\_\_\_\_ Engineering LLC, submitted by the Developers, and in an effort to protect and promote the public health, safety and general welfare of the community, the parties hereto, intending to be legally bound, do hereby AGREE AS FOLLOWS:

1. Developers have received and provided the Township with bona fide bids for installation of all improvements shown on the approved plan for the \_\_\_\_\_ Poultry Barn. A true and correct copy of said bids, designated as Exhibit A, is attached hereto and made a part hereof.
2. The land development plan of the Poultry Barn, dated the \_\_\_\_ day of \_\_\_\_\_ 202\_\_, prepared by \_\_\_\_\_ Engineering LLC plan # \_\_\_\_\_ submitted by the Developers and conditionally approved by the Township, contingent upon the execution of this agreement, is incorporated herein by reference.
3. As a guaranty of the installation of all improvements of this land development as proposed and approved, the Developers have deposited \_\_\_\_\_ dollars (\$ , ) with the Township. The amount of this deposit is in excess of one hundred ten percent (110%) of the cost of the required improvements for which the deposit is being posted(hereinafter referred to as the "deposit").
4. During the period of one (1) year from the date of this agreement, withdrawal from the deposit may only be made with the written approval of the Township for improvements completed which will not be unreasonably withheld.

Any change orders on the bids for the improvements must be approved by the Township. In this event, the Township may require an additional increase in the deposit consistent with any increases in costs caused by the change order.

5. Developers will proceed to construct stormwater facilities or other improvements as required by the Subdivision and Land Development Ordinance of the Township and as provided for the \_\_\_\_\_ Poultry Barn Land Development plan.

6. All improvements shown on the approved plan as further described herein will be completed within one (1) year of the date of the execution of this Agreement unless an extension of time is granted to Developers by the Township upon written request to the Township by the Developers.
7. After written notice from the Developers that the improvements have been completed, the Township or its agents, shall make timely inspection of the installation of such improvements.
8. Should the inspection of the improvements indicate that all proposed and required improvements have been installed as designed and approved, the Township shall then refund the deposit and all obligations of the Developers under this agreement shall then be terminated as to financial limitations.
9. In the event the improvements shown on the approved land development plan of the Poultry Barn have not been completed within one (1) year of the date of this Agreement, or such later date as may be agreed upon through extensions granted by the Township, the Township may conclusively presume default on this agreement.
10. Upon default of this agreement, the Developers do authorize the Township to withdraw funds from the deposit and utilize the same for the purpose of completing the improvement required by this land development plan.
11. Nothing herein shall be construed in any way to relieve the Developer from full and complete compliance with the Subdivision and Land Development Ordinance for Delaware Township, as amended, except as specifically herein stated.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have hereunto set their hands and seals, the day, month and year first written above.

WITNESS:

\_\_\_\_\_  
\_\_\_\_\_

DEVELOPERS:

\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_

TOWNSHIP OF DELAWARE

BY:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# CONSERVATION SUBDIVISION DESIGN

## A Four-Step Process

NATURAL LANDS TRUST, INC.

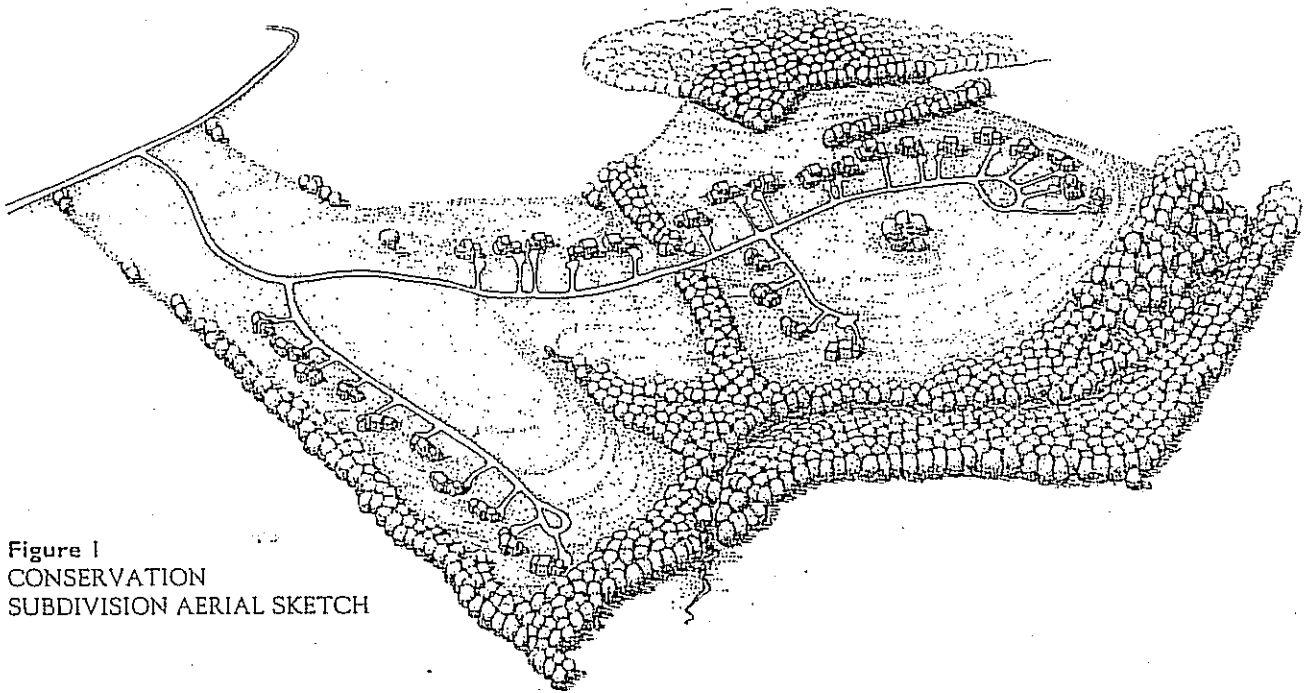


Figure 1  
CONSERVATION  
SUBDIVISION AERIAL SKETCH

### NATURAL LANDS: SPECIAL PLACES IN YOUR COMMUNITY

If you live in a rural area or along the suburban fringe, chances are that you live not far from a stream valley, wildflower meadow, or patch of woods. Chances are also good that none of these special places will be recognizable 20 or 30 years from now, unless they are in a public park, state forest or wildlife refuge, or unless they happen to be protected through a conservation easement held by a conservation organization such as the Natural Lands Trust.

That is because most townships have adopted zoning and subdivision ordinances whose principal purpose is to set rules for the orderly conversion of virtually all land that is dry, flood-free and flat to moderately sloping, into developed properties.

Fortunately, practical alternatives do in fact exist, and this publication describes a straight-forward way to ensure that new subdivisions are designed around the central organizing principle of conservation. This technique can also be used to help communities create an interconnected network of open space through creative approaches to land development.

### SPECIAL FEATURES WORTH CONSERVING

The aerial drawing above shows how a partially wooded property could be developed at the full two-acre density allowed under local zoning, following the principles of conservation design. Altogether, two-thirds of this 82-acre parcel could be conserved, including 17 acres of wetlands and steep slopes, and 37 acres of upland without any building constraints.

Although the hedgerows on this site are not visually spectacular, they are capable of providing instant

Working with people to conserve land in our region and our communities

buffering between backyards in addition to their intrinsic habitat value. The species found there along a typical 300-foot length include white ash, cockspur hawthorn, wild crabapple, black cherry, shadblow serviceberry, hackberry and white oak. These trees provide many perching, feeding and nesting opportunities for a variety of arboreal birds such as indigo buntings, tree swallows and bluebirds.

Below them grows a dense thicket of shrubs including black chokeberry, box huckleberry, pin cherry, American hazelnut, viburnum, elderberry and blackberry bramble which, together with a variety of thick meadow grasses, offer excellent cover for meadow voles and other small rodents, providing abundant food sources for foxes and other carnivores.

The little hollow sheltering the spring house where the stream rises is filled with rue anemone, sweet flag, marsh bellflowers, turtlehead, spearmint, milkweed, silky dogwood and summersweet or sweet pepperbush, and the wildflower meadow in the northwest corner of the property is noted for its wild strawberry, sleepy catchfly, tall anemone thimbleweed and broomsedge. These features can also be seen in Figure 2, showing the site in its pre-development state.

Under normal development circumstances, not one of these features would rate highly enough for it to be designed around and saved, or even noted, as local ordinances typically do not address conservation of such natural areas. However, they provide food and shelter for a myriad of birds, small mammals, amphibians and insects. (For example, milkweed is a critical plant in the life cycle of the Monarch butterfly, a species that is currently suffering markedly from the careless destruction of this kind of habitat, which is almost universally being replaced by tidy suburban lawns.)

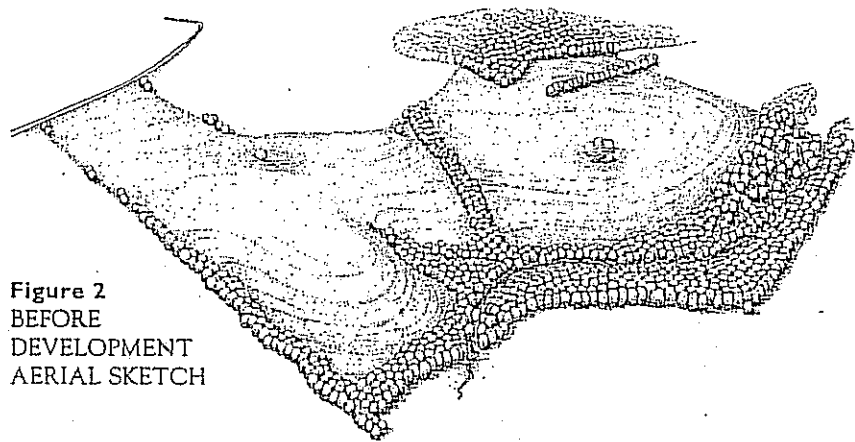


Figure 2  
BEFORE  
DEVELOPMENT  
AERIAL SKETCH

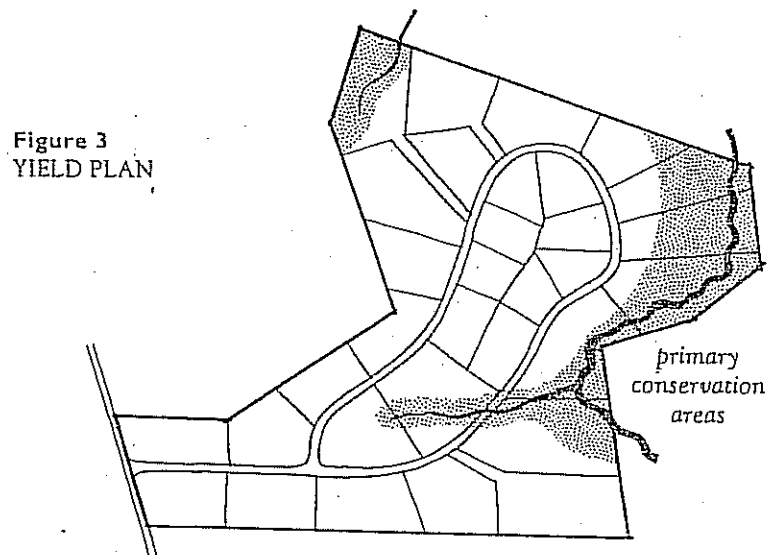


Figure 3  
YIELD PLAN

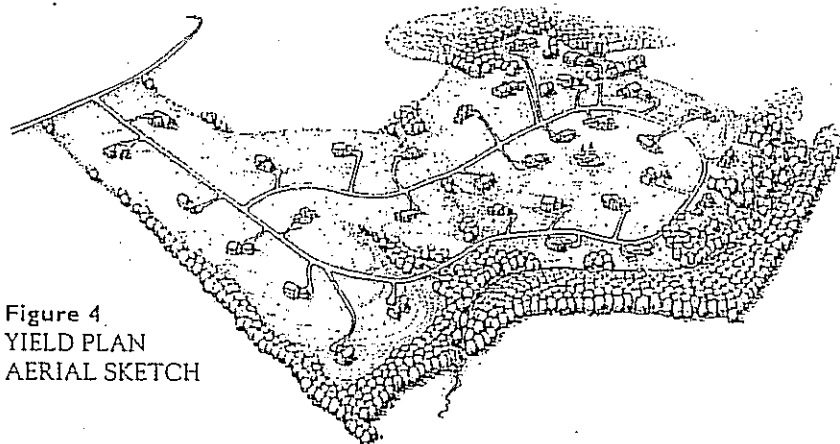


Figure 4  
YIELD PLAN  
AERIAL SKETCH

## CONVENTIONAL SUBDIVISION DESIGN

Figures 3 and 4 illustrate the typical kind of "checkerboard" layout that is permitted (sometimes even required) by local zoning and subdivision ordinances. Conventional developments such as this needlessly displace wildlife habitat and convert other natural areas into ecologically diminished suburban yardspace. The same number of houses could just as easily be accommodated onto a smaller portion of the land, not only reducing development costs but also helping to foster a greater sense of community among the new residents by providing them with a more neighborly arrangement of homes. The two-acre lots shown in these drawings are "too large to mow and too small to plow." Meanwhile, many forms of wildlife are driven farther away, and opportunities to take woodland walks or weekend strolls across wildflower meadows simply do not exist, because every acre has been divided into private lawns and yards.

## THE CONTEXT

### Municipal Planning for Conservation and Development

To broaden land conservation efforts throughout the region, the Natural Lands Trust has for the past three years been working on an approach to revising local zoning and subdivision ordinances that will multiply the options available to landowners, setting higher standards for both the quantity and quality of land that is set aside for permanent conservation.

### Network of Conservation Lands

The ultimate goal of these planning efforts is to help communities identify and protect an intercon-

nected network of natural lands woven into the fabric of new development, to assure greener futures for succeeding generations of residents. While traditional conservation methods such as acquisition, easements and "limited development" (involving greatly reduced densities) will continue to play an important role in certain instances, it is likely that the vast majority of undeveloped parcels in our region will ultimately be proposed for full-density residential development in the years to come. It is therefore essential that more conservation-oriented design standards be incorporated into the local land-use ordinances that govern subdivision proposals, so that the majority of new developments will contain a substantial percentage of protected open space.

### Municipal Open Space Plans

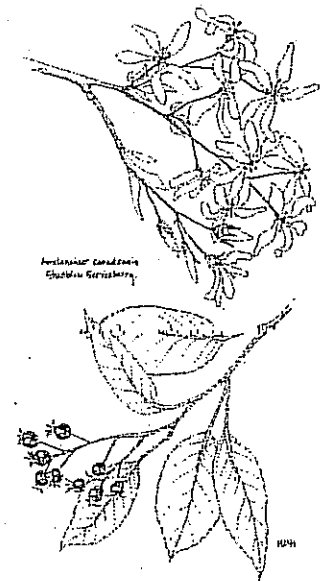
The site planning principles which the Trust advocates for individual properties that are proposed by their owners for development—principles which are the main subject of this article—are part of a much larger effort to help local officials prepare community-wide open space plans. These plans typically include maps combining a variety of natural resource data with tax parcel boundaries to identify, well in advance of development, broad opportunities for conservation throughout the community.

### Ordinance Improvements

After completing these maps and drafting specific planning policies to conserve significant resources, the next step involves helping local officials to update their land-use ordinances. A key provision recommended by the Trust allows municipalities to require that developers take those pre-identified conservation areas into account and design their houselots and streets around them in a respectful manner. In a typical situation, flexible standards for lot size and frontage allow for the

full legal density to be achieved on one-third to one-half of the buildable land, leaving the balance in permanent conservation.

Several townships in our region have also taken the further step of requiring that developers group their homes on half or less of their unconstrained land so that upland terrestrial habitat and other ecologically important areas may be maintained



in their natural state. Current regulations in most municipalities protect only unbuildable areas such as wetlands, floodplains, and steep slopes (the so-called "obligatory open space"). Without open space design standards such as advocated by the Trust, most developers would continue to overlook other important conservation possibilities in their subdivisions, fragmenting many kinds of natural lands into individual houselots, rather than designing around them to create undivided conservation areas managed for long-term resource protection.

The kind of resource fragmentation described above is illustrated in Figures 3 and 4 and in the upper part



of Figure 5, showing a typical large-lot subdivision layout that divides all upland and lowland areas on the subject parcel into a checkerboard of houselots and streets. Houses would, of course, be located away from wetlands, floodplains and steep slopes under most current ordinances, but woodlands and meadows would typically be cut up into indi-

Although lots that abut conservation land typically sell more quickly and at premium prices compared with standard lots surrounded by more of the same, many developers lack experience in designing and marketing this kind of alternative, and therefore tend to continue subdividing in the conventional land-consumptive manner.

vation principles, in accordance with new planning policies and ordinance standards developed by the Trust to help communities implement their visions of a greener future for the generations that will follow our own.

### Designing Around Conservation Features: The Four-Step Process

Until now, the zoning regulations in most communities have established a "one size fits all" approach to regulating lot sizes in each of their various districts, essentially creating a single standard size for new houselots which frequently results in "checkerboard" layouts of nearly identical lots covering the entire parcel. This result is illustrated in Figures 3 and 4, which for the purposes of the following example serves one useful purpose — as a "Yield Plan" demonstrating the legal development potential of the site (in this case, 32 lots could be created).

To provide more options for landowners (and developers) who might want to conserve their site's most special features, while at the same time receiving an acceptable economic return on their property, the Trust has drafted model zoning regulations that offer a wide range of density options (from rural estate lots to village designs), each of which is related to specific standards for open space conservation. This approach is known as "multi-tiered zoning."

In addition, our staff has been drafting new standards for designing residential subdivisions and improved procedures for governing the process in which these development proposals are reviewed. The basic idea is to set up an approach in which land conservation becomes the central organizing principle around which houselots and streets are sensitively designed. As a general rule, this approach would conserve at least half the land area of each site, in addition to the wetlands, floodplains and steep slopes that are typically

## CONSERVATION SUBDIVISIONS

A new breed of development — known as "conservation subdivisions" — is illustrated in the middle section of Figure 5. In communities where all three controlling documents (the comprehensive plan and the zoning and subdivision ordinances) are coordinated to produce an interconnected network of natural lands — even after the last unprotected property is ultimately developed — subdivisions would typically contain between 50 and 70 percent conservation land. Those areas would be located in broad conformance with a community-wide "Map of Conservation and Development" to ensure that the eased land in each development will connect with similar areas on adjoining parcels.

Conserving a parcel in its entirety — either through fee ownership or holding an easement — as illustrated in the lower example in Figure 5 is, of course, preferable, but may not always be practicable. The Trust's system of preserves is based on this principle, made possible largely through the generosity of conservation-minded landowners and donors. However, neither county open space bond monies, nor funding available from the state's new "Key 93" program, will allow any single municipality to protect more than a handful of properties in this manner. The balance of this article describes a practical approach for designing full-density subdivisions around conser-

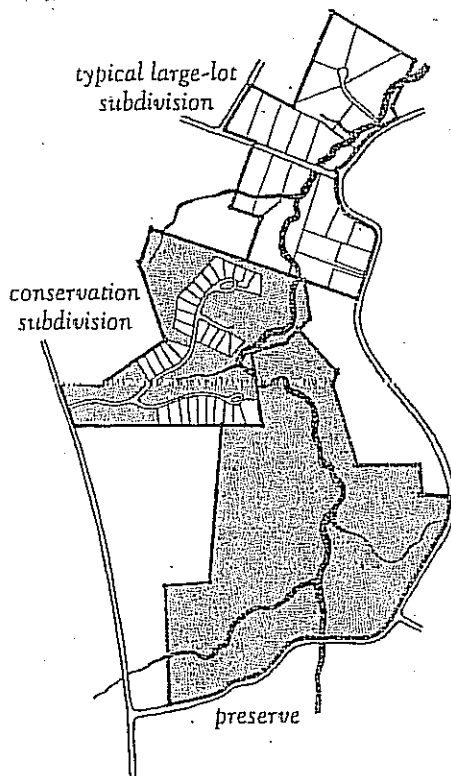


Figure 5  
THREE PARCELS ON A  
STREAM VALLEY

vidual lots and converted to suburban yardspace, precluding any overall management to enhance wildlife habitat or conserve other resource values.

In the majority of cases where complete protection of the land is not possible, new ordinance standards can be adopted to ensure that developers lay out their houselots and streets around the central organizing principle of open space conservation.

protected under existing codes. This approach has been drafted to work well at both reduced density and full density levels, so that the principle of landowner equity is respected.

Among the procedures recommended by the Trust is the preparation of an "Existing Features and Site Analysis Plan." (In this article these features are all shown on Figures 6 and 7.) This critical element identifies all the special characteristics of the subject property, from unbuildable areas such as wetlands, floodplains and steep slopes, to other kinds of land that are developable but which contain certain features that merit the small amount of additional effort needed for their conservation. Such features might include mature or healthy and diverse woodlands, wildlife habitats critical for breeding or feeding, hedgerows and prime farmland, scenic views into and out of the site, and historic buildings in their rural context.

Production of the "Existing Features and Site Analysis Plan" sets the stage for beginning the four-step design process.

#### Step One: Identifying Conservation Areas

The first step, which involves the identification of open space worthy of preservation, is divided into two parts: Primary Conservation Areas (Figure 6) limited to regulatory wetlands, floodplains and steep slopes, and Secondary Conservation Areas (Figure 7) including those unprotected elements of the natural and cultural landscape that deserve to be spared from clearing, grading, and development.

The act of delineating conservation areas also defines "Potential Development Areas," which occupy the balance of the site (Figure 8). This completes the first step and virtually ensures that the site's fundamental integrity will be protected, regardless of the actual configuration of houselots and streets that

Figure 6  
PRIMARY  
CONSERVATION  
AREAS

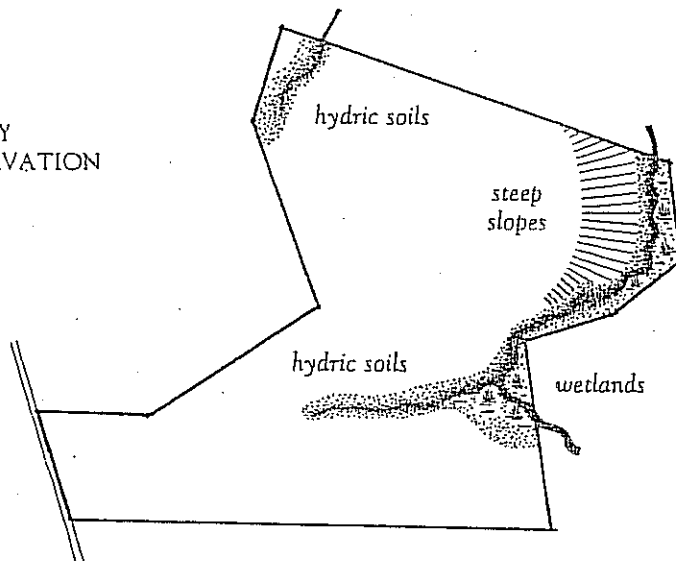


Figure 7  
SECONDARY  
CONSERVATION  
AREAS

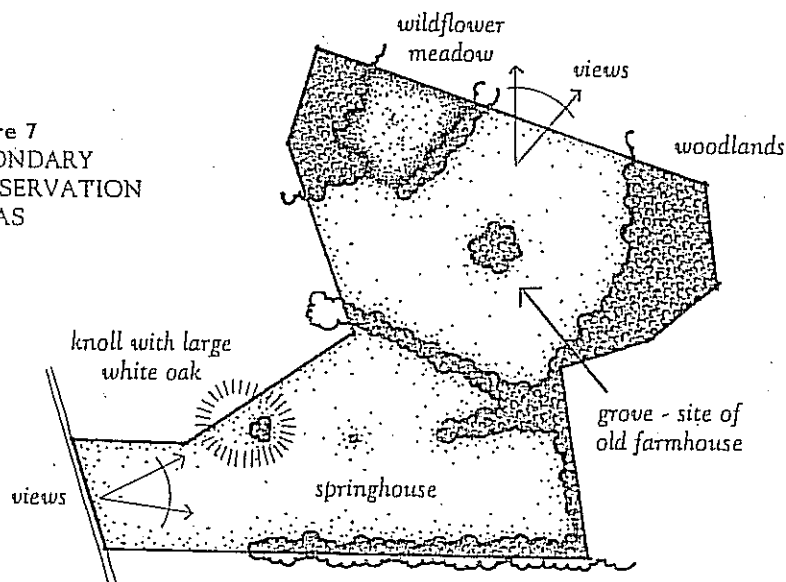
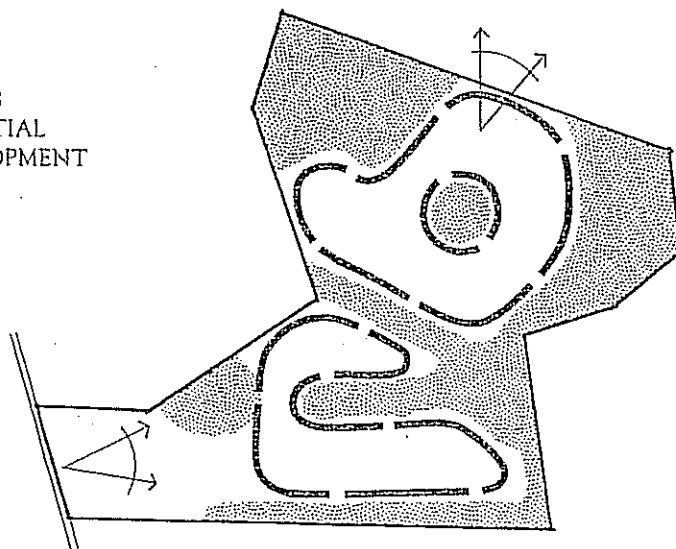


Figure 8  
POTENTIAL  
DEVELOPMENT  
AREAS



## Step Two: Locating House Sites

### Step Three: Aligning Streets and Trails

Figure 9  
LOCATING HOUSE  
SITES

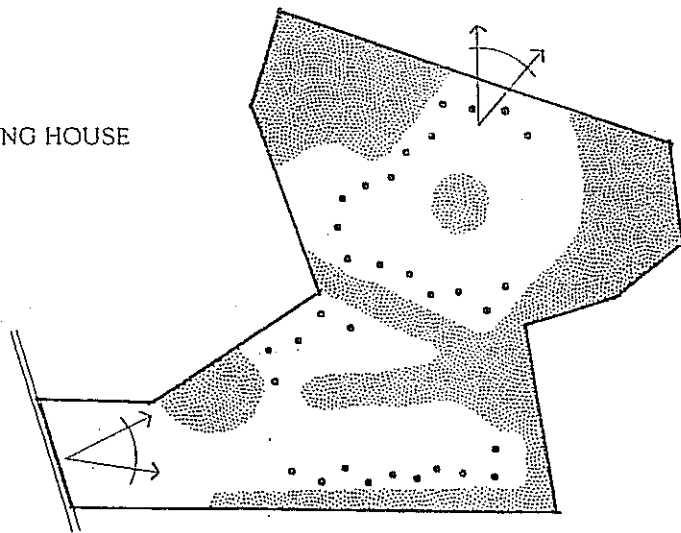


Figure 10  
ALIGNING STREETS  
AND TRAILS.

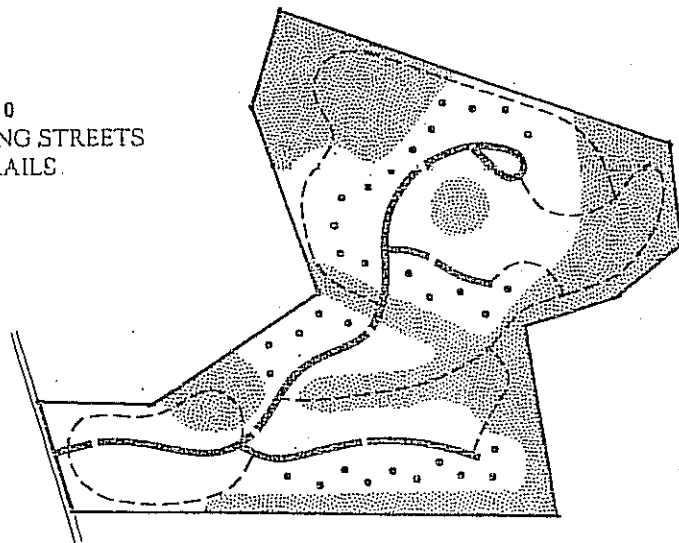
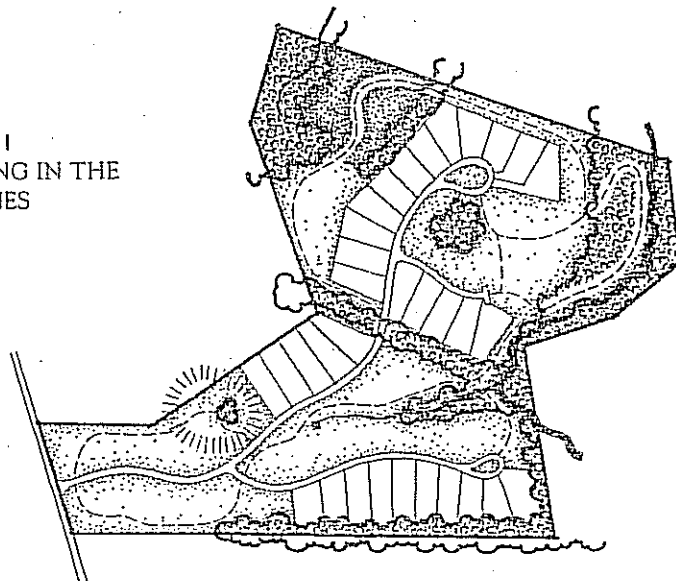


Figure 11  
DRAWING IN THE  
LOT LINES



#### Step Four: Drawing in the Lot Lines

The final step is simply a matter of drawing in the lot lines, perhaps the least important part of the process. Successful developers of open space subdivisions know that most buyers prefer homes in attractive park-like settings, and that views of protected open space enable them to sell lots or houses faster and at premium prices (Figures 1 and 11). Such homes also tend to appreciate more in value, compared with those on lots in standard "cookie-cutter" developments offering no views or nearby open space.

## SUMMING UP

### Advantages for Municipalities, Developers, and Residents

Perhaps the most significant aspect of this design process is the way that it can help communities build an interconnected network of conservation areas. As described at the beginning of this publication, township-wide open space plans, containing "Maps of Conservation and Development", can pre-identify land

to be conserved in each new residential subdivision. Of course, such plans must be supplemented by amendments to zoning and subdivision ordinances to ensure that developers design around the natural features on their property and place them into undivided conservation areas rather than allowing them to be converted to suburban lawns and streets. Conservation planning staff at the Trust have worked with a number of municipalities in our four-county region to implement such improvements and have acted as advisors to many landowners and developers.

These kinds of designs are finding a ready market among homebuyers, who are placing greater emphasis on "quality of life" issues when purchasing new houses. In our area several developers have recognized the value of open space conservation, using it successfully as a marketing tool in some of their recent subdivisions. Long vistas across 137 acres of permanently preserved fields, plus 76 acres of protected woodlands, have helped make one 418-acre subdivision in lower Bucks the fastest selling development in its price range in the County. Similarly, preserva-

tion of nearly half the woodlands at another development in southern Delaware County, has boosted sales to prospective purchasers, each of whom receives a handsome trail brochure when touring the model homes in that project.

Confirming what Trust staff had long suspected, an informal survey by *The Philadelphia Inquirer* has revealed that as many as four out of five house buyers in two new golf course developments in Montgomery County have little or no interest in playing golf. They have chosen homes there primarily because they prefer to dwell in park-like settings, ones that offer attractive views from their windows and pleasant places in which to stroll. Developers find that lots abutting or looking onto open space sell faster — and at premium prices — compared with lots that are surrounded by more of the same. The good news for everyone is that huge sums need no longer be spent clearing natural land to create artificial open space in the form of golf courses. Developers who let Nature alone can reap the same benefits at minimal cost — and with minimal disturbance to woodlands, meadows and fields.

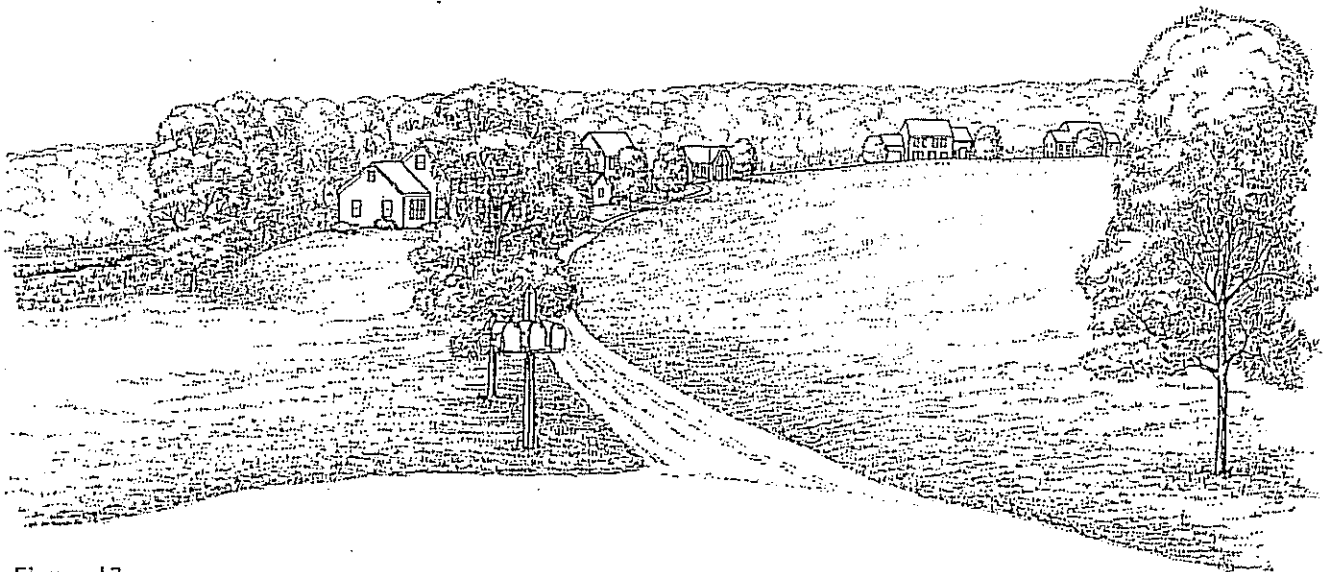


Figure 12

*A view across a protected meadow toward a group of new homes built at the edge of the woods. This view, from a township road, typifies the pattern of conservation and development represented by the examples illustrated in Designing Open Space Subdivisions.*

## TOWARD A NEW LAND ETHIC

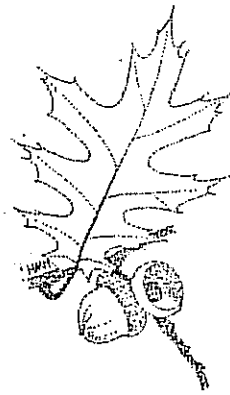
The idea of a "land ethic" represents an evolution from the ancient Judeo-Christian ethics that govern relations among individuals and between individuals and society. Sixty years ago, Aldo Leopold suggested a third kind of ethic to deal with man's relation to the land.

As Leopold, who founded the discipline of game management at the University of Wisconsin, observed in 1933, "There is yet no ethic dealing with man's relation with the land and the animals and plants which grow upon it... The land-relation is still strictly economic, entailing privileges but not obligations."

The idea of a land ethic is probably very much alive in the minds and hearts of many rural residents, including many landowners. What farmer, for example, would truly prefer the noise of traffic or the hum of air conditioners over the sound of bird-song or the rustle of wind through the leaves? Who would prefer to see rooftops defining the horizon line instead of treetops, or parking lots instead of fields and meadows?

In Leopold's time there were few financial alternatives for those who depended upon the value of their land to ease their retirement years, or to pay for health care costs. Today a variety of options exist, allowing landowners to realize the economic value of their farms and woodlands without destroying the wildlife and ecological values of their properties. The 150-page handbook described in this brief publication (*Designing Open Space Subdivisions*) illustrates one of these options, one that could be used along with others to strike a better balance between development and natural areas conservation.

Among those other options are the purchase of development rights, the transfer of development rights, "landowner compacts" involving density shifts among contiguous parcels, bargain sales to land conservancies, and "limited development". Of the entire range of alternatives, it is likely that the approach described in our new handbook offers the greatest potential because it does not require public expenditure, does not depend upon landowner generosity, does not need a special "high end" market, does not involve complicated regulations for transferring rights to other sites and does not depend upon the cooperation of two or more adjoining landowners.



This is not to imply that the other options should not be actively encouraged in your community, but rather to place those techniques in a realistic perspective as supporting elements in an areawide program of conservation and development that is most logically based upon the flexibility and advantages offered by "conservation subdivision design", within a comprehensive planning framework as delineated on a township-wide "Map of Conservation and Development".

The great advantage of some of those other options is that many of them preserve parcels in their entirety, although they are implemented less frequently. The great advantage of open space planning and conservation design is that when they are institutionalized into local zoning and subdivision ordinances, they will be used on a day-to-day basis to protect significant percentages of land in each new subdivision that is proposed.

Further information about this approach is contained in Natural Lands Trust's newest publication, *Designing Open Space Subdivisions*. Available for \$25.00 from the Trust's offices, this comprehensive 150-page handbook is written in non-technical language and illustrates each step of the design process for six different sites. Model ordinance language is also provided in an extensive appendix, which also describes the economic benefits of conserving natural lands in new subdivisions.

Production of the handbook was made possible by grants from the W. Alton Jones Foundation and the U.S. Environmental Protection Agency.



NATURAL  
LANDS  
TRUST

Natural Lands Trust is a regional land trust dedicated to working with people to conserve land in the Delaware Valley and other nearby areas of environmental concern by acquiring and managing preserve properties, accepting conservation easements, and encouraging and supporting the conservation efforts of landowners, communities, government agencies, and non-profit organizations.

HILDACY FARM  
1031 PALMERS MILL ROAD  
MEDIA, PENNSYLVANIA 19063  
TEL: (610) 353-5587  
FAX: (610) 353-0517

## PRIVATE ROAD MAINTENANCE AGREEMENT

AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between all the undersigned parties who are hereinafter referred to either singularly or collectively, as **“OWNERS”**.

### THE BACKGROUND OF THIS AGREEMENT IS AS FOLLOWS:

1. The \_\_\_\_\_, a subdivision in Delaware Township, Northumberland County, Pennsylvania, duly approved by the Delaware Township Planning Commission and the Northumberland County Planning Commission and recorded in Map Book No. \_\_\_\_\_, at Page \_\_\_\_\_, in the Office of the Recorder of Deeds in and for Northumberland County, Pennsylvania, depicts the construction of a private street or roadway within fifty foot (50') wide right-of-way that has been or will be built by \_\_\_\_\_ in accord with the requirements, material specifications and standards established by Delaware Township of Northumberland County, Pennsylvania, acting through the Delaware Township Planning Commission and Northumberland County Planning Commission as of the date of the subdivision approval.
2. This Private Road Maintenance Agreement shall form a part of consideration for the purchase or conveyance to any grantee in the \_\_\_\_\_ subdivision and shall be binding upon all parties hereto and those parties purchasing or being granted a lot or lots, their heirs, executors, administrators, and assigns and any deed or conveyance of any part of the premises of the said subdivision plan in which the subdivision plan shall incorporate this agreement as a part thereof, as though fully set forth therein, whether or not the same are actually printed in said instrument or incorporated by reference.
3. The undersigned are all owners of real property being either unimproved or improved lots in the \_\_\_\_\_ subdivision in Delaware Township, Northumberland County, Pennsylvania. The reference to OWNERS shall mean the owners of one the lots being serviced by this private street or roadway.
4. The undersigned OWNERS do hereby wish to define or delineate their respective right and obligations with respect to the repair and or maintenance of said private street or roadway.

NOW THEREFORE, WITH THE INTENT TO BE LEGALLY BOUND HEREBY, THE UNDERSIGNED DO HEREBY AGREE AS FOLLOWS:

1. **Private Street or Roadway.** The OWNERS either singularly or collectively, acknowledge and recognize the private street or roadway found and located in Delaware Township, Northumberland County, and described on the \_\_\_\_\_ subdivision plan, is a private street or roadway and is NOT maintained by the local municipality and is for the exclusive use by the undersigned OWNERS, their heirs, assigns, and invitees, for the purpose of ingress, egress, and regress to the respective lots in said subdivision.
2. **Taxes and Assessments.** The OWNERS of land upon which the private street or roadway exists shall be responsible for all taxes and assessments imposed on their respective properties.
3. **Prorata Share.** Each of the undersigned OWNERS, either singularly or collectively, agree to pay their share of the costs maintaining and repairing the private street or roadway so that the private street or roadway remain in good and passable condition. This may include but not limited to snow removal, grading, surfacing, patching, cleaning of parallel drainage, and other regular maintenance. These costs of maintenance shall be shared equally between all the OWNERS which shall be using this driveway for access to their lots.
4. **Approval of Expenditures.** Any costs incurred by any individual or group of individuals who are a party to this agreement and which exceeds \$100 shall require the written approval of all the OWNERS executing this agreement, and if such expenditure is made without first obtaining said written approval, then the responsibility of payment of any costs or fees incurred shall be the sole responsibility of those parties contracting with the provider of the services. Authorization of maintenance shall be effective upon approval of all OWNERS after every OWNER has had at least fifteen (15) days advance written notice of the repairs or maintenance to be performed. If the parties are unable to agree upon the maintenance expenditures, then the proposed expenditure shall be presented to an independent third party agreed upon by all OWNERS for his/her review and evaluation of the reasonableness of the proposed expenditures. The opinion and evaluation of the expenditures by the third party shall be binding on all OWNERS. However, repairs and maintenance necessary to maintain the use of the private street or roadway due to conditions created by sudden and substantial storm conditions or some other unusual phenomenon, shall be an expense shared equally between the OWNERS without the necessity of authorization of all OWNERS as provided aforesaid. Nothing herein shall prohibit an OWNER from performing maintenance without authorization of the other OWNERS and absent the right to be reimbursed. Any

upgrading of the quality, or significant improvements to this private street or roadway shall not be initiated without notifying in writing all OWNERS first, and nothing herein shall be construed as requiring the sharing of costs for an upgrade or significant improvement on the of an OWNER.

IN WITNESS WHEREOF, with the intent to be legally bound hereby, the OWNERS have set their hands and seals the day and year first above written.

WITNESS:

\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

OWNERS:

\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Delaware Township Secretary

DELAWARE TOWNSHIP

\_\_\_\_\_  
Chairman of Supervisors



# (FOR LOCAL ROADS, USE PENNDOT PUB 70)

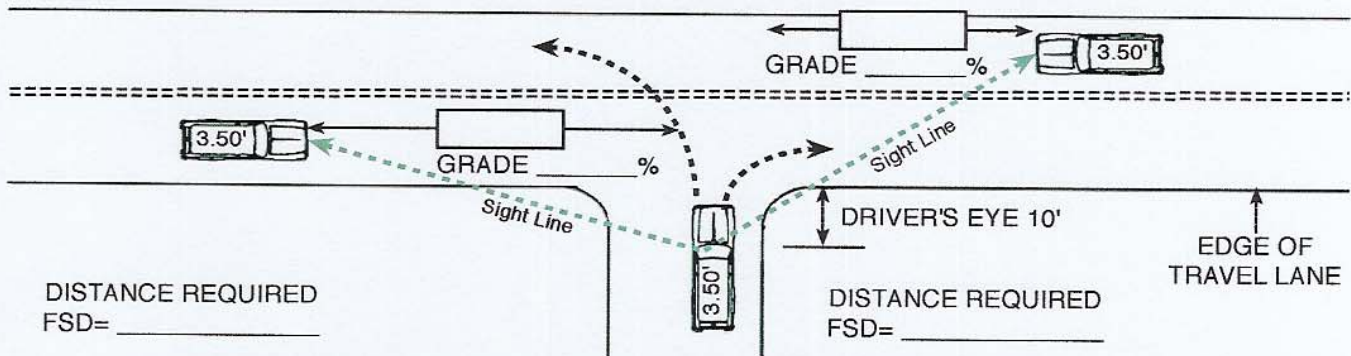
APPLICANT \_\_\_\_\_ APPLICATION NO. \_\_\_\_\_

S.R. \_\_\_\_\_ SEG. \_\_\_\_\_ OFFSET \_\_\_\_\_ LEGAL SPEED LIMIT \_\_\_\_\_

MEASURED BY \_\_\_\_\_ DATE \_\_\_\_\_

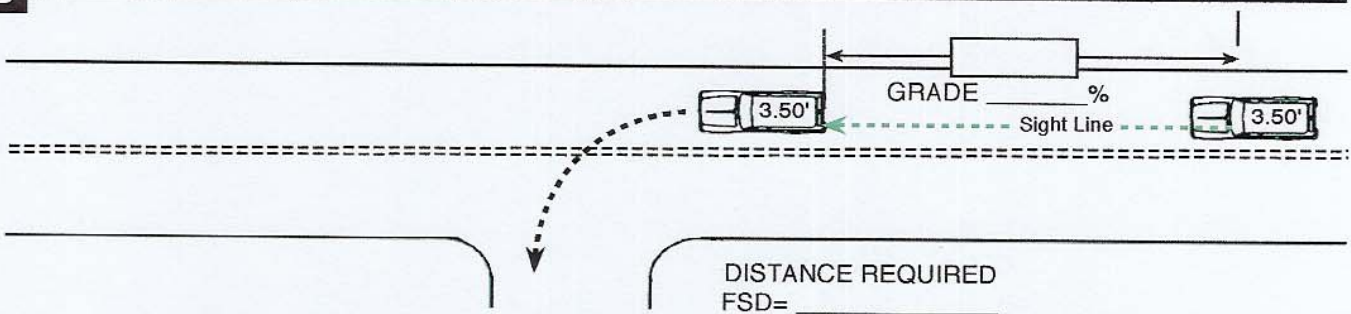
FOR DEPARTMENT USE ONLY: Safe-Running Speed \_\_\_\_\_ 85th Percentile Speed \_\_\_\_\_

**A**



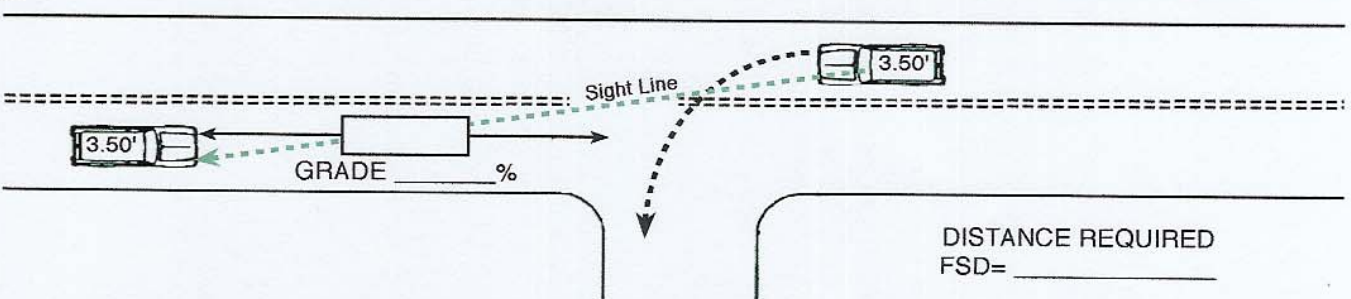
THE MAXIMUM LENGTH OF ROADWAY ALONG WHICH A DRIVER AT A DRIVEWAY LOCATION CAN CONTINUOUSLY SEE ANOTHER VEHICLE APPROACHING ON THE ROADWAY.

**B**



THE MAXIMUM LENGTH OF ROADWAY ALONG WHICH A DRIVER ON THE ROADWAY CAN CONTINUOUSLY SEE THE REAR OF A VEHICLE WHICH IS LOCATED IN THE DRIVER'S TRAVEL LANE AND WHICH IS POSITIONED TO MAKE A LEFT TURN INTO A DRIVEWAY.

**C**



THE MAXIMUM LENGTH OF ROADWAY ALONG WHICH A DRIVER OF A VEHICLE INTENDING TO MAKE A LEFT TURN INTO A DRIVEWAY CAN CONTINUOUSLY SEE A VEHICLE APPROACHING FROM THE OPPOSITE DIRECTION.

## FORMULA SIGHT DISTANCE TABLE

Speed (V) (Miles Per Hour)	Average Grade (G) (Percent)										
	Use plus grades when approaching vehicle is travelling upgrade.										
	0.0	+1.0	+2.0	+3.0	+4.0	+5.0	+6.0	+7.0	+8.0	+9.0	+10.0
25	147	145	144	143	142	140	139	138	137	136	135
30	196	194	191	189	187	185	183	182	180	178	177
35	249	245	242	239	236	233	231	228	226	224	221
40	314	309	304	299	295	291	287	284	280	277	274
45	383	376	370	364	358	353	348	343	339	334	330
50	462	453	444	436	429	422	415	409	403	397	392
55	538	527	517	508	499	490	482	475	468	461	454
	Use negative grades when approaching vehicle is travelling downgrade.										
	0.0	-1.0	-2.0	-3.0	-4.0	-5.0	-6.0	-7.0	-8.0	-9.0	-10.0
25	147	148	150	151	153	155	157	159	161	164	166
30	196	199	201	204	207	210	214	217	221	226	230
35	249	252	256	260	265	269	275	280	286	292	299
40	314	319	325	331	338	345	352	360	369	379	389
45	383	390	398	406	415	425	435	447	459	472	487
50	462	471	481	492	504	517	531	546	563	581	600
55	538	550	562	576	590	606	622	641	661	682	706

## MODIFICATION REQUEST FORM

### SECTION I - GENERAL INFORMATION

Applicant \_\_\_\_\_ Date \_\_\_\_\_  
Address \_\_\_\_\_ Plan Title \_\_\_\_\_  
\_\_\_\_\_  
Phone \_\_\_\_\_  
\_\_\_\_\_  
Signature \_\_\_\_\_

### SECTION II - MODIFICATION REQUEST

Ordinance Section Requested to be Modified \_\_\_\_\_

Specific Modification Request \_\_\_\_\_  
\_\_\_\_\_

Applicant's Justification for Modification \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is this the minimum modification necessary? ☐ Yes ☐ No

### SECTION III -ADMINISTRATOR/OR PLANNING COMMISSION RECOMMENDATION

Reviewed by: ☐ Administrator ☐ Planning Commission

Date of Review \_\_\_\_\_ Reviewer \_\_\_\_\_

Is literal compliance with the mandatory Ordinance provision unreasonable or cause unique and undue hardship as it applies to this property? ☐ Yes ☐ No

Is the need for the modification a self-created hardship? ☐ Yes ☐ No

Will the granting of the modification detract from the character of the surrounding area? ☐ Yes ☐ No

Will granting of the modification have the effect of nullifying the intent and purpose of the ordinance or be contrary to the public interest? ☐ Yes ☐ No

Is the modification requested the minimum necessary? ☐ Yes ☐ No

Can an alternative standard be demonstrated to provide equal or better results? ☐ Yes ☐ No

Recommendation:      ☐ Approval                      ☐ Denial

Reason(s) for Approval/Denial \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION IV - BOARD OF SUPERVISORS ACTION**

Date Action Taken \_\_\_\_\_

Action Taken:    ☐ Modification Approved                      ☐ Modification Denied                      Vote \_\_\_\_\_

Reasons for Approval/Denial \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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**SECTION V - ADDITIONAL COMMENTS**

**CHAPTER 19. ORGANIZED CAMPS AND CAMPGROUNDS****GENERAL PROVISIONS**

- Sec.  
19.1. Definitions.  
19.2. Submission of plans to Department.  
19.3. Waiver of requirements.  
19.4. Water supply.  
19.5. Plumbing.  
19.6. Sewage disposal.  
19.7. Bathing places.  
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**PERMITS**

- 19.11. General requirement.  
19.12. Application.  
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19.14. Revocation and suspension.

**TOILET FACILITIES**

- 19.21. General requirement.  
19.22. Design.  
19.23. Maintenance.  
19.24. Toilet room.  
19.25. Organized camps.  
19.26. Campgrounds.  
19.27. Soap and towels.

**SANITARY STATIONS**

- 19.31. General requirement.  
19.32. Ratio.  
19.33. Construction.  
19.34. Public warning.

**GARBAGE AND REFUSE**

- 19.41. Collection.  
19.42. Storage.  
19.43. Disposal.  
19.44. Cleaning of area.

**Authority**

The provisions of this Chapter 19 issued under sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-17 and 510-20), unless otherwise noted.

**Source**

The provisions of this Chapter 19 adopted September 18, 1971, effective September 18, 1971, 1 Pa.B. 1921; renumbered from 25 Pa. Code Chapter 191, June 7, 1996, effective June 8, 1996, 26 Pa.B. 2707, unless otherwise noted. Immediately preceding text appears at serial pages (167993) to (168000).

**Cross References**

This chapter cited in 28 Pa. Code § 17.11 (relating to minimum program activities); 28 Pa. Code § 17.31 (relating to minimum program activities); and 28 Pa. Code § 17.61 (relating to minimum program activities).

**GENERAL PROVISIONS****§ 19.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Campground*—A portion of land used for the purpose of providing a space or spaces for trailers or tents, for camping purposes regardless of whether a fee has been charged for the leasing, renting or occupancy of the space.

*Garbage*—Putrescible wastes, except sewage and body waste, including animal and vegetable offal.

*Organized camp*—A combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth and adults, with social, recreational and educational objectives and operated and used for 5 or more consecutive days during one or more seasons of the year.

*Person*—An individual, firm, partnership, company, corporation, trustee, association, county, authority, the Commonwealth or a public or private entity.

*Refuse*—Nonputrescible wastes generally regarded and classified as rubbish, trash, junk and similar designations which have been rejected by the owner or possessor as useless or worthless.

*Sanitary station*—A facility used for disposing of sewage from trailer holding tanks.

*Sewage*—A substance which contains any of the waste products or excrementitious or other discharge from the bodies of human beings or animals.

*Sewerage system*—A community or individual system, publicly or privately owned, for the collection and disposal of sewage and industrial wastes of a liquid nature, including various devices for the treatment of the sewage or industrial wastes.

*Tent*—A portable lodging unit usually made of skins, canvas, plastic or strong cloth stretched and usually sustained by poles, and dependent upon separate toilet and lavatory facilities.

*Trailer*—A vehicular portable structure built on, or designed to be mounted, on a chassis or wheels, or constructed as an integral part of a self-propelled



vehicle for use as a temporary dwelling for travel, recreation and vacation and commonly known as travel trailers, pick-up coaches, motor homes or camping trailers.

*Trailer or tent space*—A parcel of land in an organized camp or campground for the placement of a single trailer or tent and the exclusive use of its occupants.

*Water supply*—A source of water, and water treatment, storage, transmission and distribution facilities.

### **§ 19.2. Submission of plans to Department.**

(a) Before work is begun in the construction, remodeling or alteration of an organized camp or campground or in the conversion of an existing establishment or facility to an organized camp or campground, properly prepared plans and specifications shall be submitted to and approved by the Department.

(b) The plans and specifications shall include, if applicable, data relating to the grounds, buildings, equipment, sewage disposal, water supply, including plumbing, refuse disposal and other information that may be required by the Department.

### **§ 19.3. Waiver of requirements.**

The Department may waive compliance with one or more provisions of this chapter for specific events as long as the lives and health of the public or the persons on the premises will not be adversely affected thereby.

### **§ 19.4. Water supply.**

(a) Water used in the operation of an organized camp or campground shall be provided from a supply approved by the Department. Approval of a water supply shall be based upon satisfactory compliance with construction standards for water supplies approved by the Department.

(b) The water supply shall be adequate in quantity and shall meet the bacteriological and chemical water standards of the Department.

(c) An unapproved water supply shall be made inaccessible to the public in a manner deemed satisfactory to the Department.

### **§ 19.5. Plumbing.**

(a) Plumbing shall be sized, installed and maintained so as to carry adequate quantities of water to required locations throughout the organized camp or campground and to properly convey sewage and liquid wastes from the establishment of the sewerage or sewage disposal system.

(b) Plumbing shall serve to prevent contamination of the water supply and may not create an insanitary condition or nuisance.

**§ 19.6. Sewage disposal.**

Sewage disposal systems serving an organized camp or campground shall be approved by the Department. Approval shall be based upon satisfactory compliance with Chapter 73 (relating to standards for sewage disposal facilities) and The Clean Streams Law (35 P. S. § 691.1—691.1001).

**§ 19.7. Bathing places.**

The construction, modification, maintenance and operation of a bathing place in an organized camp or campground shall be subject to the provisions of the Public Bathing Law (35 P. S. § 672—680d) and the rules and regulations of the Department.

**§ 19.8. Vector control.**

Adequate measures for the control of arthropods and rodents which the Department deems a public health hazard shall be taken in a manner satisfactory to the Department.

**PERMITS****§ 19.11. General requirement.**

A person may not operate at a place within this Commonwealth, and a person may not permit to be operated on his premises within this Commonwealth, an organized camp or campground unless the operator or owner possesses a valid permit from the Department. The permit shall be in addition to the registration requirements of organized camps under act of November 10, 1959 (P. L. 1400, No. 497) (35 P. S. §§ 3001—3004).

**§ 19.12. Application.**

Application for a permit shall be made to the Department on forms provided by the Department.

**§ 19.13. Issuance.**

- (a) The Department will issue a permit for the operation of an organized camp or campground if it is satisfied that this chapter has been met.
- (b) The permit shall be valid for 1 calendar year from date of issuance unless revoked or suspended by the Department.
- (c) A separate permit shall be issued for each organized camp site or campground and may not be transferable or assignable.



**§ 19.14. Revocation and suspension.**

(a) A permit may be revoked or suspended at any time if the Department finds that the organized camp or campground is maintained, operated or occupied in violation of this chapter.

(b) The Department may order an organized camp or campground to close and cease operation if a situation is present which is inimical to the health of the occupants.

**TOILET FACILITIES****§ 19.21. General requirement.**

Organized camps and campgrounds shall provide toilet facilities on the premises for the public which are separate for each sex.

**§ 19.22. Design.**

Toilet facilities, including rooms and fixtures, shall be of a sanitary design and readily cleanable.

**§ 19.23. Maintenance.**

Toilet facilities shall be kept in a clean condition and in good repair.

**§ 19.24. Toilet room.**

Each toilet room shall meet the following requirements:

- (1) Doors shall be self-closing.
- (2) Adequate ventilation to the outside shall be provided.
- (3) Toilet tissue shall be provided.
- (4) Easily cleanable receptacles shall be provided for waste materials.
- (5) Receptacles for women shall be covered.

**§ 19.25. Organized camps.**

(a) Toilet facilities in organized camps shall be provided in the ratios indicated in the following table:

<i>Number of Tent or Trailer Spaces</i>	<i>Number of Toilet Seats</i>		<i>Number of Lavatories</i>		<i>Number of Urinals</i>
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>
1—20	1	2	1	2	1
Each additional 20 persons	+1	+1	+1	+1	+1

(b) Urinals for males or urinals specifically designed for females may be provided in lieu of toilet seats but may not consist of more than 1/3 of the required number of toilet seats.

(c) Organized camps which do not provide overnight lodging and serve a minimum of one meal per day are not subject to the requirements in subsection (a) but shall provide toilet and lavatory facilities as deemed adequate by the Department.

### § 19.26. Campgrounds.

(a) Toilet facilities in campgrounds shall be in addition to the requirements for sanitary stations as indicated in §§ 19.31—19.34 (relating to sanitary stations) and shall be provided in the ratios indicated in the following table:

<i>Number of Persons</i>	<i>Number of Toilet Seats</i>		<i>Number of Lavatories</i>		<i>Number of Urinals</i>
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>
1—15	1	1	1	1	1
16—30	1	2	2	2	1
31—45	2	2	3	3	1
46—60	2	3	3	3	2
61—80	3	4	4	4	2
81—100	3	4	4	4	2
Each additional 1—100 spaces	+1	+1	+1	+1	+1

(b) Urinals specifically designed for females may also be provided in lieu of toilet seats, but for not more than 1/3 of the required number of toilet seats.

### § 19.27. Soap and towels.

(a) Lavatories in new and existing organized camps and campgrounds where campers do not provide their own soap and individual towels, soap and single-service towels shall be provided.

(b) The use of a common towel is prohibited.

## SANITARY STATIONS

### § 19.31. General requirement.

New organized camp or campground operations which provide parking spaces for trailers shall provide sanitary stations in order that the removal and disposing of sewage from trailer holding tanks shall be accomplished in a sanitary manner.

#### Cross References

This section cited in 28 Pa. Code § 19.26 (relating to campgrounds).

### § 19.32. Ratio.

Each new organized camp or campground shall provide a sanitary station in the ratio of one for every 100 trailer spaces or fractional part thereof.

**Cross References**

This section cited in 28 Pa. Code § 19.26 (relating to campgrounds).

**§ 19.33. Construction.**

Each sanitary station shall consist of at least the following:

- (1) A 4-inch sewer pipe which shall be connected to an approved sewage disposal system, surrounded at the inlet end by a concrete apron sloped to the drain.
- (2) A suitable fly-tight cover which shall be provided to the 4-inch sewer pipe.
- (3) A water outlet, with the necessary appurtenances and connected to a water supply system to permit a washdown of the immediate adjacent areas after each use.

**Cross References**

This section cited in 28 Pa. Code § 19.26 (relating to campgrounds).

**§ 19.34. Public warning.**

Each water outlet used for washdown purposes at sanitary stations shall conspicuously display at all times a sign stating: "Notice, This Water For Flushing and Cleaning Purposes Only."

**Cross References**

This section cited in 28 Pa. Code § 19.26 (relating to campgrounds).

**GARBAGE AND REFUSE****§ 19.41. Collection.**

The collection of garbage and refuse shall be conducted in a sanitary manner and as often as necessary to prevent a nuisance.

**§ 19.42. Storage.**

- (a) Garbage and refuse containing food wastes shall, prior to disposal, be kept in leak-proof, nonabsorbent, rust and corrosion-resistant containers of adequate number, which shall be kept covered with tight-fitting lids, when filled or stored or not in continuous use, but any other manner of garbage and refuse storage may be used if approved by the Department.
- (b) Other refuse shall be stored in containers, rooms or areas of sufficient number and size in a manner so as to prevent arthropod or rodent problems and other nuisances.

**§ 19.43. Disposal.**

When disposal of garbage or refuse is accomplished within or upon the premises of the organized camp or campground, the disposal facilities shall be operated and maintained so as not to create a nuisance or a health hazard.

**§ 19.44. Cleaning of area.**

Adequate cleaning facilities shall be provided, and each container, room or area shall be thoroughly cleaned after each emptying or removal of garbage and refuse.

[Next page is 20-1.]

## **Appendix L**

### **ASSOCIATION OF PROPERTY OWNERS AGREEMENT MINIMUM REQUIREMENTS**

**The Association of Property Owners shall be formed and operated under the following provisions:**

1. A description of the Association including its bylaws and methods for maintaining improvements in common ownership, including but not limited to open space, streets, stormwater management infrastructure and facilities, trails, recreation facilities, water supply and sewage disposal infrastructure and facilities etc.
2. A stipulation that the Association shall be organized by the developer and shall be operated with financial subsidization by the developer, before the sale of any lots or units within the development.
3. Membership in the Association is mandatory for all owners of property and their successors. The conditions and timing of transferring control of the Association from the developer to the property owners shall be identified.
4. The Association shall be responsible for maintenance and insurance on all improvements not dedicated to the local municipality including but not limited to open space, streets, stormwater management infrastructure and facilities, trails, recreational facilities, water supply and sewage disposal infrastructure and facilities, etc.
5. Maintenance obligations may be enforced by the municipality and liens may be placed to cover the costs of such. Any governmental body with jurisdiction in the area where the development is located may place such liens on the owners.
6. The members of the Association shall share equitably the costs of maintaining and developing such common land. Shares shall be defined within the Association bylaws.
7. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities (which shall be deposited in a sinking fund reserved for just such purposes).
8. In the event of a proposed transfer, within the methods permitted herein and within the Delaware Township Subdivision and Land Development Ordinance, of open space or other improvements by the Association or of the assumption of maintenance of such lands or improvements by the municipality, notice of such action shall be given to all property owners within the development.
9. The Association shall have or hire adequate staff or service providers to administer common facilities and property and shall properly and continually maintain such.
10. The Association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of such lands, but such a lease agreement shall provide:

a. The residents of the development shall at all times have access to the open space lands contained therein (except that access to land that is actively farmed shall be limited to times of the year when the fields are fallow);

b. The common open space land to be leased shall be maintained for the purposes set forth in this Ordinance and local and county comprehensive plans and recreation plans; and

c. The operation of open space facilities may be for the benefit of the residents only, or may be open to the public at the election of the developer and/or Association, as the case may be.

11. The lease shall be subject to the approval of the Township and any transfer or assignment of the lease shall be further subject to approval. Lease agreements so entered upon shall be recorded with the Northumberland County Recorder of Deeds office within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Township.

12. Association documentation demonstrating compliance with the provisions herein shall be filed with the final plans. At the time of Preliminary Plan submission, the Applicant shall provide draft property owners association documentation with sufficient detail to demonstrate feasible compliance with the Delaware Township Subdivision and Land Development Ordinance and these minimum requirements.