

PEACH
BOTTOM
TOWNSHIP

SUBDIVISION
&
LAND
DEVELOPMENT
PLAN

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**AN ORDINANCE REGULATING SUBDIVISION AND
LAND DEVELOPMENT IN PEACH BOTTOM TOWNSHIP,
YORK COUNTY, PENNSYLVANIA**

WHEREAS, this Ordinance sets forth rules, regulations, and standards regulating the Subdivision and Land Development within Peach Bottom Township, York County, Pennsylvania, pursuant to the authority granted in Article V of the Pennsylvania Municipalities Planning Code (Act 247) as enacted establishing the procedure to be followed by the Peach Bottom Planning Commission and the Peach Bottom Township Board of Supervisors in the application and administration of said rules, regulations and standards, and providing penalties for the violation thereof.

NOW, THEREFORE, it is hereby ordained by the Board of Supervisors of Peach Bottom Township, a Township of the Second Class, York County, Pennsylvania, as follows:

ARTICLE I
NAME AND PURPOSE

SECTION 101 NAME

This Ordinance shall be known and may be cited as the "Peach Bottom Township Subdivision and Land Development Ordinance."

SECTION 102 PURPOSE

The purpose of these regulations is to provide for the harmonious development of Peach Bottom Township by:

- a. Assisting in the orderly and efficient integration of subdivisions within the Township.
- b. Ensuring conformance of subdivision plans with public improvement plans.
- c. Ensuring coordination of inter-municipal public improvement plans and programs.
- d. Securing the protection of water resources and drainage ways.
- e. Facilitating the efficient movement of traffic.
- f. Securing equitable handling of all subdivision plans by providing uniform standards and procedures.
- g. Securing adequate sites for recreation, conservation, scenic and other open space purposes.
- h. Strengthening and stabilizing the tax base of the Township.
- i. Promoting the health, safety, morals and welfare of the citizens of Peach Bottom.

ARTICLE II

JURISDICTION AND AUTHORITY

SECTION 201 JURISDICTION

No subdivision of any lot, tract or parcel of land shall be affected, no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of these regulations.

SECTION 202 AUTHORITY

- a. Authority of the Township Planning Commission: The Peach Bottom Township Planning commission, hereinafter referred to as the Planning Commission, shall be vested with the control of Subdivision and Land Development as granted by Article V, Section 501 of the Pennsylvania Municipalities Planning Code.
- b. Authority of the Township Board of Supervisors: The Peach Bottom Township Board of Supervisors, hereinafter referred to as the Board of Supervisors, shall be vested with the authority to approve or disapprove all Subdivision and Land Development plans as granted by Article V, Sections 501 and 508 of the Pennsylvania Municipalities Planning Code.
- c. Authority of the County Planning Commission: Plans for Subdivision and Land Development located within Peach Bottom Township shall be submitted to the York County Planning Commission for review and report as required by Section 502 of the Pennsylvania Municipalities Planning Code. Said submission shall take place before final approval of any plans by the municipality. However, if a report is not received from the County Planning Commission within thirty (30) days after submission by the municipality, the municipality may proceed without the report.

SECTION 203 VIOLATION

It shall be a violation of this Ordinance for any person, partnership or corporation to subdivide any land in Peach Bottom Township or to create any land development in Peach Bottom Township without first having a final plan approved in accordance with the provisions of this Ordinance. It shall also be a violation of this Ordinance for any person, partnership or corporation to lay out, construct, open or dedicate it for public use or travel or for the common use of occupants of buildings abutting thereon any street, sanitary sewer, storm sewer, water main or other improvement in connection therewith except in accordance with this Ordinance.

ARTICLE III

DEFINITIONS

SECTION 301 INTENT

Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning given herein:

SECTION 302 GENERAL USAGE

- a. Words used in the present tense imply the future tense.
- b. Words used in the singular imply the plural.
- c. The word "person" includes a partnership or corporation as well as an individual.
- d. The word "shall" is to be interpreted as mandatory; the word "may" as directory and complied with unless waived.

SECTION 303 SPECIFIC WORDS AND PHRASES

Agent - Any person, other than the subdivider, who, acting for the subdivider submits to the Planning Commission and Township Supervisors subdivision plans for the purpose of obtaining approval thereof.

Agricultural Purposes - The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and the accessory uses for packing, treating or sorting the produce and equipment and for housing and feeding the animals and housing the equipment utilized in such farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture or animal and poultry husbandry. The use of land for a dwelling site is not an agricultural purpose.

Alley - A right-of-way providing secondary vehicular access to the side or rear of two or more properties.

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 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 plot or plan or for the approval of a development plan.

Block - An area bounded by streets.

Cartway - The surface of the roadway available for vehicular traffic.

Clear Sight Triangle - An area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the centerlines of both streets.

Common Open Space - A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the planned residential development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents.

Common Ownership Merger – the landowner(s) wishes to combine two or more adjacent lots, parcels, tracts under common ownership into one single lot, parcel, tract by eliminating property lines; or the landowner(s) wishes to adjust the existing dividing property line between lands of common ownership; and there are no land development or other improvements or changes proposed that would require a submission of a land development plan.

Comprehensive Plan - The plan, or parts thereof, which have been adopted by the Peach Bottom Township Planning Commission, showing its recommendations for such systems as: parks and recreation facilities, water supply, sewerage and sewage disposal, garbage disposal, transportation, highways, civic centers and other public improvements which affect the development of the Township.

Corner Lot - A lot abutting upon two streets at their intersection.

Corrective Action – there is an issue regarding the drafting, approval process, and/or recordation process of a previously approved and recorded subdivision plan, and a correction is necessary; or the ownership of land(s) are unclear, or have been identified incorrectly on the original plan; or Uniform Parcel Identification (UPI) numbers connected to lands shown on a previously approved and recorded subdivision plan have been incorrectly assigned, such as in situations where multiple lots, parcels, tracts of lands under common ownership with multiple deeds, were assigned one UPI number, and conversely, multiple UPI numbers assigned when there should be only one.

Cost of Improvements - The amount which the Township Engineer estimates that the Township would be required to expend in order to complete the improvements proposed by a subdivider or land developer in a subdivision or land development plan, in the event the subdivider or land developer fails to complete such improvements within the time set forth in the subdivision or land development plan or otherwise agreed upon, which estimate shall take into consideration anticipated inflation in construction costs, bid preparation costs and other costs which the Township will incur in the event it is required to complete the proposed improvements.

Crosswalk - A right-of-way, municipally or privately owned, at least twelve (12) feet wide, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

Cul-de-sac - A residential street with one end open for public vehicular and pedestrian access and the other end terminating in a vehicular turnaround.

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

Curb Line - The outside edge of the cartway.

Development Plan - The provisions for development of a planned residential development, including 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.

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.

Double Frontage Lot - A lot fronting on two streets other than a corner lot.

Drainage Facility - Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended, or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas, or any part of any subdivision on contiguous land areas.

Driveway - A minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

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

Easement of Access - Is defined to include any driveway or other entrance from a public or private road. A field road providing access to agriculturally used fields and not providing access to any residential, commercial or industrial structure is not considered an easement of access.

Floodplain or Floodway Area - That geographic area located at the shore line or water's edge which is subject to periodic flooding.

Frontage - The horizontal or curvilinear distance along the street line upon which a lot abuts.

Future Right-of-Way - (1) The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads. (2) A right-of-way established to provide future access to or through undeveloped land.

Grade - The slope expressed in a percent which indicates the rate of change of elevation in feet per hundred feet.

Gutter - That portion of a right-of-way carrying surface drainage.

Half or Partial Street - A street parallel and adjacent to a property line having a lesser right-of-way width than required for satisfactory improvement and use of the street.

Improvements - Pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs and plantings, and other items for the welfare of the property owner and the public.

Land Development - Any of the following activities:

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

(a) A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure;

(b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; or

(c) A subdivision of land.

(2) Land development shall not include:

(a) 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;

(b) The addition of an accessory building or buildings not to be used exclusively in connection with the agricultural use of the property containing less than 2,000 square feet of ground floor area or the addition of a building or buildings to be used exclusively in connection with the agricultural use of the property containing less than 10,000 square feet of ground floor area, which accessory building or buildings is subordinate to an existing principal building." *Added 8/3/09*

Landowner - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee having a remaining term of not less than forty years, or other person having a proprietary interest in land.

Location Map - A map showing the site with relation to adjoining areas.

Lot - A plot or parcel of land which is, or in the future, may be offered for sale, conveyance, transfer or improvement as one parcel, regardless of the method in which title was acquired.

Lot Area - The area contained within the property lines of the individual parcels as shown on a subdivision plan including any area within a street right-of-way or easement.

Lot Width - The width of the lot measured at the street right-of-way.

Marginal Access Street - Minor streets, parallel and adjacent to major traffic streets providing access to abutting properties and control of intersections with the major traffic street.

Multiple Dwelling Building - A building providing separate living quarters for two or more families.

Owner - The owner of record of a parcel of land.

Performance Bond - An agreement by and between a contractor and a bonding company in favor of the subdivider and the Township Board of Supervisors guaranteeing the completion of physical improvements.

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

Plan, Preliminary - A tentative subdivision plan, in lesser detail than a final plan, showing the salient existing features of a tract and its surroundings and approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

Plan, Final - A complete and exact subdivision plan, prepared as for official recording, to define property rights and proposed streets and other improvements.

Plan, Record - An exact copy of the approved final plan on opaque linen of standard size prepared for necessary signatures and recording with the York County Recorder of Deeds.

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

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

Reverse Frontage Lot - A lot extending between and having frontage on a major street and a minor street with vehicular access solely from the latter.

Right-of-Way - Land opened for use as a street, alley, or crosswalk.

Setback or Building Line - The horizontal distance between a structure and a property or street line.

Setback, Front - The distance between the street line and the front building line projected the full width of the lot. Commonly called "front yard."

Setback, Rear - The distance between the rear lot line and the rear building line projected the full width of the lot. Commonly called "rear yard."

Setback, Side - The distance between the side lot line and the side building line. Commonly called "side yard."

Street - A strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel. Street includes avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are further classified as follows:

- a) Arterial Street; Highway - A street or road which is used primarily for fast or heavy traffic including all roads classified as main and secondary highways by the Pennsylvania Department of Transportation.
- b) Collector Street - A street which carries traffic from minor streets to the major system of arterial streets, including the principal entrance streets of a residential development and streets within such a development.
- c) Minor Street - A street which is used primarily for access to the abutting properties.
- d) Service Drive or Alley - A minor street which is used primarily for vehicles service access to the back or the side of properties otherwise abutting a street.
- e) Private Street - A street which provides direct access to not more than three (3) residential lots, and not offered for dedication to the Township or Commonwealth of Pennsylvania; used only for traffic having a destination in the immediate area; and to be installed and maintained by individual lot owners being served by such street in accordance with an approved subdivision plan and road use agreement. (But not to include mobile home parks.)

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, 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 (10) acres, not involving new street or easement of access, or residential dwelling, shall be exempted.

Tract - All contiguous land owned by the same land owner and all land owned by the same land owner which is contiguous except for the presence of public or private roads and/or the presence of lots or parcels adversed from the original tract since June 15, 1964.

Undeveloped Land - Land in parcels sufficiently large for future subdivision which is presently in agriculture, woodland or lying fallow.

Variance - The granting of an exception to these regulations which in the opinion of the Township will not be detrimental to the general welfare, impair the intent of those regulations or conflict with the Comprehensive Plan.

Wharf or Dock Line - A structure or group of structures built along and generally perpendicular to the shore line of a body of water providing loading and unloading facilities for boats.

**ARTICLE IV
PROCEDURE**

SECTION 401 PRE-APPLICATION CONSULTATION

Copies of this Ordinance shall be available on request for the use of any person who desires information concerning subdivision and land development standards and procedures in effect within Peach Bottom Township. Any prospective subdivider may request a meeting with the Planning Commission to discuss and review tentative plans and discuss the applicability of the provisions of this Ordinance.

SECTION 402 SUBMISSION OF PLANS

Preliminary and final plans for all proposed subdivision or land developments lying within the Township shall be submitted to the Township Secretary or designee at the Township Office on any business day. The subdivider or developer shall submit seven (7) copies of the preliminary or final plan as well as two (2) copies of all required supporting data together with the required filing fee as established by resolution of the Township Board of Supervisors.. Preliminary and final plans shall comply with the requirements of Articles V and VI of this Ordinance. Plans for subdivision or land development requiring on-site sewage disposal systems shall not be considered filed unless there is submitted with such plans the required filing fees, the results of probe hole analyses and soil absorption tests on each of the lots proposed in the subdivision or land development unless the location of those tests is set forth on the proposed plan. The plan shall be placed on the agenda of the Township Planning Commission for review at the next Planning Commission meeting which is a least ten (10) business days following the filing of the plan. *Amended 12/3/12*

SECTION 402.3 PLANNING COMMISSION REVIEW OF THE PRELIMINARY PLAN

Upon receipt of data required by this Ordinance, the Planning Commission shall review the Preliminary Plan with reference to the following:

- a. The standards and requirements of this Ordinance.
- b. The recommendations of the Township Engineer.
- c. The recommendations received from the York County Planning Commission.
- d. The recommendations received from the Pennsylvania Department of Environmental Resources.
- e. The recommendations received from the Pennsylvania Department of Transportation.
- f. The recommendations of affected public utilities.
- g. The Comprehensive Plan of Peach Bottom Township.

SECTION 402.4 PLANNING COMMISSION DECISION CONCERNING THE PRELIMINARY PLAN

Within eighty (80) days of receipt of the Preliminary Plan, the Planning commission shall approve, approve conditionally, or disapprove said Preliminary Plan as submitted. Such action shall take place at a regular public meeting of the Planning Commission.

The subdivider and the Township Secretary shall be notified in writing as to the action taken by the Planning Commission. If approved conditionally, said changes and/or additions to the Preliminary Plan shall be noted in the letter to the subdivider and Township Secretary.

It will be necessary for the subdivider to conform to said conditions before the Final Plan may be submitted for review and approval by the Planning Commission.

If the subdivider makes substantial changes in his Preliminary Plans after they have been approved in preliminary form, such revised plans shall be treated as Preliminary plans when resubmitted.

If the Preliminary Plan is disapproved reasons for such action shall be noted in the letter to the subdivider and Township Secretary.

SECTION 403 REFERRAL OF PLANS

All plans, whether preliminary or final, shall be forwarded by the Board of Supervisors to the Planning Commission for review and recommendation.

The Township shall forward a copy of such plan to the York County Planning Commission for review. In addition, the Township shall forward two (2) copies together with a planning module as proposed by the subdivider or land developer to the local office of the Pennsylvania Department of Environmental Protection. The Township may, in its discretion, forward a copy to the Township engineer for review.

SECTION 404 REVIEW OF PLANS

All plans, whether preliminary or final shall be reviewed by the Board of Supervisors and Township Planning Commission with reference to the following:

The standards and requirements of this Ordinance.

The improvements, design and dedications or reservations required by this Ordinance.

Recommendations of other official agencies (County Planning Commission, Pennsylvania Department of Environmental Resources, Pennsylvania Department of Transportation, U.S. Soil Conservation Service).

SECTION 405 APPROVAL OF PLANS BY THE TOWNSHIP BOARD OF SUPERVISORS

At a scheduled public meeting, the Board of Supervisors shall render its decision on the plan, whether preliminary or final, and communicate its decision to the applicant not later than ninety (90) days following the date of the regular meeting of the Board of Supervisors or the Township Planning Commission (whichever first reviews the application) next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the 30th day following the date the application has been filed.

Final Plan approval shall not be granted until such improvements as required by this Ordinance and shown on such final plan have been completed or guarantee posted as required in Section 407.

The Board of Supervisors may approve the plan, whether preliminary or final, in whole or in part, or may subject the plan to modifications or conditions, or may disapprove the plan. The decision of the Board of Township Supervisors shall be in writing and shall be communicated to the subdivider personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

If the plan is approved by the Township Board of Supervisors subject to modifications or conditions, the applicant shall approve or reject such modifications or conditions within five (5) days of receiving notice of such modifications or conditions either personally or in writing. For purposes of this paragraph, notice to an individual presenting the plan on behalf of the applicant whether such individual be the applicant himself, a relative of the applicant, an officer of the applicant, an attorney, a surveyor, an engineer or otherwise, shall be, notice to the applicant and such person presenting the plan on behalf of the applicant shall be deemed to have authority to, on behalf of the applicant, accept or reject such modifications or conditions. The failure to accept or reject such modifications or conditions within the five (5) day period shall be considered to be a rejection of the same and the conditional approval by the Township Board of Supervisors shall be revoked and the applicant shall be notified in writing within ten (10) days following the expiration of the five (5) day period of the plan rejection.

When the plan is not approved in terms as filed, the decision shall specify the defects found in the plan and describe the requirements which have not been met, and in each case, cite to the provisions of these regulations relied upon.

Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

From the time a plan, whether preliminary or final, is submitted as provided in this Ordinance and while such plan is pending approval or disapproval, no change or amendment of the zoning, subdivision or other Township ordinance or plan shall affect the decision on such plan adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the Township ordinances or plans as they stood at the time the application was duly submitted. In addition, when a preliminary plan has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary plan as hereinafter provided.

However, if a plan is properly and finally denied, any subsequent plan shall be subject to the intervening change in Township regulations and shall be considered as a newly submitted plan. When an application for approval of a plan, whether preliminary or final, has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision or other Township ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of the preliminary approval, the terms shall be construed in the light of the provisions of the Township ordinances or plans as they stood at the time when the plan for such approval was duly submitted.

Before acting on any subdivision plan, whether preliminary or final, the Board of Supervisors and/or the Planning Commission may hold a public meeting thereon after public notice.

SECTION 406 EFFECT OF APPROVAL OF PRELIMINARY PLAN

Approval of the Preliminary Plan by the Planning Commission and the Township Supervisors constitutes conditional approval of the subdivision as to the character and intensity of development, the general layout, and the approximate dimensions of streets, lots, and other planned features. This approval binds the subdivider to the general scheme shown on the Preliminary Plan.

Approval of the Preliminary Plan shall not constitute approval of the Final Subdivision Plan, nor does it authorize recording of the Preliminary Plan or the sale of any lots; however, such approval does authorize the subdivider to proceed with the preparation of the Final Plan, installation and/or construction of improvements or posting of a bond guarantee as specified in Article IV, Section 407 of this Ordinance.

SECTION 407 COMPLETION OF IMPROVEMENTS OR GUARANTEE THEREOF PREREQUISITE TO FINAL PLAN APPROVAL

No plan shall be finally approved unless the streets shown on such plan have been improved as may be required by this Ordinance, and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains, storm water management facilities or other improvements as may be required by this Ordinance have been installed in accordance with this Ordinance, except that the surface courses of streets shall not be completed until such time as ~~ninety (90%)~~ ninety-five (95%) percent of the lots in the subdivision have been improved by the construction of a dwelling if approved for residential development or by the construction of the proposed commercial or industrial structures if the lots are approved for such uses.

The subdivider or developer shall estimate the cost of the surface course separately from the estimated cost of completing the other improvements and the estimated cost of the surface course shall be based upon the subdivider or developer's projected time table for completion of the development. The subdivider or developer shall deposit with the Township a corporate bond, letter of credit, or other security acceptable to the Board of Supervisors in an amount equal to one hundred ten (110%) percent of the estimated cost of the Township completing the surface course at a time ninety (90) days following the date scheduled for completion of the same by the subdivider or developer.

In addition as set forth below, at the discretion of the subdivider or developer, in lieu of completion of other improvements required as a condition for final approval of a plan, such subdivider or developer may deposit with the Township a corporate bond, letter of credit, or other security acceptable to the Board of Supervisors in an amount equal to one hundred ten (110%) percent of the estimated cost of the Township completing required improvements at a time ninety (90) days following the date scheduled for completion of the respective improvements by the subdivider or developer.

Annually the Township may adjust the amount of required financial security by redetermining the estimated cost for completion of the uncompleted improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the subdivider or developer to post additional security in order to insure that the financial security equals one hundred ten (110%) percent of the estimated cost of the Township completing the improvements at a time ninety (90) days following the date scheduled for completion or alternatively reduce the required security so that it equals such amount. The cost of the determination by the Township Engineer shall be paid by the subdivider or developer. Any additional security shall be posted by the subdivider or developer within thirty (30) days after being notified of the same.

As the work of installing the required improvements proceeds, the party posting the financial security may request the Township to release or authorize the release from time to time, such portions of the financial security necessary for the payment to the contractor or contractors performing the work. Any such request shall be in writing addressed to the

governing body, and the governing body shall have forty-five (45) days from the receipt of such request within which to allow the Township Engineer to certify, in writing, to the governing body that such portion of the work has been completed in accordance with the approved plat. Upon such certification, the Board of Supervisors shall authorize release from the required financial security of an amount as estimated by the Township Engineer as representing the value of the work completed.

The value of the work completed shall be determined by subtracting from the total amount of security deposited, one hundred ten (110%) percent of the estimated cost of the Township completing the uncompleted work.

At such time as ninety five (95%) percent of the lots in the subdivision have been improved as set forth above, the Township shall notify the subdivider or developer to complete the surface course within sixty (60) days from the date of such notice. In computing the sixty (60) day requirement, the period from October 1 to April 1 shall not be counted

In addition to the above and prior to any building permit being issued by the Township the developer must:

(1) Complete the pavement base (see Section 804 of this Ordinance) of the streets shown on the Final Plan as providing the lot access to a public street or road (if the plan provides more than one means of access to the lot in question, only one such means of access is required to be improved pursuant to this section)

(2) Complete all storm water management facilities which are intended by the final plan to handle the storm water runoff from the lot.

SECTION 408 RELEASE FROM IMPROVEMENT BOND

When the subdivider has completed all of the necessary and appropriate improvements, the subdivider shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements, enclosing therewith certification by the engineer responsible for the design of the improvements certifying that they have been installed as designed, and shall send copies of the notice and certification to the Township Engineer. The Township Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report, in writing, with the Township Supervisors, and shall promptly mail a copy of the same to the subdivider by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Township Supervisors; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

The Township Supervisors shall notify the subdivider, in writing by certified or registered mail of the action of said municipal governing body with relation thereto.

If the Township Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have approval and the Subdivider shall be released from all liability, pursuant to its performance guarantee bond.

If any portion of the said improvements shall not be approved or shall be rejected by the Township Supervisors, the subdivider shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

Nothing herein, however, shall be construed in limitation of the subdivider's right to contest or question by legal proceedings or otherwise, any determination of the Township Supervisors or the Township Engineer.

Where the Township accepts dedication of all or some of the required improvements following completion, the Township may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in Section 616 of this Ordinance with regard to installation of such improvements and the amount of such financial security shall not exceed fifteen (15%) percent of the actual cost of the installation of the said improvements.

The subdivider or land developer shall maintain all streets in the subdivision or development in travelable condition including the prompt removal of snow there from until such time as the streets are accepted by the Township as a part of the township highway system.

The improvements shall not be considered completed until the measures taken in compliance with Sections 712, 806, 717 and/or 750(s) of this Ordinance to control erosion are in fact sufficient to prevent erosion of banks and drainage ways.

SECTION 409 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS

In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plat, the Township Supervisors are hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such 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 Supervisors may, at their option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to

complete the remainder of the improvements. All of the proceeds, after deducting costs of collection, whether resulting from the security or from any legal or equitable action brought against the subdivider, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

SECTION 410 COMBINATION OF THE PRELIMINARY AND FINAL PLANS

In the event that an initial subdivision is four (4) lots or less, the following procedures shall apply:

- a. At a regularly scheduled meeting of the Planning Commission, the subdivider shall submit seven (7) copies of the Final Plan which shall meet the requirements both for preliminary plans as set forth in Section 501 and 502 of this Ordinance and for final Plans as set forth in Section 601 and 602 of this Ordinance and shall be accompanied by all of the certifications required by Section 602 of this Ordinance. Such plans shall be processed in the manner provided in Sections 402, et. seq. of this Ordinance.
- b. The minor or small subdivision shall not involve any street improvement and/or street dedication. In the event such an improvement is proposed the subdivider shall comply with the Preliminary Plan and Final Plan specifications of this Ordinance.

SECTION 411 RECORDING OF THE FINAL PLAN

After approval of the Final Plan, the subdivider shall file a copy of the same with the Recorder of Deeds within ninety (90) days of the date of approval. Should the subdivider fail to record the Final Plan within such a period, the approval of the Board shall be null and void.

SECTION 412 RESUBDIVISION PROCEDURE

For any replatting or resubdivision of land, the same procedure, rules and regulations shall apply as prescribed herein for any original subdivision.

SECTION 413 EFFECT ON EXISTING SUBDIVISION PLANS

The regulations of the Subdivision and Land Development Ordinance shall apply to all existing subdivision plans which may or may not have been approved by the Board of Supervisors prior to the passing of this Ordinance. Undeveloped areas, whether laid out in street and lots, or not, within subdivisions existing prior to the passage of this Ordinance, shall be developed entirely in strict accordance with this Ordinance, and all of the limitations and restrictions imposed herein shall apply to such undeveloped areas.

SECTION 414 SALE OF LOTS AND ERECTION OF BUILDINGS

No lot in a subdivision may be sold and no building may be erected in a subdivision, unless and until a subdivision plan has been approved and where required recorded, and until the improvements required by the Board of Township Supervisors, in connection thereof will have either been constructed or guaranteed, as hereinabove provided.

SECTION 415 SUBDIVISION OF LAND FOR AGRICULTURAL PURPOSES

Where a parcel of land is being subdivided and it is not intended that buildings other than farm buildings (a farm dwelling is not farm building) be placed or constructed on any of the lots created by the subdivision, the Plan submitted shall contain in a conspicuous manner the following language: "This subdivision is not intended for development purposes. No buildings, other than farm buildings, may be constructed or placed on any of the lots/parcels shown on this Plan without first submitting a subdivision plan meeting the then existing Township subdivision requirements.

Three copies of such Plans shall be submitted. They need not be drawn by a Registered Engineer and need only to show the outline of the property being divided and the new division lines being created by reasonable accurate survey showing metes and bounds description. (This outline may be obtained from the deed).

The Plan shall contain the notarized signatures of the Owner or Owners and signature blanks for three Supervisors and three members of the Planning Commission.

The only fee required shall be the York County Planning Commission's fee. Refer to Fee Resolution

The Plan shall further indicate to whom the property subdivided is being sold, if known, and such information as is necessary to establish that this subdivision will not result in the evasion of any of the provisions of this Ordinance or any other Township Ordinance with respect to the property proposed to be sold or with respect to the property being retained; i.e., enabling a purchaser to end up with a lot in violation of the length vs. width requirements as stated in Section 104(b) of this Ordinance or the provisions of Sections 202.8 and 202.9 of the Zoning Ordinance.

SECTION 416 DUTIES OF SUBDIVIDER OR DEVELOPER

It shall be the duty of the subdivider or developer to provide each purchaser of a lot in a subdivision with a copy of the final subdivision plan.

SECTION 417 COMMON OWNERSHIP MERGER PLAN PROCESS

The review of these plans will be expedited in the following manner:

- a) All plans of this type will be reviewed as final/minor subdivision plans;
- b) Plan requirements will be reduced to require only the following information from Section 601 subsections(a),(b),(d),(f),(h),(i),(m) (n) and (o) on the Plan.

SECTION 418 CORRECTIVE ACTION PROCESS PLAN PROCESS

- a) A Corrective Action Request Form shall be submitted to the York County Planning Commission, York County Assessment Office and the York County Recorder of Deeds Office. The Corrective Action Form may be obtained from the York County Planning Commission.
- b) If a plan is required it will be reviewed as a final/subdivision minor plan;
- c) Plan requirements will be as provided for in Section 417(b)”

ARTICLE V

PRELIMINARY PLAN

SECTION 501 REQUIRED INFORMATION

The subdivider shall supply seven (7) copies (black and white prints) of the Preliminary Plan and seven (7) copies of the supporting data. The Preliminary Plan shall be at a scale of not more than one-hundred (100) feet to an inch and may be drawn in pencil on tracing paper in a neat but not elaborate style. It shall show or be accompanied by the following:

- a. Title block in lower right corner, giving name of subdivision, scale, date, owner's name, engineering or surveyor's name and registration number and seal.
- b. North point; signature block for three (3) Supervisors, and three (3) Planning Commission members; explanatory notes.
- c. Complete topography, showing contours at one (1) foot vertical intervals for land slopes of less than five (5) percent, or five (5) foot vertical intervals for land slopes of more than five (5) percent on a datum approved by the Engineer, and references to two (2) permanent bench marks. All existing water courses, tree masses and isolated trees more than ten (10) inches in diameter, existing buildings, public works and all significant features within or immediately adjacent to the tract.
- d. Boundary lines of tract, showing courses and distances, as plotted by deed (unless an accurate survey has been made) and the names of the present owners of all adjacent lands.
- e. Layout of proposed street system, showing right-of-way and cartway widths; street names; locations and names of existing streets within or adjacent to the subdivision.
- f. Lines of all lots, parcels, or tracts included within the subdivision including those not presently owned by this subdivider, but on June 15, 1964, owned by the same land owner as the tract being subdivided; building setback lines, utility easements (may be given in the form of a note); any areas offered to public use or reserved for special uses.
- g. Any existing easements, rights-of-way, or restrictions, over or upon the land, with complete information regarding them.
- h. Small scale key map showing the subdivision in relation to the surrounding neighborhood and community.

- i. Proposed drainage system, showing the location and approximate sizes, capacities and grades of inlets, sewers, culverts and other structures, and where water will be drained and how it will affect adjacent properties. For large areas, or subdivisions possessing unusual topographic features, the Township Engineer may require that this be shown on a separate drainage plan.
- j. Any other public improvements necessary for the complete development of the subdivision.
- k. Type of water supply and sewage disposal facilities proposed; i.e., on lot or public. In the event on-site water and/or sewage disposal facilities are proposed, the Plan shall show the locations for all on-site sewage disposal systems and wells. All locations for wells shall be at least one hundred (100) feet from and zoning district boundary.
- l. The location and design of access drives on corner lots and access drives on other lots as requested by the Board of Supervisors. Such access drives shall demonstrate the existence of reasonable access to the property and shall not be designed so as to unreasonably erode the public road. The design shall demonstrate compliance with Section 709(d) of this Ordinance.

If access is to be provided by a road maintained by the Commonwealth of Pennsylvania, the subdivider or developer shall supply proof that a driveway permit has been issued to permit a driveway to be completed at the proposed location, or certification from a professional engineer that, in his best judgment, consistent with the regulations of the Pennsylvania Department of Transportation a permit can be issued to permit a driveway to be completed at the proposed location.

- m. Proposed location for all residential, commercial or industrial buildings.
- n. Where the subdivision and/or land development lies partially or completely within any of the areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for Peach Bottom Township by the Federal Insurance Administration in March, 1981, or where such activities border on such area, the Preliminary Plan shall include the following information:
 - 1)The location and elevation of proposed roads, utilities and building sites, fills, floods or erosion protection facilities.
 - 2)The one hundred (100) year flood elevation;
 - 3)Areas subject to special deed restrictions.

All such maps shall show contours at intervals of two (2) or five (5) feet depending on the slope of the land and shall identify accurately the boundaries of the area identified as being subject to the one hundred (100) year flood in the aforementioned Federal Insurance Study.

- o. The map should be oriented so that the top of the map is due north.
- p. If any lot is not to be approved as the location of a dwelling, the plan shall conspicuously so state.
- q. If the parcel proposed to be subdivided is within the agricultural district, the plan shall include the following information in a format similar to that shown below:

Size of tract as of January 5, 1976	
Number of dwellings on tract as of January 5, 1976	
Number of lots adversed from tract since January 5, 1976	
Number of adversed lots on land of low quality for Agricultural use as defined in Section 202.9(f) of the Peach Bottom Township Zoning Ordinance	
Number of uses on tract other than dwellings which require utilization of dwelling rights	
If parcel being subdivided is part of a subdivided tract number of dwelling rights allocated to the parcel by that plan	
Number of dwelling rights under section 202.9(a) of the Peach Bottom Township Zoning Ordinance available to the parcel being subdivided	
Number of additional dwelling rights under Section 202.9(e) of the Peach Bottom Township Zoning Ordinance, if any, available to the parcel being subdivided	
Proposed allocation of available dwelling rights and additional dwelling rights	
	<u>Dwelling rights</u>
	<u>Additional dwelling rights</u>
Lot No. 1	_____
Lot No. 2	_____
Lot No. 3	_____

Added 6/3/13

SECTION 502 REQUIRED ACCOMPANYING INFORMATION

The plan shall include thereon or be accompanied by:

- (a) Feasibility Study on sewer and water facilities for the tract (Section 503).
- (b) Tentative cross-section and center line profiles for each proposed street.
- (c) Preliminary engineering designs of any new bridges or culverts proposed in the tract.
- (d) A drawing of all present and proposed grades and facilities for storm water drainage.
The subdivider or land developer shall include such information as is necessary to

establish to the satisfaction of the Township Engineer that the proposed storm water facilities will be sufficient to achieve compliance with the requirements of Section 712 and Section 750(s) of this Ordinance.

- (e) Certification, submitted by the subdivider that the method of sewage disposal and water supply have been approved by the Pennsylvania Department of Environmental Resources and/or by the Township Sewage Enforcement Officer as required by Section 503 of this Ordinance.
- (f) An Erosion and Sediment Control Plan which has been reviewed and approved by the York County Soil Conservation District. The subdivider or land developer must pay all fees required by the York County Soil Conservation District in order to secure such review and approval. Review and approval of the Soil Erosion and Sediment Control Plan by the York County Soil Conservation District is not required if the preliminary plan does not consist of over five (5) acres, or involve commercial or industrial development, unless the Township in its discretion determines to require such review and approval.
- (g) An earth disturbance permit if the preliminary plan proposes development of over twenty-five (25) acres or if such a permit is otherwise required pursuant to the provision of Chapter 102, Erosion Control of the Pennsylvania Department of Environmental Resources.
- (h) If on-lot sewage disposal systems are proposed, a hydrogeological study evaluating background nitrates utilizing either test wells or nearby wells to determine the lot size necessary to compensate for the proposed on-lot sewage disposal systems must be preformed. In the event the lot size directed by the hydrogeological study is larger than the maximum lot size permitted in the zone where the lot is proposed, the additional land required in excess of the maximum lot size permitted in the zone in question shall remain with the residual tract but shall be included within an easement shown on the plan. The plan shall specifically set forth that no non-agricultural development shall be permitted in the easement area. *Added 11/6/2006*

SECTION 503 FEASIBILITY REPORT ON SEWER AND WATER FACILITIES

The subdivider shall submit a feasibility report in duplicate concerning the availability and/or adaptability of water and sewer facilities in or near a proposed subdivision. Said report shall be prepared by a Registered Professional Engineer and be submitted in conjunction with the Preliminary Plan for review and recommendations by the local office of the Pennsylvania Department of Environmental Resources and/or by the Township Sewage Enforcement Officer.

The feasibility report shall consist of an examination of possible connection to an existing sewerage system and water supply system. The study shall include the distance from the nearest public sewer system, and the capacity of the existing system to accommodate the proposed load.

If connection to an existing sewerage system is not deemed feasible, the possibility of constructing a separate sewerage system and treatment works shall be investigated. The study shall include the location of treatment facilities, receiving stream, type and degree of treatment and design capacity.

If either of the above methods of sewerage disposal are found to be feasible, formal application shall be made to the Commonwealth of Pennsylvania, Department of Environmental Resources and a permit obtained from the Sanitary Water Board prior to plan approval.

As part of the Feasibility Study, the subdivider shall state the type of sewage disposal system desired for each of the proposed lots. If other than connection to a sanitary sewer line or the installation of a conventional on-site sewage disposal system is intended on any of the lots, that fact shall be indicated on the Plan itself. The Board of Supervisors will approve on-site sewage disposal systems only when the Township Sewage Enforcement Officer and/or a sanitarian of the Pennsylvania Department of Environmental Resources certifies that the proposed sewage disposal system for each of the lots shown on the plan is suitable for use on that lot and the planning module for such lot is approved by the Pennsylvania Department of Environmental Resources. Subdivisions proposing a lot or lots utilizing alternate on-site sewage disposal systems will not be approved by the Board of Supervisors unless:

- 1) The Township Sewage Enforcement Officer and/or a sanitarian of the Department of Environmental Resources certifies that the proposed sewage disposal site cannot reasonably be located so as to enable the lot to utilize a conventional on-site disposal system; and
- 2) The lot itself cannot reasonably be redesigned or relocated consistent with the Township Zoning Ordinance and other Township regulations so as to enable utilization of a conventional on-site sewage disposal system.

As a part of the Feasibility Study, there shall be included the results of the probe hole analyses and soil absorption tests on each of the lots as proposed in the subdivision. These probe hole analyses and soil absorption tests shall be performed in accordance with the regulations of the Pennsylvania Department of Environmental Resources and shall be certified as accurate by the Township Sewage Enforcement Officer.

If connection to an existing public sewer system is proposed, the subdivider or developer shall submit proof that he has reserved sufficient capacity in the public sewer system to accommodate all of the sewerage that will be generated by his proposed subdivision or land development. ***Added 8/3/09***

If connection to an existing public water supply system is proposed, the subdivider or developer shall submit proof that he has reserved sufficient capacity in such public water supply system to provide such water as will be utilized by the proposed subdivision or land development. ***Added 8/3/09***

If the water supply system proposed involves the utilization of water obtained from the tract being subdivided or developed or from a nearby tract being subdivided or developed, or from a nearby tract of land (within two (2) miles from the tract being subdivided), as opposed to being pumped from a reservoir or from the Susquehanna River, irrespective of whether that water is being distributed as part of a public water supply system, the Board of Supervisors will approve the proposed water system only if:

(1) The proposal is for residential use and the proposed unit density does not exceed one dwelling per 32,000 square feet of area. For example, if the tract being developed or subdivided is 100 acres in size, no further study will be required if no more than 136 dwelling units are proposed; or

(2) The proposal is for commercial, industrial or other nonresidential use and it is apparent to the Township that water usage will not exceed 350 gallons per day for each 32,000 squares feet of tract area and the applicant sets forth a plan or proposal pursuant to which usage can reasonably be monitored by the Township and prohibitions of usage in excess of 350 gallons per day for each 32,000 square feet of tract area can effectively be enforced by the Township. All costs incurred by the Township in monitoring usage and enforcement of the use limitations shall be paid by the water users; or

(3) A site specific water availability study performed by the Township at the expense of the applicant establishes that the groundwater recharge on the tract in question after development computed during drought conditions (periods when precipitation is 40 percent below normal), will exceed the anticipated water usage figures computed by using Department of Environmental Protection figures of 3.5 persons per dwelling unit and average daily usage of 100 gallons per person per day where residential use is contemplated and will exceed projected water usage by at least 10 percent when commercial or industrial uses or concentrated animal operations or concentrated animal feeding operations or other nonresidential uses are contemplated, and that the installation of the proposed systems will not lower the groundwater table in the area so as to endanger or decrease the groundwater supplies available to other properties in the area of the subdivision or land development. The study shall be conducted in the following manner:

(1) Prior to commencement of the study, the applicant shall place in escrow with the Township 110 percent of the funds estimated by the Township's consultant to be necessary in order to complete the study;

(2) In the event industrial or commercial use or other nonresidential use is intended, the applicant shall, prior to commencement of the study, set forth the proposed nature of the industrial or commercial use or other nonresidential use, the number of employees and whether or not water will be used to clean up and/or to process or otherwise in connection with the proposed use. Where a concentrated animal operation or a concentrated animal feeding operation is contemplated, the applicant shall set forth the type, number and size of animals proposed;

(3) The consultant shall determine the post-development recharge from the tract during a one (1) in ten (10) year drought, or a forty percent (40%) reduction in average annual precipitation for the study area based upon post-development grades

and impervious conditions. The recharge analysis shall include estimated recharge from on-lot sewage disposal systems if same are proposed, from post-development storm water management systems, and from proposed storm water infiltration facilities. Recharge from storm water management facilities shall be based upon analysis of probe holes and percolation tests performed at the depth which represents the bottom of the proposed facilities after installation. In evaluating recharge from infiltration facilities, the consultant shall give consideration to the types of soils in the area where such facilities will be installed and shall recognize that the Township does not have and will not have the capability of insuring that such facilities are properly maintained so as to function as designed, thus giving recognition to the fact that some of these facilities will either not function at all or will not properly function.

In order for the consultant to accurately evaluate the impact on existing wells in the area, the applicant shall prior to the study drill production wells with sufficient capacity to provide for the water needs of the development during drought conditions (when rainfall is forty percent (40%) below normal). The consultant shall assume the water needs of the development to be 350 gallons per day per dwelling unit for residential use and a sufficient supply to meet the estimated needs of industrial, commercial or other non-residential development plus a ten percent (10%) reserve capacity. The applicant shall also cause to be drilled a sufficient number of test wells in the area and/or arrange for monitoring existing neighboring wells so that the consultant can accurately evaluate the impact of production wells on the underground water supply. Under the supervision of the consultant, the applicant shall cause the production wells to be pumped for seventy-two (72) hours (constant rate test) during which time water levels in the surrounding test wells and neighboring wells will be continuously evaluated for impact so as to enable the consultant to determine whether or not the groundwater table in the area will be lowered so as to adversely impact groundwater supplies to neighboring properties. The final report shall contain pump test results of constant rate tests as 1.5 times the yield required to supply the water needs of the development calculated as above set forth.

In the event the proposal is for commercial, industrial or other nonresidential use, the applicant shall set forth a proposed allocation of available water supply between or among proposed users and set forth a plan or proposal pursuant to which usage can reasonably be monitored by the Township and prohibitions of usage in excess of the maximum permitted by costs incurred by the Township in monitoring usage and enforcement of the use limitations shall be paid by the water users.

Amended 3/7/05 and 10/3/05

For this purpose the subdivision or land development shall be considered to consist of all contiguous land owned on June 15, 1964, by the same land owner as lands owned by the applicant now proposed for subdivision or land development. Land shall be considered contiguous even though separated by public or private roads.

ARTICLE VI

FINAL PLAN

SECTION 601 REQUIRED INFORMATION

The Final Plan shall conform in all important details with Preliminary Plan as previously approved, and any conditions specified in the approval of Preliminary Plans shall be incorporated in the Final Plan. The Final Plan shall be drawn at a scale of either fifty (50) feet to the inch or one hundred (100) feet to the inch. The maximum size of any final Plan shall be 42 inches by 60 inches, and if two or more drawings are required, each shall be accompanied by a key map showing the location of the various sections, and each Final Plan shall show or be accompanied by the following:

- a. Title block in lower right corner, giving name of subdivision, scale, date, owner's name, engineer or surveyor's name and registration number and seal.
- b. North point (indicate true or magnetic), signature block for three (3) Supervisors, and three (3) Planning Commission members; explanatory notes.
- c. At the discretion of the Township Engineer complete topography as stated under Item "c" of Article V. Where topography is required it may be necessary to show it on a separate drainage plan (see Item "i" Article V).
- d. Boundary lines of the tract, showing courses and distances as found by accurate survey; all courses permanently marked.
- e. The full plan of development, including street lines, lot lines, building lines, crosswalks, easements, and open spaces. Any limitations of the easements shall be noted on the Plan. All streets shall be named, all lots shall be numbered, all areas not laid out in streets or lots shall be given explanatory notes.
- f. Sufficient information acceptable to the Township Engineer to determine readily the location bearing and length of every boundary, street, lot and easement line, and to reproduce such lines upon the ground. In the case of curved lines, the radii, lengths of curves, and tangent bearings shall be given. All dimensions shall be shown in feet and hundredths of feet, and all dimensional data shall be accurately computed to the nearest hundredths of a foot, or 10 second arc.
- g. The location of permanent reference monuments (see Article VIII, Section 807) or the plan may indicate where such monuments will be placed after street construction has been completed. However, streets will not be adopted until such reference monuments have been set. The location, description and elevation of at least two permanent bench marks shall be shown.
- h. The plan must be signed by all of the owners of the land sought to be subdivided or developed and contain a notarized statement to the effect that the applications are all

the owners of the land proposed to be subdivided or developed and that the subdivision and/or land development shown on the final plan is made with his, her or their free consent and that it is desired to record the same.

- i. Signature block for approval by the Planning Commission (five spaces) and the Board of Supervisors (three spaces).
- j. Proposed building setback lines for each street and the proposed placement of each building, well and sewage disposal system.
- k. The proposed name of each proposed street.
- l. Each final plan proposing residential uses within the Agricultural District as established by the Peach Bottom Township Zoning Ordinance must contain in conspicuous form the following language:

"Warning: The dwelling lot or lots proposed by this subdivision plan are in the Agricultural District. The primary use of such district is agricultural and residents must expect things such as the smell of farm animals and the manure they produce, toxic chemicals, slow moving agricultural machinery on local roads and other by-products of agricultural activity."
- m. The plan shall contain a notation indicating date of review by the York County Planning Commission.
- n. The map shall be oriented so that the top of the map is due north.
- o. If the parcel proposed to be subdivided is within the agricultural district, the plan shall include the following information in a format similar to that shown below:

Size of tract as of January 5, 1976	
Number of dwellings on tract as of January 5, 1976	
Number of lots adversed from tract since January 5, 1976	
Number of adversed lots on land of low quality for Agricultural use as defined in Section 202.9(f) of the Peach Bottom Township Zoning Ordinance	
Number of uses on tract other than dwellings which require utilization of dwelling rights	
If parcel being subdivided is part of a subdivided tract number of dwelling rights allocated to the parcel by that plan	
Number of dwelling rights under section 202.9(a) of the Peach Bottom Township Zoning Ordinance available to the parcel being subdivided	
Number of additional dwelling rights under Section 202.9(e) of the Peach Bottom Township Zoning Ordinance, if any, available to the parcel being subdivided	

Proposed allocation of available dwelling rights and additional dwelling rights		
	<u>Dwelling rights</u>	<u>Additional dwelling rights</u>
Lot No. 1	_____	_____
Lot No. 2	_____	_____
Lot No. 3	_____	_____

Added 6/3/13

SECTION 602 REQUIRED ACCOMPANYING INFORMATION

The Final Plan shall include thereon or be accompanied by:

- a. An Erosion and Sediment Control Plan. This plan must be reviewed and approved by the York County Soil Conservation District if the final plan is a part of a subdivision (for this purpose the subdivision shall include all lands shown on the preliminary plan for the lots shown on the "final plan":) consists of over five (5) acres or involves commercial or industrial development. In other cases the Township may, at its discretion, require such review and approval.
- b. Typical cross sections and street profiles for all proposed streets. Such profiles shall show at least the following: existing (natural) and proposed grades along the proposed street centerline; culvert locations, invert elevations and sizes.
- c. The subdivider shall submit the certifications and approvals by the Township Engineer, the Township Sewage Enforcement Officer and the Department of Environmental Resources required by Section 503 of this Ordinance.
- d. Certification from a Registered Professional Engineer employed by the Township that the subdivider or land developer has installed all improvements to the specifications of this Ordinance and any conditions attached by the Board of Supervisors; or that the subdivider or developer has posted an improvement bond or other acceptable security in an amount sufficient to insure completion of all required improvements.
- e. Complete engineering design of any new bridges or culverts or storm water drainage facilities proposed in the tract being subdivided or developed and certification by the Township Engineer that these proposed structures or facilities are satisfactorily designed and will achieve compliance with the requirements of Section 712 and 750(s) of this Ordinance.
- f. An earth disturbance permit if the subdivision (for this purpose the subdivision shall include all lands shown on the Preliminary Plan which includes the lots shown on the "Final Plan") proposes development over twenty-five (25) acres or if such a permit is otherwise required pursuant to the provision of Chapter 102, Erosion Control, of the Pennsylvania Department of Environmental Resources."
- g. An agreement that the subdivider or developer will install underground utilities before paving streets and constructing sidewalks.

- h. A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed within any of the areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for Peach Bottom Township by the Federal Insurance Administration in March, 1981. All such maps shall show contours at intervals of two (2) feet and identify accurately the boundaries of such flood-prone areas.
- i. If access is to be provided by a road maintained by the Commonwealth of Pennsylvania, the subdivider or developer shall submit proof that a driveway permit has been issued to permit a driveway to be completed at the proposed location, or certification from a professional engineer, that in his best judgment, consistent with the regulations of the Pennsylvania Department of Transportation a permit can be issued to permit a driveway to be completed at the proposed location. If the required permit has not yet been issued the plan shall set forth in conspicuous form a notice that a Highway Occupancy Permit is required from the Pennsylvania Department of Transportation before driveway access is permitted. In addition, in the event a Highway Occupancy Permit has not yet been obtained from the Commonwealth of Pennsylvania, the subdivider or developer shall prior to plan approval enter into a written agreement with the Township on a form prepared by or approved by the Township Solicitor which shall provide that the subdivider or developer shall not transfer any legal or equitable interest in any lot requiring a Highway Occupancy Permit to be issued by the Pennsylvania Department of Transportation (this shall not be interpreted to preclude the entry into an unrecorded contract of sales provided any and all amount of down payment is held in escrow by an attorney or a licensed real estate broker) until a Highway Occupancy Permit for the lot in question has been obtained and the Township has executed a writing authorizing the sale of such lot.
- j. If access is to be provided by a road maintained by Peach Bottom Township, the subdivider or developer shall submit proof that a driveway permit has been issued to permit a driveway to be completed at the proposed location.
- k. If access is to be provided by a road which has not yet been constructed but which will be constructed as a part of the subdivision process, the subdivision shall not be approved unless the township engineer certifies that the location and design of the driveway meet the requirements of this ordinance and the Peach Bottom Township Driveway Ordinance.
- l. Complete engineering design of any buildings or structures proposed for the purpose of receiving, storing, or holding ~~manure~~, water borne or water soluble chemicals, including petroleum products or distillates, or biological chemicals or agents identified as water pollutants/contaminants by the Pennsylvania Department of Environmental Protection and certification from the Township Engineer that the proposed design meets the requirements of Section 719 of this ordinance.
- m. If connection to an existing public sewer system is proposed, the subdivider or developer shall submit an agreement committing the public sewer system to accept and treat all sewerage that will be generated by the proposed subdivision or land development for such period of time and under such terms and conditions as the public sewer system accepts and treats sewerage emanating from elsewhere in its service area

subject only to the condition that the lines, mains, and other sewage facilities shown on such final subdivision or land development plan be constructed in accordance with such plan.

- n. If connection to an existing public water supply system is proposed, the subdivider or developer shall submit an agreement committing the public water supply system to provide such water as will be utilized by the subdivision or land development for such period of time and under such terms and conditions as the public water supply system provides water service elsewhere in its service area subject only to the condition that such public water supply facilities as are shown on the final subdivision or land development plan be constructed in accordance with such plan. *Added 8/3/09*

**ARTICLE VII
DEVELOPMENT STANDARDS**

SECTION 701 APPLICATION OF STANDARDS

The following subdivision and land development principles, standards and requirements will be applied by the Township in evaluating plans for proposed subdivisions.

The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, morals, and general welfare.

Where literal compliance with the standards herein specified is clearly impractical, the Board of Supervisors may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of these regulations.

SECTION 702 LOCATION OF SITE

All subdivision plans must reflect a location which has given consideration to the following factors:

- a. The location of the subdivision must conform to Peach Bottom Township Comprehensive Plan with respect to streets, public sites and proposed utilities.
- b. The proposed use of the land in any subdivision must conform to the Zoning Ordinance of Peach Bottom Township.
- c. Land subject to hazards of life, health, or property as may arise from fire, floods, disease, excessive noise, falling aircraft, or considered uninhabitable for other reasons may not be subdivided unless the hazards have been removed or the plans show adequate safeguards against them.
- d. Building sites shall not be permitted in any of the areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for Peach Bottom Township by the Federal Insurance Administration in March, 1981.
- e. A subdivision or land development must be coordinated with existing development in the neighborhood so the entire area may be developed harmoniously.
- f. (1)If the subdivision or land development is of a tract (for purposes of this section "tract" shall have the meaning given to it by Section 501 of the Peach Bottom Township Zoning Ordinance) which will after the subdivision or land development contain more than ten (10) dwelling units, the subdivision or land development must be adjacent to and have all of its development streets

intersect solely with (1) a road or street currently maintained by the Commonwealth of Pennsylvania; or (2) a township maintained road or street which has a paved surface at least twenty (20) feet in width.

- (2) If the subdivision or land development is of a tract (for purposes of this section "tract" shall have the meaning given to it by Section 501 of the Peach Bottom Township Zoning Ordinance) which will after the subdivision or land development contain more than twenty (20) dwelling units, the subdivision or land development must be adjacent to and of all its development streets intersect solely with (1) a road or street currently maintained by the Commonwealth of Pennsylvania or (2) a township maintained road or street which has a paved surface of at least twenty-six (26) feet in width.

Alternatively, the subdivider or land developer may redesign or improve all currently Township maintained roads or streets connecting the subdivision with a road or street maintained by the Commonwealth of Pennsylvania not meeting the paved width requirements of subparagraphs (1) and (2) so that such Township maintained roads or streets are designed so as to be in compliance with the standards of Sections 704 through 709 of this Ordinance and are improved so as to be in compliance with the standards of Sections 804 and 805 of this Ordinance, excepting that if the subdivision or land development is of a tract (for purposes of this section "tract" shall have the meaning given to it by Section 501 of the Peach Bottom Township Zoning Ordinance) which will after the subdivision or land development contain less than twenty (20) dwelling units the road or street shall have a required paved surface width of twenty (20) feet and if the tract will after the subdivision or land development contain more than twenty (20) dwelling units the road or street shall have a paved surface of twenty-six (26) feet in width.

SECTION 703 GENERAL DESIGN STANDARDS FOR SITES

In the layout of any subdivision attention must be focused on conditions which can affect development. These can include the following:

a. Location with Reference to Streets.

- 1) Except as set forth in subsection (2) of this section, every lot proposed for subdivision or land development shall adjoin for its lot width as required by the Township Zoning Ordinance for a lot in the zone where the lot proposed for subdivision or land development is located, a road or street currently maintained by Peach Bottom Township or by the Commonwealth of Pennsylvania or a road or street which has been designed in accordance with the provisions of Sections 704 through 709 of this Ordinance and improved in accordance with the provision of Section 804 and 805 of this Ordinance.

2)Exception - A lot or lots may be approved for subdivision or land development notwithstanding the provisions of subparagraph (1) of this paragraph provided that such subdivision or land development is in compliance with the provisions of subsections (a) through (e) as set forth below.

a) No subdivisions or land development shall be approved showing a private street as the sole means of ingress and egress to lots, tracts, or parcels of land unless the private street meets the design requirements set forth in this Section.

b) No more than three (3) lots shall be permitted on any one private street.

c) Subdivision applications which propose a private street shall be accompanied by a Road Use and Right-of-Way Agreement which is subject to review and approval by the Township. This Agreement shall be recorded in the Office of the Recorder of Deeds in and for York County on the same date as the recording of the final Subdivision or Land Development Plan. This Agreement shall contain at least the following:

- i. identification of the entity/person(s) with responsibility of maintenance for the private street. This entity shall be principally composed of the owners of the land which the private street services.
- ii. Provisions for enforcing the Agreement upon all parties of the Agreement.
- iii. Assurance that the private street will be constructed and maintained in conformance with this Ordinance and the Township's Zoning Ordinance, and all rules, regulations, or specifications created pursuant to those Ordinances.
- iv. A statement that the covenants in the Agreement shall run with the land and be binding on agents, successors, successors in title, occupants of the land, heirs and beneficiaries.
- v. A requirement that any future offer of dedication, if any will not be made unless and until the private street is constructed to the then prevailing standards for a Township street.
- vi. A requirement that an offer of dedication will include either the entire street, or sections which provide reasonable circulation within the Township's public street system.
- vii. A method for assessing maintenance of repair costs.
- viii. A provision that so long as a private street remains private, Peach Bottom Township shall have no responsibility or obligation for construction, maintenance, repairs and snow removal.

- g) All portions of the private road or street which provides access to more than one lot have been improved to a mud free or otherwise permanently passable condition with eight (8) inches of compacted crushed stone for a width of at least sixteen (16) feet. The subdivider must enter into an agreement with the township guaranteeing that such private road or street will be permanently maintained with eight inches of compacted crushed stone for a width of at least sixteen (16) feet by the owners of the lands whose access is provided by such private road or street and that the township will have no obligation of maintenance or repair.
 - h) The private road providing access to such lot or lots must be designed so as to not cause erosion of adjoining properties or a public street or road.
 - i) The private road or street shall have a right-of-way of at least twenty-five (25) feet except that where the potential exists for subsequent development in excess of the three (3) lots permitted by this section, the right-of-way shall be fifty (50) feet in width.
 - j) If such lot or lots are in the Agricultural Zoning District, such lot or lots together with the private road or street providing access to such lot or lots must be located in their entirety on land of low quality for agriculture use as defined in Section 202.9(e) of the Township Zoning Ordinance. .
- b. In all subdivisions, subdividers shall preserve trees, groves, waterways, scenic points, historic spots and other community assets and landmarks on the basis of Township determination.
 - c. Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.
 - d. Land subject to flooding or other hazards to life, health, or property and land deemed to be topographically unsuitable shall not be platted for residential occupancy or for such other uses as may increase danger to health, life or property or aggravate erosion or flood hazard until adequate safeguards against such hazards are provided by the subdivision plans. Such land within the subdivision shall be set aside on the plan for uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

Where flooding is known to have occurred within the area shown on the plan, such area shall be clearly marked "subject to periodic flooding" and shall not be platted in streets and lots. No building may be erected in any designated floodplain area.

- e. The subdivision plan shall establish compliance with the screening and buffer requirements of Section 221 of the Township Zoning Ordinance and, in addition, in the event the plan proposes dwelling units within a residential zoning district but within two hundred (200) feet of a zoning district boundary, a fence or hedge must be placed sufficient to screen such dwelling units from a commercial, industrial or agricultural district. The fence or hedge may not be within a required setback area.

SECTION 704 STREET SYSTEMS - GENERAL

All streets proposed to be constructed within Peach Bottom Township shall conform to the following general design requirements:

- a. Proposed streets shall be planned with regard to the existing street system, public convenience in terms of fire protection and pedestrian traffic, probable volumes of traffic, existing and proposed use of land on abutting properties and future subdivision extension of the street system.
- b. Residential streets shall be so laid out as to discourage through traffic; however, the arrangement of streets shall provide for continuation of existing or platted streets and for proper access to adjoining undeveloped tracts suitable for future subdivision.
- c. Proposed streets, which are aligned with existing streets, shall bear the name of the existing street. In the event a proposed street is not aligned with an existing street, it shall not bear a name similar to any existing street located within the Township and/or the same postal service area, irrespective of the suffix street, avenue, boulevard, drive, place, court, etc.
- d. Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.
- e. The streets must be properly located and built with regard to the proposed traffic functions, including the minimizing of through traffic on minor streets and the protection of major street capacities from excessive marginal access.
- f. The arrangement, character, extent, width, grade, and location of all streets and highways must conform to the applicable Township or County Comprehensive Plan or Official Map.

SECTION 705 STREET DESIGN

- a. Width - Minimum street widths shall be as follows:

<u>Classification</u>	<u>Minimum Right-of-Way</u>	<u>Minimum Cartway Width</u>
Arterial or Limited	80 - 120 feet	As determined after consultation with the York County Planning Commission and the Pennsylvania Department of Transportation
Collector Street	60 feet	36 feet
Minor Street	50 feet	28 feet

Marginal Access Street	Variable, but not less than 33 feet in addition to right-of-way of the major street it adjoins	22 feet
Permanent Cul-de-sac Street	50 feet	28 feet
Private Service Drive or Alley	33 feet	20 feet

- b. Dead End Streets - Shall be prohibited, except when designed as temporary cul-de-sac streets by the developer on his own land in order to permit future street extensions into adjoining tracts. These temporary dead-end streets must be on approved plans. Also they must be constructed with a stabilized all weather turnaround of the same radius as that which would be required for a permanent street; the turnaround to be removed when the street is continued.
- c. Cul-de-sac Streets - Should in general not exceed five hundred (500) feet in length unless topographic conditions and/or tract shape warrant an increase that is approved by the Township. The cul-de-sac itself shall be designed so that there is a one way flow of traffic around the cul-de-sac. The radius from the center point of the cul-de-sac to the outer edge shall be at least ninety (90) feet. There shall be a paved travelable area sixteen (16) feet in width, the outer edge of which shall be seventy-eight (78) feet from the center point of the cul-de-sac and the inner edge of which shall be sixty-two (62) feet from the center point of the cul-de-sac. The center of the cul-de-sac shall be included as a part of a single lot. No lot having access from the cul-de-sac shall be permitted unless there is a least seventy (70) feet in width at the outer line of the paved surface. *11/3/03*

Cul-de-sac streets should not be utilized unless there is no other feasible manner in which to design a street system so as to permit the reasonable development of the property.

- d. Curves - Where connecting street lines deflect from each other at any one point, by more than 10 degrees, the lines must be connected with a true, circular curve. The minimum radius of the centerline for the curve must be as follows:

<u>Type of Street</u>	<u>Minimum Radius</u>
Arterial	500 feet
Collector	300 feet
Minor	200 feet

Straight portions of the street must be tangent to the beginning or end of curves. Except for minor streets there must be a tangent of at least 100 feet between reverse curves. For curves on arterial streets, proper superelevation must be provided as required by the Township and the Pennsylvania Department of Transportation.

- e. Vertical Curves - Changes in grade shall be joined by vertical curves; a smooth grade line with gradual changes, as consistent with the type of street and the character of terrain, should be strived for in preference to a line with numerous breaks on short lengths of grades. Vertical curves which do not satisfy the minimum stopping sight distance requirements, specified elsewhere in this Ordinance, shall not be approved.
- f. Grades - The grades of streets must meet the requirements below:

	<u>Minimum Grade</u>	<u>Maximum Grade</u>
All Streets	.5%	
Arterial		6%
Collector		7%
Minor Streets		12%
Cul-de-sacs		12%
Marginal Access Streets		12%
Alleys or Service Drives		14%

In all grades exceeding 1%, vertical curves must be used and must be designed for proper sight distance.

After consultation with the Township Engineer the Board of Supervisors may permit variations of these grade standards.

- g. Crown - The slopes of the crown on residential service and neighborhood collector streets shall be at least one-eighth inch per foot but not more than one-third inch per foot as directed by the Engineer.
- h. Sight Distances - Proper sight distance must be provided with respect to both horizontal and vertical alignment. Measured along the centerline, 5 feet above grade, the minimum sight distance must be as follows:

<u>Type of Street</u>	<u>Sight Distance</u>
Arterial	400 feet
Collector	200 feet
Minor	200 feet
Cul-de-sac	100 feet

- i. Slope of Banks - Measured perpendicular to the street centerline may not exceed:

3 to 1 for fills
2 to 1 for cuts.

Such slopes shall be suitably planted with perennial grasses or other vegetation to prevent erosion.

SECTION 706 INTERSECTION DESIGN

- a. Types of Intersections - Intersections involving the junction of more than two streets are prohibited. Intersections must be as nearly at right angles as possible. However, in no case should they deviate from the standards below:

Angle of Intersection of Street Centerlines	<u>Type of Intersection</u>				
	Arterial with Arterial	Arterial with Collector	Collector with Collector	Collector with Minor	Minor with Minor
	90°	75°-105°	75°-105°	75°-105°	75°-105°

- b. Intersection Grades - Intersections must be approached on all sides by level areas. Where the grade exceeds 7% these level areas must have a minimum length of 50 feet (measured from the intersection of the centerlines) within which no grade may exceed a maximum of 4%.
- c. Intersection Curve Radii - Design of curb or edge of pavement must take into account such conditions as types of returning vehicles, likely speeds of traffic, angle of turn, number of lanes, and whether parking is permitted; but curb or edge of pavement radii must not be less than the following:

<u>Type of Intersection</u>	<u>Minimum Simple Curve Radii of Curb or Edge of Pavement</u>
Arterial with Arterial	40 feet or more, as determined after consultation with Pennsylvania Department of Transportation
Arterial with Collector and Minor	35 feet
Collector with Collector	30 feet
Collector with Minor Street	25 feet
Minor Street with Minor Street	20 feet

Three-centered compound curves equivalent to the above minimum simple curves are permitted and encouraged where applicable.

Radius corners or diagonal cutoffs must be provided on the property lines substantially concentric with, or parallel to the corner of, the curb radius corners.

- d. Intersection Sight Distances - Proper sight lines must be maintained at all street intersections. Clear sight triangles of 150 feet for major thoroughfares and 75 feet for minor streets measured along the centerline of the street from their points of junction shall be provided at all intersections and no building, structure, grade or planting higher than three (3) feet above the centerline of the street shall be permitted within such sight

triangles. At intersections involving state highways, sight distances must conform to standards of the Pennsylvania Department of Transportation.

- e. Distance Between Intersections - Shall be in accordance with the following:

	Type of Intersection				
	Arterial with Arterial	Arterial with Collector & Minor	Collector with Collector	Collector with Minor	Minor with Minor
Minimum Distance Between Centerlines of Intersections	800 feet	800 feet	600 feet	500 feet	500 feet
Minimum Separation of Centerlines For Streets Not in planned or proposed streets Alignment entering from opposite side.	Must be in alignment with			125 feet	125 feet

- f. Multiple Intersections - Involving junction of more than two streets shall be avoided. where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.

SECTION 707 PAVEMENT SURFACE

- a. Pavements - Streets must be surfaced to the grades and dimensions drawn on plans, profiles, and cross sections submitted by the subdivider and approved by the Township. Before paving the street surface, the subdivider must install required utilities and provide, where necessary, adequate subsurface drainage for the streets, as acceptable to the Township.

The Township shall decide if a collector or arterial street is required as a direct result of the construction of his subdivision in which case the subdivider is responsible for paving the additional width required.

- b. Curbs - In subdivisions which have a typical lot width of eighty (80) feet or less at the building setback line, curbs must be installed.
- c. Gutters - In areas where curbing is not used, suitable gutters must be installed to avoid erosion. The Township may require installation of curbs and/or gutters in any subdivision where the evidence indicates that such improvements are necessary for proper drainage.

SECTION 708 STREET VERGE

- a. Where Sidewalks Required - In subdivisions where semi-detached and attached structures are planned and in subdivisions which have an average lot width at the building setback line of 80 feet or less, sidewalks must be installed on both sides of

each street, except streets which bound the subdivision. Sidewalks must be installed on one side of all streets which bound the subdivision and on one side of all streets where the average lot width at the building set-back line is less than 200 feet. Sidewalks may also be required:

-In subdivisions where lot widths are greater than 200 feet and the character of the neighborhood is such that they are considered necessary.

-To continue sidewalks that are existing in adjoining subdivision or

-To provide access to adjacent or nearby community facilities such as schools, shopping areas, and recreation areas.

- b. Location of Sidewalks - The sidewalks must commence 1 foot inside the right-of-way line and extend toward the curb line.
- c. Width of Sidewalks - Sidewalks must be at least 4 feet wide. In the vicinity of shopping centers, schools, recreation areas, and other such facilities, they must be at least 6 feet wide and located within the street right-of-way.
- d. Grass Planting Strip - Must be provided between the curb or edge of the cartway and sidewalk. No shrubs or trees shall be planted within the grass planting strip.
- e. Crosswalks - When considered necessary to provide circulation access to schools, playgrounds, shopping centers, transportation and other facilities, pedestrian crosswalks must be provided. They must be no less than 12 feet wide.
- f. Handicapped Accessible – All sidewalks shall be constructed so as to be handicapped accessible consistent with standards contained in the American with Disabilities Act of 1990

SECTION 709 OTHER STREET PROVISIONS

- a. Required Location and Size of Service Drives or Alleys - In subdivisions with detached and semi-detached dwellings, alleys are prohibited except:

-In the rear of lots that front on a major thoroughfare, or

-Where necessary to furnish access to rear yard garages on very steep lots.

In other types of residential subdivisions they may be permitted. In Commercial or Industrial Districts without off-street loading areas, alleys are required except as following: Where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed, the Board of Supervisors may waive this alley requirement. No part of any dwelling, garage, or other structure may be located within 16 feet of the centerline of an alley.

All service drives or alleys must be paved to a width of at least 20 feet.

- b. Dead End Service Drives or Alleys - Where service drives or alleys dead end, they must be provided with a paved turnaround with a minimum diameter of eighty (80) feet or a paved "Y" turnaround of sufficient size.
- c. Access - Streets shall be laid out to make provision for access to all lots and to adjacent undeveloped areas and the subdivider shall improve these streets to the limits of the subdivision.
- d. Access Drives - Within ten (10) feet of a street right-of-way, an access drive may not exceed 35 feet or be less than 12 feet in width.
On street frontage, the number of access drives may not exceed two per lot.

An access drive may not cross a street right-of-way line:

-Within forty (40) feet of the right-of-way line of an intersecting street.

-Within five (5) feet of a fire hydrant.

-Within twenty-five (25) feet of another access drive on the same property.

The minimum angle between the centerline of the access drive and the street shall be not less than sixty-five (65) degrees.

An access drive must be located in safe relationship to sight distance and barriers to vision.

Safe sight determination shall be made in accordance with a minimum stopping sight distance chart attached hereto as "Exhibit A": which establishes minimum safe stopping distances in accordance with maximum speeds and highway grades. In applying this chart speeds of ten miles per hour in excess of posted limits should normally be anticipated.

The drive may not exceed a slope of 5% within twenty-five (25) feet of the street right-of-way line.

Where a drive enters a bank through a cut, the shoulders of the cut may not exceed 50% in slope within twenty-five (25) feet of the point the drive intersects the street right-of-way.

Access drives must provide reasonable access to the property proposed to be served and must be designed so as not to unreasonably erode the public street or road.

- e. Reserve Strips - controlling access to the subdivisions or to adjacent areas are prohibited except when their control is definitely placed in the Township under conditions approved by the Board of Supervisors.

SECTION 710 SEWAGE DISPOSAL

1. Connection to Existing Sanitary Sewer System – When connection to an existing municipal sanitary sewer system is determined to be feasible based upon the report required to be submitted pursuant to Section 503 of this ordinance, a complete sanitary sewage collection system must be installed and connected to the existing municipal sanitary sewer system. In this situation the following requirements must be met:

- a. The plan for the installation of a sanitary sewer system must be prepared for the development and approved by the Township engineer and the Pennsylvania Department of Environmental Protection. The Township engineer must inspect all sewer lines before they are covered. Upon completion of the sanitary sewer installation, the plan for the system as built must be filed with the Township;
- b. Any sewer pipe main must be at least eight (8) inches in diameter and any sewer lateral must be at least four (4) inches in diameter. Storm sewers must not be connected with sanitary sewers;
- c. Manholes shall be located generally at intervals of two hundred fifty (250) feet and in no case no more than four hundred (400) feet. Manholes are also required at all points of change of course or grade and at all points of intersection of sewer lines;
- d. All sanitary sewer systems located in any of the areas identified as being subject to the one hundred year flood insurance study prepared for Peach Bottom Township by the Federal Insurance Administration, whether public or private, shall be flood proofed up to one hundred year flood elevation.

2. Private Sewage Disposal System Requirements- Where installation of a public sanitary sewer system is not required, the developer or owner of the lot shall provide for each lot at the time improvements are erected thereon, a private sewerage disposal system consisting of a septic tank and soil absorption fields and reserve field or other systems approved by Pennsylvania Department of Environmental Protection and acceptable to Peach Bottom Township.

If on-site conventional sewage disposal systems are to be used, they must be laid out in accordance with at least minimum standards of the Pennsylvania Sewage Facilities Act and the regulations issued pursuant thereto. The Township and/or the Department of Environmental Protection must inspect and approve each on-site sewage disposal system.

No installation of sewage disposal facilities requiring soil absorption systems shall occur where such system will not function due to high groundwater, flooding, or unsuitable soil characteristics or where such systems are proposed for location in any of the areas identified as being subject to the one hundred year flood in the flood insurance study prepared for Peach Bottom Township by the Federal Insurance Administration.

Added 11/6/2006

SECTION 711 WATER SUPPLY

1. Connection to Existing Public Water Supply System

Unless it is determined based upon the feasibility report conducted pursuant to the provisions of Section 503 of this ordinance not to be feasible, the developer shall provide the development with a complete water supply system to be connected to an existing municipal water supply system and shall supply to the system sufficient water to meet the water needs of the proposed development. In this situation, the following requirements must be met:

- a. The plan for installation of a water supply system must be prepared for the development with the cooperation of the municipal water utility company and approved by the Township engineer. Upon completion of the water supply system, one copy of the plan for the system as built must be filed with the Township.

2. Private On-Lot Water Supply Systems

Where connection to a municipal water supply system is determined not to be feasible, the developer shall supply for each lot or dwelling unit at the time improvements are erected or installed, individual water supply systems. All such individual systems shall meet all applicable regulations of the Pennsylvania Department of Environmental Protection. All wells must be sited, improved and maintained in accordance with the provisions of the Peach Bottom Township Well Permit Ordinance and with the requirements of the Pennsylvania Department of Environmental Protection.

Prior to use of a well for domestic purposes the water must be tested for coliform and nitrates. Copies of the test results must be provided to the Township. *Added 11/6/2006*

SECTION 712 STORM DRAINAGE

- a. General Requirements - Adequate storm sewers, culverts, and related facilities must be provided, as necessary, to:

- Permit the unimpeded flow of natural watercourses.
- Ensure the drainage of all low points and swampy areas within the subdivision or land development.
- Intercept storm water runoff along streets at intervals, reasonably related to the extent and grade of the area drained.
- Provide adequate drainage away from on-site sewage disposal facilities.

Storm drainage facilities must be designed to handle the anticipated peak discharge from the property being subdivided on the basis of one hundred (100) year storm.

- b. Lot Drainage - Lots shall be laid out and graded to provide positive drainage away from new and existing buildings.

c. Nearby Existing Facilities - Where adequate existing storm sewers are readily accessible, the subdivider must connect his storm water facilities to these existing sewers.

d. Open Drainageways - When open drainageways are used for the disposal of storm water; the Township shall review the design of such open drainageways in relation to the following:

-Safety: Steep bank and deep pools shall be avoided.

-Erosion: Adequate measures shall be taken, such as seeding, sodding, paving, or other measures as necessary to prevent the erosion of banks and the scouring of channel bottom.

-Stagnation: Design of open drainageways shall not create stagnant pools or swampy areas.

e. Abutting Properties - In the design of storm drainage facilities, special consideration must be given to excessive runoff to adjacent development or undeveloped property. In no case may a change be made in the existing topography which would:

-Result in a slope of more than ten (10) percent within twenty (20) feet of a property line.

-Alter the existing drainage or topography in any way so as to adversely affect adjoining property.

In no case may any slope exceed the normal angle of slippage of the material involved. All slopes must be protected against erosion.

f. Drainage Upon and On Streets - In order to give proper surface water drainage upon streets, a structure on a lot must be at a grade in satisfactory relationship:

-With the established street grade, or

-With the existing street grade where none is established.

A street must be designed so as to provide for the discharge of surface water from this right-of-way. The slope of the crown on a street may not be less than 1/8 of an inch per foot and not more than 1/3 of an inch per foot. Adequate facilities must be provided at low points along a street and at other points at which it is necessary to intercept runoff.

g. Storm Water Management - Storm water runoff from any given area to be developed shall be computed in accordance with Urban Hydrology for Small Watersheds, Technical Release No. 55, prepared by the United States Department of Agriculture, January, 1975, or as may otherwise be acceptable to the Township. The design concept where runoff may affect downstream properties should be as follows:

- The release rate from storms up to ten (10) years in recurrence frequency shall be limited to the predevelopment flow rate from a two (2) year storm.
- The release rate from storms from up to one hundred (100) years in recurrence frequency shall be limited to the predevelopment flow rate from a ten (10) year storm.
- Retention facilities shall be designed to retain the differences in flow rates per above; provided, however, if the installation of the necessary retention facility would require removal of trees at least eight (8) inches in diameter four (4) inches above the base, the size of the retention facility may be reduced. However, in all circumstances the retention facility must be designed so that post development flow rates computed for the two (2) year storm, the ten (10) year storm and the one hundred (100) year storm are less than the pre development flow rates for such storms. *Added 12/6/10*
- The emergency spillways from such facilities shall be designed based on a one hundred (100) year storm.
- If the flow from a detention facility would otherwise damage or interfere with the agricultural or residential use of a property over which it would flow it shall be piped to a stream with the pipe at such a depth so as not to interfere with the agricultural use of the property through which the water is piped. This requirement shall not apply if the owner of the property which would be adversely affected by the flow refuses to grant to the subdivider or land developer a right-of-way without charge to the subdivider or developer except for damage to growing crops and trees. Any pipeline shall be located so as to minimize surface damage.

- h. Maintenance - The subdivider or land developer must make adequate provision for the perpetual maintenance of all storm water management facilities proposed by the Subdivision or Land Development Plan.
The subdivider or land developer shall in addition provide for an easement enabling the Township to perform emergency maintenance in the event the property owner should fail to do so and shall establish a procedure whereby the Township shall be able to assess the cost of such emergency maintenance upon the owner of the land where the detention basin or other storm water management facility is located, by the filing of a municipal lien.

SECTION 713 OTHER UTILITIES

- a. Easements, Width and Location - When easements for utilities are required, they must be a minimum of 15 feet wide. The location of easements for overhead utilities shall be determined after consultation with the appropriate utility companies.
- b. Underground Installations - Electric, telephone and all other utility facilities shall be installed underground unless, in the opinion of the Township, special conditions require otherwise.

- c. Natural Gas Lines - All natural gas lines must be installed in compliance with the ASA Code B31, 80 1958, as amended. The minimum distance from a natural gas line to a dwelling unit must be as required by the applicable transmission or distributing company.
- d. Petroleum Lines - Between a proposed dwelling unit and the centerline of a petroleum products transmission line which may traverse the subdivision, there must be a minimum distance of 100 feet measured in the shortest distance. In instances such that topographic conditions decrease the hazards involved or in which it would cause undue hardship in the efficient layout of the subdivision, the Board of Supervisors may reduce this requirement.
- e. Street Lighting Installation - The subdivider must provide an easement for any street lights installed or for future street lighting installations. Before installation, he must consult with the public service utility involved.
- f. All gas lines underground, electric lines, underground telephone lines and other utilities located in any of the areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for Peach Bottom Township by the Federal Insurance Administration in March, 1981, whether public or private, shall be flood-proofed up to the one hundred (100) year flood elevation.

SECTION 714 MONUMENTS AND MARKERS

- a. Specifications - Monuments and markers must be constructed as follows:

	<u>Material</u>	<u>Minimum Size</u>
Monument	Concrete or Stone	6" x 6" x 30"
Marker	Iron Pipes or Iron or Steel Bars	15" x 3/4" dia.

- b. Placement and Marking - Monuments and markers must be placed by a Registered Engineer or Surveyor so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the surface of the surrounding ground. Monuments must be marked on top with a copper or brass dowel.
- c. Location of Monuments - Monuments must be set:
 - At the intersection of lines forming angles in the boundaries of the subdivision.
 - At the intersection of street lines.
- d. Location of Markers - Markers must be set:

- At the beginning and ending of curbs along street property lines.
- At points where lot lines intersect curves either front or rear.

- At angles in property lines of lots.

- At all other lot corners.

- e. Removal - Any monuments or markers that are removed must be replaced by a Registered Engineer or Surveyor at the expense of the person removing them.

SECTION 715 BLOCKS

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

- Provision of adequate sites for the type of buildings proposed.

- Zoning requirements.

- Topography.

- Requirements for safe and convenient vehicular and pedestrian circulation.

Blocks shall have a maximum length of sixteen hundred (1,600) feet, and so far as practical, a minimum length of five hundred (500) feet. In the design of blocks longer than eleven hundred (1,100) feet, special consideration shall be given to the requirements of satisfactory fire protection.

Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering a major traffic street are used.

Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities. Such cross-walks shall have a width of not less than ten (10) feet and a paved walk of not less than four (4) feet.

In commercial and industrial areas, the block layout shall be designed with reference to service of the public and with provisions for adequate off-street parking and loading facilities.

SECTION 716 LOTS AND LOT SIZES

- a. Lot Layout in a Subdivision - Insofar as is possible all lots within a subdivision shall conform to the following requirements:
 - Corner lots shall provide for equal setbacks on both streets.

- Lots shall be drawn to the center of the road if possible.
 - Lot depths shall not be less than one nor more than two times the average width excepting this shall not be applicable if the total lot area is in excess of three (3) acres.
 - Depth and width of parcels laid out or reserved for non-residential use shall be adequate for the use proposed and sufficient to provide satisfactory space for off-street parking and unloading.
 - Residential lots shall front on a dedicated public street, existing or proposed, except as provided in Section 703(a)(2) **amended 6/3/13**
 - Double frontage lots are prohibited, except where employed to prevent vehicular access to major traffic streets.
 - Side lot lines shall be substantially at right angles or radian to street lines.
 - Lots shall be reasonable in shape and average lot width shall not be substantially greater nor less than the lot width measured at the minimum setback line for the zone in which the lot is located.
- b. Lot Dimensions - The dimensions and areas of the lots must conform to the Township Zoning Ordinance.
 - c. Building Setback Lines - The building setback lines must conform to the Township Zoning Ordinance.
 - d. Planting Screens - Where lots face an interior street and back on a major thoroughfare or abut properties in other uses with an adverse effect upon them, a planting strip at least fifteen (15) feet wide for a screen may be required along the back or abutting side of the lot as the case may be. No rights-of-access may open onto or through the strip.
 - e. Grading - Lots shall be graded to sufficient elevation to secure drainage away from buildings and to prevent the collection of storm water in pools. Roof drainage shall be provided for according to recommendations of the Engineer or such other official as may be designated by the Board of Supervisors. Top soil shall be preserved and redistributed as cover and shall be suitably planted with perennial grasses or ground cover.
 - f. Residential Parking - At least one off-street parking space with access to a public street shall be provided for each proposed dwelling unit. Where such access is to other than a residential service street, adequate turnaround space shall be provided on the lot.
 - g. House Numbers - House numbers may be assigned to each lot by the Township.

SECTION 717 EROSION AND SEDIMENT CONTROL

Any subdivider or land developer who proposes to engage in a earth-moving activity on any subdivision or land development shall, prior to final plan approval, prepare an erosion and sediment control plan and obtain a permit, if applicable, according to the provisions of Chapter 10, Erosion Control, The Pennsylvania Department of Environmental Resources.

Specifications for soil erosion and sediment control practices are available at the York County Soil Conservation District Office.

SECTION 718 TREES AND LANDMARKS

- a. The subdivider or land developer shall be required to preserve all trees, other than those whose removal is necessary in order to place the required improvements and to place the driveways, parking facilities and structures intended to be located within the subdivision and land development.
- b. Wherever possible subdividers may be required to preserve waterways, scenic and historical places and other community assets and landmarks.

SECTION 719 POLLUTION CONTROL

If the plan proposes a building or structure for the purpose of receiving, storing, or holding manure, water borne or water soluble chemicals, including petroleum products or distillates, or biological chemicals or agents identified as water pollutants/contaminants by the Pennsylvania Department of Environmental Protection, the building or structure must be designed in a manner consistent with the regulations issued by the Pennsylvania Department of Environmental Protection including, but not limited to, those contained in Chapters 91 and 245. *Added 8/3/09*

ARTICLE VIIIA

MOBILE HOME PARKS

SECTION 750 MOBILE HOME PARKS

- a. "Mobile Home" shall be defined as follows:

A single family dwelling designed for transportation after fabrication on streets and highways on its own wheels or on flat bed or other trailers and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operation, location on jacks or permanent foundations, connection to utilities and the like. Not to include mobile dwelling units.

- b. "Mobile Home Park" shall be defined as follows:

Any lot, parcel, tract or contiguous tracts or lots, whether or not separated by public or private roads, and whether or not separated by parcels adversed from the original tract or parcel. owned by the same person or persons or corporations, (for this purpose any person shall be considered to own all tracts or lots owned by himself, his spouse, or by a corporation or partnership in which he and/or his spouse together own at least fifty percent (50%) of the outstanding voting stock of the corporation or at least fifty percent (50%) of the ownership equity in the partnership), and designed, maintained, or used for the purpose of supplying a location or accommodation for two or more mobile homes, or upon which two or more mobile homes are parked or located; and the owner of the property in question receives consideration directly or indirectly for the use of the space occupied by the mobile home; and shall include all buildings and structures used or intended for use as a part of the equipment thereof. The term "mobile home park" shall not include any automobiles, mobile home, or trailer sales lot on which any unoccupied mobile home is parked for the purpose of inspection and sale and shall not include mobile home, occupied by a family headed by an individual employed as a farm worker on a full-time basis by the owner of the property in question.

- c. Approval Required - It shall be unlawful for any person to construct, alter or extend any mobile home park within the limits of the Township until plans have been approved by the Township in accordance with the provisions of this Ordinance.
- d. Application for Mobile Home Park Approval - Applications for mobile home park approval shall conform to the requirements and procedures as established in Articles IV, V and VI of this Ordinance.
- e. Mobile Home Park Improvements - All improvements required in mobile home parks shall be provided in accordance with the provisions of this Article and Articles VII and VIII.

f. Site Location and Dimensions - The location and minimum area of all mobile home parks shall be in accordance with the Township Zoning Ordinance and shall also comply with the following minimum requirements:

- 1) Not located on flood plains or subject to flooding or located with respect to adverse influences from swamps, marshes or other water hazard areas.
- 2) Not subject to any hazard or nuisance such as excessive noise, vibration, smoke, toxic matter, heat, odor, glare, etc.
- 3) Mobile home parks located adjacent to an arterial street or located adjacent to industrial or commercial properties shall provide a planting screen at least fifteen (15) feet wide or approved fencing shall be provided along the abutting side separating the park and such adjacent nonresidential uses.

g. Mobile Home Lots

- 1) All lots shall abut a park street.
- 2) The lot upon which the mobile home is located shall conform with the minimum lot size requirements contained in the Township Zoning Ordinance.
- 3) The lot or parcel shall be seeded and landscaped.

h. Erection and Placement of Mobile Homes

- 1) The mobile home shall be located in conformance with all front, side and rear setback requirements as contained in the Township Zoning Ordinance.
- 2) The mobile home shall be placed upon and securely fastened to a concrete or bituminous pad which shall be built upon a frost-free foundation or footer. In no instance shall it be placed upon jacks, loose block, etc., or other similar arrangements.
- 3) An enclosure of compatible design and material shall be erected around the entire base of the mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- 4) Any garage, utility shed or other similar building or structure shall conform with all applicable zoning and building code requirements, if such are in existence.

i. Areas for Nonresidential Uses

- 1) No part of any park shall be used for nonresidential purposes except such uses that are required for recreation, direct servicing, management or maintenance of the park and its residents.
- 2) Nothing contained in this section shall be deemed as prohibiting the display and sale of a mobile home when located on an approved mobile home lot in compliance with s.706 and connected to utilities.

j. Street System - All streets within mobile home parks whether offered for public dedication or not shall conform to the following standards:

1)General Requirements - A safe and convenient vehicular access shall be provided from abutting public streets and roads.

2)Location Principles - The streets or roads in a mobile home park shall be located and built with regard to:

- Providing trafficways for convenient access to each mobile home lot and other important facilities in the park.
- Designed to recognize existing easements which are to be preserved.
- Permit connection to existing facilities where necessary for the proper functioning of drainage and utility easements.

3)Circulation - The street system should provide convenient circulation by means of minor street and properly located collector streets.

Minor streets shall be so located that their use by through traffic will be discouraged.

Where a mobile home park abuts or contains an existing or proposed arterial street, the Township may require marginal access streets, reverse frontage or such other treatment as may be necessary to afford separation of through and local traffic.

4)Pavement Width - The entrance road connecting the park with a public street or road shall have a minimum pavement of thirty-six (36) feet.

Other internal streets shall be as follows:

- For collector streets a minimum width of thirty-six (36) feet will be required.
- For minor streets a minimum pavement width of twenty-eight (28) feet will be required.
- Dead end streets shall be provided at the closed end with a paved turnaround having an outside diameter of at least eighty (80) feet.

5)Right-of-way - Streets shall provide minimum right-of-way widths as follows:

- Collector Street - sixty (60) feet.
- Minor Street - fifty (50) feet.

6)Alignment and Grades - Streets shall be adapted to the topography and shall have suitable alignment and gradient for safety of traffic, satisfactory surface and groundwater drainage, and proper functioning of sanitary and storm sewer systems.

Centerline grades shall not be less than one-half of one percent (0.5%).

Centerline grades shall not exceed the following:

- Collector Streets - seven percent (7%)

- Minor Streets - twelve percent (12%)

Where the grade of any street at the approach to an intersection exceeds seven percent (7%), a leveling area of at least fifty (50) feet shall be provided having not greater than four percent (4%) grades.

7)Intersections - Street intersections shall generally be at right angles. No street shall intersect another at an angle of less than seventy-five (75) degrees.

Intersections of more than two streets at one point shall be prohibited.

Streets entering opposite side of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred fifty (150) feet between their centerlines.

Minimum curb radii at street intersections shall be as follows:

<u>Intersection</u>	<u>Pavement Edge</u>
Collection with Public Road	30 feet
Collector with Collector	30 feet
Collector with Minor	25 feet
Minor with Minor	20 feet

8)Street Surfacing - Streets must be surfaced to the grades and dimensions drawn on plans, profiles, and cross-sections submitted by the subdivider and approved by the Township. Before paving the street surface, the subdivider must install required utilities and provide, where necessary, adequate subsurface drainage for the streets, as acceptable to the Township. The pavement base and wearing surface must be constructed in accordance with the requirements set forth in Section 804 of this Ordinance.

The Township shall decide if a collector or arterial street is required as a direct result of the construction of his subdivision in which case the subdivider is responsible for paving the additional width required.

k. Blocks - The size and shape of blocks shall be determined with regard to:

- Zoning requirements as to lot size.
- Need for convenient access, automotive and pedestrian movement.
- Providing desirable lot depths for interior walkways and easements for utilities to be located within the block.

Blocks shall not exceed a maximum length of 1600 feet.

l. Street Lights - Street lights shall be provided to illuminate streets, driveways, and walkways for the safe movement of vehicles and pedestrians at night. Their type and location shall be shown on the plan.

m. Off-street Park Areas - A paved off-street parking space for one (1) automobile vehicle shall be provided for each mobile home lot. Required car parking spaces shall be so located as to provide convenient access to the mobile home, but shall not exceed a distance of one hundred (100) feet from the mobile home that it is intended to serve.

n. Walks

1) All mobile home parks where the typical mobile home lot width at the building setback line is less than eighty (80) feet, shall be provided with common pedestrian walks on both sides of the street. Such walks shall be at least four (4) feet in width and shall commence at least four (4) feet outside of the curb line.

2) All mobile home lots shall be connected to common pedestrian walks with an individual walk at least two (2) feet in width.

o. Curbs - Curbs shall be installed along both sides of all streets. The Township Supervisors shall have the option of waiving curbs in areas where the lot frontage exceeds eighty (80) feet. Curbs shall be concrete and either the vertical type or the rolled curb-and-gutter type. The transition from one type of curb to another shall be made only at a street intersection, and adequate provisions shall be made for driveway entrances.

p. Recreation Areas

1) In all mobile home parks, a recreation area or areas, with suitable facilities shall be maintained within the park for the use of all park residents.

2) Land required for such recreation areas shall not be less than ten (10) percent of the gross site area. Such should generally be provided in a centralized location, or decentralized in larger mobile home parks.

- q. Water Supply - An adequate supply of safe water of satisfactory quality under adequate pressure shall be provided in all parks to all mobile homes, service buildings and other accessory facilities. Such system shall be approved by the Pennsylvania Department of Environmental Resources.
- r. Sewage Disposal - An adequate and safe community sanitary sewerage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. The developer shall provide a system of sanitary sewer mains and shall provide lateral connections to each mobile home lot. Such sewerage disposal system including treatment plant shall be approved by the Pennsylvania Department of Environmental Resources. The treatment plant shall provide for sanitary treatment.
- s. Storm Drainage

1)General Requirements - Adequate storm sewers, culverts, and related facilities must be provided, as necessary, to:

- Permit the unimpeded flow of natural watercourses.
- Ensure the drainage of all low points and swampy areas within the mobile home park.
- Intercept storm water runoff along streets at intervals, reasonably related to the extent and grade of the area drained.
- Provide adequate drainage away from on-site sewage disposal facilities.

Storm drainage facilities must be designed to handle the anticipated peak discharge from the property being subdivided on the basis of a one hundred (100) year storm.

2)Lot Drainage - Lots shall be laid out and graded to provide positive drainage away from new and existing buildings.

3)Nearby Existing Facilities - Where adequate existing storm sewers are readily accessible, the subdivider must connect his storm water facilities to these existing sewers.

4)Open Drainageways - When open drainageways are used for disposal of storm water, the Township shall review the design of such open drainageways in relation to the following:

- Safety: Steep banks and deep pools shall be avoided.
- Erosion: Adequate measures shall be taken, such as seeding, sodding, paving, or other measures as necessary to prevent the erosion of banks and the scouring of the channel bottom.

- Stagnation: Design of open drainageways shall not create stagnate pools or swampy areas.

5)Abutting Properties - In the design of storm drainage facilities, special consideration must be given to excessive runoff to adjacent developed or undeveloped property. In no case may a change be made in the existing topography which would:

- Result in a slope of more than ten (10) percent within twenty (20) feet of a property line.
- Alter the existing drainage or topography in any way so as to adversely affect adjoining property.

In no case may any slope exceed the normal angle of slippage of the material involved. All slopes must be protected against erosion.

6)Drainage Upon and On Streets - In order to give proper surface water drainage upon streets, a structure on a lot must be at a grade in satisfactory relationship:

- With the established street grade, or
- With the existing street grade where none is established.

A street must be designed so as to provide for the discharge of surface water from its right-of-way. The slope of the crown on a street may not be less than 1/8 of an inch per foot and not more than 1/3 of an inch per foot. Adequate facilities must be provided at low points along a street and at other points at which it is necessary to intercept runoff.

7)Storm Water Management - Storm water runoff from any given area to be developed shall be computed in accordance with Urban Hydrology for Small Watershed, Technical Release No. 555, prepared by the United States Department of Agriculture, January, 1975, or as may otherwise be acceptable to the Township. The design concept where runoff may affect downstream properties should be as follows:

- The release rate from storms up to ten (10) years in recurrence frequency shall be limited to the predevelopment flow rate from a two (2) year storm.
- The release rate from storms from up to one hundred (100) years in recurrence frequency shall be limited to the predevelopment flow rate from a ten (10) year storm.
- Retention facilities shall be designed to retain the differences and flow rates per above.
- The emergency spillways from such facilities shall be designed based on a one hundred (100) year storm. The applicant must make adequate provision for the

perpetual maintenance of all storm water management facilities proposed by the plan.

8)Storm Drainage Facilities - Whenever the evidence available to the Board of Supervisors indicates that natural surface drainage is inadequate to meet the requirements of Section 712 of this Ordinance, the subdivider or land developer shall install a storm water drainage system in accordance with plans and profiles designed to meet the requirements of Section 712 of this Ordinance and which meets the approval of the Township Engineer. In addition, drainage structures for areas of more than one-half mile square shall be subject to approval by the Pennsylvania Department of Environmental Resources. All installation shall be in accordance with approved plans and profiles, with the requirements of this Ordinance, and shall be approved by the Township Engineer.

9)Storm Water Detention Basins - Whenever the evidence available to the Township indicates that a storm water detention basin is necessary to control the rate of storm water runoff from the site, the subdivider or land developer shall install a detention basin in accordance with approved design, calculations, plans and profiles. Design and construction of detention basins shall meet the requirements of U.S. Department of Agriculture, Soil Conservation Service, "Engineering Field Manual," Agriculture Handbook No. 387 "Ponds," and Technical Release No. 55, "Urban Hydrology for Small Watersheds," and be designed on the basis of a one hundred (100) year storm.

The subdivider shall provide for continuing maintenance of such storm water detention basin by the owners of the land on which the same is located and shall further provide for an easement enabling the Township to perform emergency maintenance in the event the property owner should fail to do so and shall establish a procedure whereby the Township shall be able to assess the cost of such emergency maintenance upon the owner of the land where the detention basin is located by the filing of a municipal lien.

Where the subdivision or land development proposing the storm water detention basin proposes residential development, the slopes on such detention basin may not exceed 2-1/2 to 1.

The subdivider or land developer shall provide for continuing maintenance of such storm water detention basin by the owners of the land on which the same is located and shall further provide for an easement enabling the Township to perform emergency maintenance in the event the property owners should fail to do so and shall establish a procedure whereby the Township shall be able to assess the cost of such emergency maintenance upon the owner of the land where the detention basin is located by the filing of a municipal lien.

10)Where the Storm Water Management plan provides for roof drain and/or driveway drain infiltration facilities, these must be protected by filter fabric and in the case of roof drain facilities, provide for sediment filtering at the roof and for a clean out at ground level.

- t. Utility Systems - Electric, telephone and other utility facilities shall be provided as necessary within the mobile home park. Such utilities shall be installed underground and maintained in accordance with the local utility company's specifications regulating such systems.

- u. Service Building and Other Community Service Facilities
 - 1) Every mobile home park shall have a structure clearly designated as the office of the mobile home park manager.

 - 2) Service and accessory buildings located in a mobile home park shall be used only by the residents of the mobile home park.

ARTICLE VIII

GENERAL SPECIFICATIONS FOR IMPROVEMENTS

SECTION 801 SUBDIVIDER'S RESPONSIBILITY

The subdivider shall complete (or furnish a proper completion guarantee for) such of the improvements as the Supervisors may require in the public interest, as heretofore stated in Articles IV and V.

SECTION 802 COVERAGE OF SPECIFICATIONS

The following specifications cover only the improvements which will be required in most subdivisions; specifications for improvements not contained herein will be furnished by the Township as required. Before construction of any public improvements is undertaken, sufficient notice shall be given to the Township Engineer to enable him to check the work.

SECTION 803 STREET GRADING

All streets shall be graded to:

- a. The grades shown on the street profile plan provided by the subdivider and approved by the Township Engineer.
- b. In cross-section, to the full width of the right-of-way, providing for a properly crowned cartway, and where no sidewalks are required, a slope of not more than five (5) horizontal, to one (1) vertical, starting at the gutter line and running to the property line.
- c. A slope of not more than three (3) horizontal, to one (1) vertical beyond the right-of-way line.
- d. On streets in excessive cut or fill, or on steep side hill locations, these grading specifications may be altered.

SECTION 804 CARTWAY PAVING

Prior to the Township issuing any building permit for a development, streets must be surfaced to the grades and dimensions drawn on the plans, profiles, and cross-sections submitted by the subdivider and approved by the Township. Prior to the Township issuing any building permits for the development, the subdivider shall install required street base course which consists of a stone base course of P A DOT No. 2A form material in depth of eight (8) inches after compaction with a roller of not less than ten (10) tons in weight and three (3) inches of compacted Superpave 19.0 mm bituminous binder course. However, before paving the street surface, the subdivider must install required utilities and provide,

where necessary, adequate subsurface drainage for the streets, in accordance with Township regulations. The surface pavement course required by the subdivider shall be at least two (2) inches of Superpave 9.5 mm bituminous wearing course, compacted. In all other respects, the construction of all streets shall be in accordance with the Pennsylvania Department of Transportation Specifications, 1967, Form 409176 as amended or supplemented.

Prior to the installation of the final wearing course and offering new streets for dedication to the Township, the developer is required to attend an inspection of the binder course with a representative of the Township. Additionally, a core sampling for depth of the prescribed paving shall be required as part of the inspection.

The Township shall decide if a collector or arterial street is required as a direct result of the construction of the development, in which case the developer is responsible for paving the additional width required.

In all respects in which standards for required improvements are not set forth herein or specified by the Township, the applicable standard requirements of the Pennsylvania Department of Transportation shall govern, and all works shall be performed in the manner prescribed in the standard specifications for road construction of said department for the type of construction under consideration.

SECTION 805 CURBS AND SIDEWALKS

- a. Curbs - Curbs are required in accordance with the requirements of section 707 of this Ordinance. Curbs shall be the vertical or slant type curb. All curbs must be placed over compacted earth and must be constructed of Class A (3,000 psi) concrete. Vertical curbs shall be eighteen (18) inches in depth with ten (10) inches below the road surface. Slant type curbs shall be sixteen (16) inches in depth at the high side and twelve (12) inches in depth at the low side with eleven (11) inches below the road surface. Vertical curbs shall be eight (8) inches thick. Slant type curbs shall be fourteen (14) inches thick. Contraction joints shall be spaced in uniform lengths or sections at a minimum of four (4) feet and a maximum of twenty (20) feet apart and be three-sixteenth (3/16) inches wide and two (2) inches deep. Three-quarter (3/4) inch premolded expansion joint filler material shall be placed at structures such as inlets, manholes and head walls and at the end of the work day. Backfill shall be installed and compacted to the top of the curb elevation on the back side of all curbs so that curbs do not act as unsupported retaining walls for streets. The construction and installation of curbs shall in all other respects conform to the requirements set forth in Pennsylvania Department of Transportation Specifications, Publication 408, most current edition.
- b. Gutters - In areas where curbing is not used, suitable gutters must be installed to avoid erosion. The Township may require installation of curbs and/or gutters in any subdivision where the evidence indicates that such improvements are necessary for proper drainage. The design and construction of all gutters must be approved by the Township Engineer

- c. Sidewalks - Sidewalks are required in accordance with the requirements of Section 708 of this Ordinance. Sidewalks shall be constructed of Class A (3,000 psi) concrete at least five (5) inches thick (six (6) inches thick at residential driveway crossings and eight (8) inches thick at commercial driveway crossings), and shall be underlaid by a compacted crushed stone base at least four (4) inches in thickness. Contraction joints shall be placed every five (5) feet, be three-sixteenth (3/16) inches wide, and one (1) inch deep. The construction and installation of sidewalks shall in all other respects conform to the requirements set forth in Pennsylvania Department of Transportation Specifications, Publication 408, most current edition. *Added 12/7/09*

SECTION 806 STORM AND SURFACE DRAINAGE

- a. Storm Drainage Facilities - Whenever the evidence available to the Board of Supervisors indicates that natural surface drainage is inadequate to meet the requirements of Section 712 of this Ordinance, the subdivider or land developer shall install a storm water drainage system in accordance with plans and profiles designed to meet the requirements of Section 712 of this Ordinance and which meet the approval of the Township Engineer. In addition, drainage structures for areas of more than one-half mile square shall be subject to approval by the Pennsylvania Department of Environmental Resources. All installation shall be in accordance with approved plans and profiles, with the requirements of this Ordinance and shall be approved by the Township Engineer.
- b. Storm Water Detention Basins - Whenever the evidence available to the Township indicates that a storm water detention basin is necessary to control the rate of storm water runoff from the site, the subdivider or land developer shall install a detention basin in accordance with approved design, calculations, plans and profiles. Design and construction of detention basins shall meet the requirements of U.S. Department of Agriculture, Soil Conservation Service, "Engineering Field Manual," Agriculture Handbook No. 387 "Ponds," and Technical Release No. 55, "Urban Hydrology for Small Watersheds," and be designed on the basis of a one hundred (100) year storm.

The subdivider shall provide for continuing maintenance of such storm water detention basin by the owners of the land on which the same is located and shall further provide for an easement enabling the Township to perform emergency maintenance in the event the property owner should fail to do so and shall establish a procedure whereby the Township shall be able to assess the cost of such emergency maintenance upon the owner of the land where the detention basin is located by the filing of a municipal lien. Where the subdivision or land development proposing the storm water detention basin proposes residential development, the slopes on such detention basin may not exceed 2-1/2 to 1.

The subdivider or land developer shall provide for continuing maintenance of such storm water detention basin by the owners of the land on which the same is located and shall further provide for an easement enabling the Township to perform emergency maintenance in the event the property owners should fail to do so and shall establish a

procedure whereby the Township shall be able to assess the cost of such emergency maintenance upon the owner of the land where the detention basin is located by the filing of a municipal lien.

- c. Where the Storm Water Management Plan provides for roof drain and/or driveway drain infiltration facilities, these must be protected by filter fabric and in the case of roof drain facilities, provide for sediment filtering at the roof and for a clean out at ground level.

SECTION 807 MONUMENTS

Permanent reference monuments of precast concrete or a durable stone, at least five (5) inches wide at top and seven (7) inches wide at bottom, and at least thirty-six (36) inches in depth, set flush with the finished grade, shall be set at such points as will be designated by the Township Engineer, and the location and elevation of each monument shall be shown on the Final Plan, and survey work involved in the placement of these monuments shall be carried out with an accuracy of not less than 1 in 10,000.

SECTION 808 WATER SUPPLY AND SANITARY SEWERS

- a. Water Supply - Based upon the results of the feasibility report, the subdivision must be provided with water supply facilities as follows:
 - Where there is an existing public water supply system on or near the subdivision, a complete water main supply system connected to the existing public water supply system, or
 - Where there is no existing public water supply system on or near the subdivision, a community water supply system approved by the engineer of the water utility company holding a franchise covering the land to be subdivided and the Pennsylvania Department of Environmental Resources, with satisfactory provision of its maintenance, or
 - Where there is no existing public water supply and the feasibility report indicates that a community water supply system is not feasible, each lot in the subdivision must be provided with an individual water supply system in accordance with minimum standards approved by the Pennsylvania Department of Environmental Resources.
 - All water supply systems or portions thereof located in any of the areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for Peach Bottom Township by the Federal Insurance Administration in March, 1981, whether public or private, shall be flood-proofed up to the one hundred (100) year flood elevation.

b. Sanitary Sewers - Based upon the results of the Feasibility Report required the subdivision must be provided with sanitary sewage disposal facilities as follows:

-Where there is an existing public sanitary sewer system on or near the subdivision, a complete sanitary sewage collection system must be installed and connected to the existing public sanitary sewer system, or

-Where there is no existing public sanitary sewer system, but a public sanitary sewer system is to be installed on or near the subdivision within a reasonable time as determined by the Township Supervisors, a complete sanitary sewage collection system must be installed and

--Connected to a community treatment plant, until connection to a public sanitary sewer system is made, or

--Capped, and on-site subsurface sewage disposal systems provided.

-Where there is no existing public sanitary sewer system, a community sanitary sewer system and treatment plant approved by the Pennsylvania Department of Environmental Resources, must be installed in accordance with the requirements of the Pennsylvania Sanitary Water Board, with satisfactory provision for its maintenance, or

-Where there is no existing public sanitary sewer system and the Feasibility Report indicates that a community sanitary sewer system and treatment plant is not feasible, on-site subsurface disposal systems must be installed.

If on-site subsurface sewage disposal systems are feasible, they must be laid out in accordance with minimum standards of the Sewage Facilities Act (Act 537) of the Pennsylvania Department of Environmental Resources. The Township and/or the Pennsylvania Department of Environmental Resources must inspect and approve each on-site sewage disposal system.

If on-site subsurface sewage disposal systems are not feasible, connection to a public sanitary sewer system or installation of a community sanitary sewer system must be made prior to development of the subdivision.

All sanitary sewer systems located in any of the areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for Peach Bottom Township by the Federal Insurance Administration in March, 1981, whether public or private shall be flood proofed up to the one hundred (100) year flood elevation.

No installation of sewage disposal facilities requiring soil absorption systems shall occur where such system will not function due to high groundwater, flooding, or unsuitable soil characteristics or where such systems are proposed for location in any of the areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for Peach Bottom Township by the Federal Insurance Administration in March, 1981.

SECTION 809 STREET LIGHTS

For the safety, convenience, and attractiveness of the subdivision land development, the subdivider or land developer may be required by the Board of Supervisors to install street lights. Street lights shall be required in a subdivision or land development if the subdivision or land development is of a tract (for purposes of this section "Tract" shall have meaning given to it by Section 501 of the Peach Bottom Township Zoning Ordinance) which will after the subdivision or land development contain ten or more dwelling units. For this purpose subdivision shall include all dwellings located on the tract as it existed June 15, 1964 (the Board of Supervisors may require the installation of either public street lights or private-owner maintained street lights. If public street lights are required they shall be spaced no more than three-hundred (300) feet apart or as recommended for residential subdivisions by the lighting manufacturer of the lights to be used and shall be designed so as not to create unreasonable glare.

If private-owner maintained street lights are to be installed they must utilize 50-Watt high sodium post lights and be equipped with an electric eye and the subdivider or land developer must make adequate provision to insure the perpetual maintenance of such private-owner maintained street lights and to insure that the 50-Watt high pressure sodium post lights continued to be used and that the electric eye is not modified or adjusted by the owners so as to preclude the light from functioning as designed. The design and plan for street lighting shall be submitted by the subdivider or land developer and must be approved by the Township Board of Supervisors.

SECTION 810 STREET NAME SIGNS AND TRAFFIC CONTROL SIGNS

Must be placed at all intersections. Such signs must be provided by the subdivider or land developer with the design being approved by the Township.

SECTION 811 STREET TREES

For the safety, convenience, and attractiveness of the subdivision street trees may be required. They should be:

- Of a minimum diameter of 1 1/2 inches and of a minimum height of 6 feet.
- Planted between the sidewalk and building line at least five (5) feet from the sidewalk, or where the planting strip is six (6) or more feet wide, between the curb and sidewalk, or on the centerline of median dividers.
- Uniformly spaced not less than fifty (50) feet nor more than seventy (70) feet apart.
- Varieties acceptable to the Township.

ARTICLE IX

ADOPTION AND DEDICATION

SECTION 901 ADOPTION

To secure adoption by Peach Bottom Township of streets and alleys, laid out and built in conformance with these regulations, a developer shall submit to the Township Engineer in writing a request that such streets as he may designate shall be adopted, together with a plan showing the exact length of streets to be adopted, a profile showing the centerline finished grade of the street as built, and curb grades and a cross-section showing the graded and paved width, and the paving construction. If the streets built are in conformance with these regulations, and all requirements herein have been met, the Township Supervisors may adopt such streets by ~~ordinance~~ resolution, notifying the developer of their action, and cancelling the performance bond filed for their construction.

SECTION 902 DEDICATION

Where a proposed park, playground, open space, or other local or neighborhood recreation site is shown on a comprehensive plan or where the Township considers that a local recreation site is necessary to carry out the purpose of this Ordinance, the Township may require the dedication of all or a portion of such site in accordance with the standards following:

- a. The land to be dedicated must be of suitable size, dimensions, topography, access, and general character for the proposed use.
- b. The amount of land so required for this purpose must not exceed 0.05 acres of land for each lot on the Final Plan.
- c. In the case of an apartment development, however, the number of dwelling units shall be used to determine the required acreage instead of lots.

SECTION 903 PAYMENT IN LIEU OF DEDICATION

Where the application of the area standards stated in the previous section would result in an open space or recreation site too small to be reasonably usable, or if the Comprehensive Plan calls for such local recreation site to be located elsewhere, or if a suitable local recreation site cannot be properly located in the land development as determined by the Township, a payment of a fee in the amount of one thousand, five hundred (\$1,500.00) dollars per proposed dwelling unit or residential lot in lieu of dedication of such land is required. The following procedures must be followed:

- a. The fee must be paid to the Township prior to the approval of the Final Plan.
- b. All moneys paid to the Township in this manner must be kept in a capital reserve fund established as provided by law. Moneys in such capital reserve fund shall be used only for the purpose of providing, acquiring, operating or maintaining park or recreational facilities reasonably accessible to the development. *Amended 6/3/15*

SECTION 904 DRAINAGEWAYS

Where a subdivision is traversed by a watercourse, stream, channel or other drainageway, the subdivider must provide a drainage easement conforming substantially to the existing alignment of the drainageway. The easement must be a width adequate to:

- Preserve the unimpeded flow of natural drainage.
- Widen, deepen, relocate, improve, or protect the drainageway.
- Install a storm water sewer.

Any changes in the existing drainageway must be approved by the Pennsylvania Department of Environmental Resources.

SECTION 905 EFFECT OF PLAN RECORDING ON DEDICATION AND RESERVATIONS

Recording the Final Plan after approval of the Board of Supervisors has the effect of an irrevocable offer to:

- Dedicate all streets and other public ways to public use.
- Dedicate all neighborhood parks and other public areas to public use.
- Reserve for possible future public acquisition such additional areas as may be required by the Township.

ARTICLE X

ADMINISTRATION

SECTION 1001 MODIFICATIONS

These provisions shall be considered the minimum requirements for the protection of the public welfare and the Board of Supervisors reserves the right to modify or to extend them as may be necessary in the public interest. However, waivers or variations of the requirements outlined herein may be permitted by the Board on application when in its judgment, special factors warrant, and when such waivers and variations are not detrimental to the public health, safety or general welfare.

In particular, the Board may waive requirements relevant to a lot being approved as a site for a principal use, such as a dwelling, if the lot is proposed to be added to and merged with another lot which either contains a dwelling or other use served by water under pressure or has been approved for such use, provided the subdivider, the owners of the property with which the lot is proposed to be merged, and all persons or entities having a lien on such property, enter into a recordable agreement with the township insuring the effective merger of the proposed lot and the property with which it is proposed to be merged. *Added 4/7/2007*

In particular, the Board may waive the requirements of Sections 703, 502, 503, 602, 501(c), (e), (i), (j), (l), (m) and (n) and Section 601(c),(g), (j), and (k) relevant to a lot being approved as a site for a dwelling or other principal use, if the lot is proposed to be added to and merged with another lot which either contains a dwelling or other use served by water under pressure or has been approved for such use, provided the subdivider, the owners of the property with which the lot is proposed to be merged, and all persons or entities having a lien on such property, enter into a recordable agreement with the Township insuring the effective merger of the proposed lot and the property with which it is proposed to be merged.” *Amended 4/7/08*

SECTION 1002 VALIDITY

The provisions of this Ordinance are hereby declared to be severable, and if any of its provisions shall be held to be invalid or otherwise void for any reason, such decision shall not affect or impair any of the remaining provisions hereof.

SECTION 1003 FEES – RESOLUTION ADOPTED ANNUALLY – Check with Township

At the time of filling a preliminary of final plan, the subdivider or land developer shall pay to the Township such fees as may be established by resolution of the Board of Supervisors.

No final plan shall be approved until all fees and charges required by such resolution have been paid in full; and until any and all unpaid fees incurred in connection with previously submitted subdivision or land development plans for any land included within the proposed subdivision or land development, whether or not such plans were submitted by the present owner of such land, have been paid in full.

SECTION 1004 PENALTIES

Any person, partnership, or corporation who or which being the owner or agent of any lot, tract or parcel of land shall lay out, construct, open and dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by use of a plan of such subdivision or land development or otherwise, or erect any building thereon, unless and until a final plan has been prepared in full compliance with the provisions of this ordinance and has been recorded as provided herein or who in any other way be in violation of any of the provisions of this Ordinance shall upon being found liable therefore in a civil proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the ordinance to have believed that there was no such violation, in which event, there shall be deemed to have been only one such violation until the fifth day following the date of determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

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

The Township may further 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. The authority to deny such permit or approval shall apply to any of the following applicants:

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

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

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

SECTION 1005 REPEALER

All current ordinances or parts of ordinances in conflict with the Subdivision and Land Development Ordinance or inconsistent with the provision of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect

SECTION 1006 EFFECTIVE DATE

This Subdivision and Land Development Ordinance shall become effective on December 1, 1969, and remain in force until modified, amended or rescinded by the Board of Supervisors of Peach Bottom Township, York County, Pennsylvania.

/s/ A. Clyde Aubel /s/ Robert C. Ruff /s/ Albert Steele

Including amendments approved, adopted, and enacted into an Ordinance the 6th day of July, 1972; the 5th day of January, 1976; the 4th day of September, 1979; the 3rd day of December, 1979; the 8th day of September, 1981; the 6th day of June, 1983; the 7th day of April, 1986; the 5th day of July, 1988; the 11th day of September, 1989 and the 2nd day of April, 1990.

By: S. David Stewart
President

Attest:

J. Rush Baldwin Board of Supervisors of Secretary Peach Bottom Township

Updated to January 1, 2021 to the best of my knowledge – Catherine M. Bilger, Secretary