Lower Frankford Township

Subdivision and Land Development Ordinance

Board of Supervisors

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## LOWER FRANKFORD TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

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## ARTICLE I

**PURPOSES AND INTERPRETATION**

**Section 100. Purposes.**

\_ This ordinance is enacted for the purpose of ensuring equitable handling of all subdivisions or land development plans by providing uniform standards and procedures, assuring sites suitable for building purposes and human habitation and to provide · for the harmonious development of Lower Frankford Township, for the coordination of existing streets with proposed streets; for adequate open space, for traffic, recreation, light and air, erosion and sedimentation and stormwater management control facilities, and for distribution of population, thereby creating conditions favorable to the health, safety, morals, and general welfare of the citizens of Lower Frankford Township.

This ordinance gives expression to the general goals and objectives which are set forth in the Comprehensive Plan of Lower Frankford Township and which articulate the position that the physical environment and the rural character of the Township be preserved while meeting the housing, transportation, and community facilities needs of its residents.

## Section 101. Interpretation.

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The provisions of this ordinance shall be deemed to be minimum requirements necessary to meet the foregoing purposes. Where, owing to special conditions, the life, health, safety or property of persons may be menaced or jeopardized by the application of any of the requirements of this ordinance, more stringent or restrictive requirements necessary to eliminate or alleviate such menace or jeopardy may be applied or imposed by the Township. Where the provisions of this ordinance impose greater restrictions than those of any statute, other ordinance, or regulations, the provision of this ordinance shall prevail. Where the provisions of any stature, other ordinance or regulation impose greater restrictions than those of this ordinance, the provisions of such statute, ordinance, or regulation shall prevail.

## Sec ion 102. Severability.

The provisions of this ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared as a legislative intent that this ordinance would have been adopted had such unconstitutional, illegal, or invalid provision not been included herein.

**ARTICLE** II

**SHORT TITLE**

## Section 200. Short Title.

This ordinance may be cited as "The Lower Frankford Township Subdivision and Land Development Ordinance."

**ARTICLE** Ill

**DEFINITIONS**

## Section 300. General Word Usage.

Certain words, phrases and terms, beginning with Section 301, are defined in order to facilitate the interpretation of this ordinance for administrative purposes and in the performance of duties by appropriate officers and by the Planning Commission. In addition, the following provisions and rules shall be observed and applied throughout this ordinance, except as otherwise expressly stated in the text.

**A.** Words used or defined in one tense or form shall include other tenses and derivative forms.

**8.** Words in the singular number shall include the plural number and words in the plural number shall include the singular number.

1. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
2. The word "shall" is mandatory.
3. The word "may" is permissive.
4. The word "person" includes individuals, firms, corporations, associations, trusts and any other similar entities.
5. The word "building" includes the meaning of "structure" and shall be construed as if followed by the phrase "or part thereof".
6. The words "Township" or "Municipality" mean Lower Frankford Township, Cumberland County, Pennsylvania.
7. The words "Board", "Township Board", "Supervisors'\ or "Governing Body" mean the Board of Supervisors of Lower Frankford Township.
8. The words "Planning Commission" or "Commission" mean the Lower Frankford Township Planning Commission.
9. The words "Recorder" and "Recorder of Deeds" mean the Cumberland County Recorder of Deeds.
10. In case of any difference of meaning or implication between the text

of this ordinance and any caption, illustration or table, the text shall control.

## Section 301.0 Abutting.

"Abutting" means having a common border with, or being separated from such common border by an alley or easement.

**Section 301.5 Access.**

"Access" means a means of vehicular approach or entry to or exit from property.

**Section 302.0 Accessory Building or Use.**

A building or use which:

1. Is clearly incidental to and customarily found in connection with a principal building or use;
2. Is subordinate to and serves a principal building or a principal use;
3. Is subordinate in area, extent, or purpose to the principal building or use served;
4. Contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and
5. Is located on the same lot as the principal building or use served.

**Section 302.5 Alley.**

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

## Section 303.0 Applicant.

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

## Section 303.5 Application for Development.

Every application, whether Minor, 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 plat or plan, or for the approval of a land development plan.

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## Section 304.0 Block.

"Block" means a piece of land usually bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open space, and not traversed by a through street.

## Sectio·n 304.5 Building.

"Building" means a structure built, maintained or intended for use for the shelter or enclosure of persons, animals or property of any kind. The term is inclusive of any part thereof.

## Section 305.0 Building Setback line.

The line within a property defining the required minimum distance between any building or structure and the front, side or rear property line. It shall be a straight line parallel to the front, side or rear property line of rectilinear lots. On a curvilinear lot, the building setback line shall be radial to the'arc. No point on the parallel to the tangent shall be a distance less than the minimum setback distance. On a panhandle or flag lot, the building setback line shall be measured from the point where the "panhandle" joins the interior portion of the lot.

## Section 305.5 cartway.

The portion of a street intended for vehicular use.

## Section 306.0 Clear-Sight Triangle.

An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

## Section 306.5 Clear-Sight Distance.

The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

1. Passing Sight Distance. A line of unobstructed vision from the height of a driver's eye, three and one-half (3.5) feet above the surface of a roadway, to see an object on the roadway at a height of three and one-half (3.5} feet high.
2. Stopping Sight Distance. **A** line of unobstructed vision from the height of a driver's eye, three and one-half (3.5) feet above the surface of a roadway, to see an object on the roadway at a height of one-half (0.5} feet high.

## Section 307.0 Common Open Space.

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

## Section 307.5 Construction.

"Construction" means the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure including the placement of mobile homes.

## Section 308.0 County.

Cumberland County, Pennsylvania.

## Section 308.5 County Planning Commission.

The Cumberland County Planning Commission.

## Section 309.0 Cul-de•sac.

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"Cul-de-sac" means a minor street intersecting another street at one end and terminated at the other by a vehicular turnaround.

## Section 309.5 Cut.

"Cut" means an excavation, the difference between a point on the original ground and a designated point of lower elevation on the final grade, and also means the material removed in excavation.

## Section 310.0 Dedication.

The deliberate appropriation of land by its owner for any general and public uses, reserving to himself no other rights than those compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

## Section 310.5 Detention Basin.

"Detention Basin" means a vegetated pond designed to drain completely after storing runoff only for a given storm event and releasing it at a predetermined rate. It is also known as a dry pond.

## Section 311.0 Developer

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

## Section 311.5 Development.

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobilehomes,

streets and other paving, utilities, mining, , dredging, filling, grading,

excavation or drilling operations, and the subdivision of land.

## Section 312.0 Development Plans.

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

A development plan may be carried out in a single phase, or in a series of specifically defined phases.

## Section 312.5 Drainage.

"Drainage" means the flow of water or liquid waste and the removal of surface water or groundwater from land by drains, grading or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation or alleviation of flooding.

## Section 313.0 Drainage Facility.

"Drainage facility" means any ditch, gutter, culvert, storm sewer, basin, 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 or contiguous land area.

## Section 313.5 Driveway.

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

# Section 314.0 Dwelling.

A building or structure designed for living quarters for one (I) or more families, including mobilehomes which are supported by a permanent foundation, but not including tents, cabins, travel trailers, motels, hotels, rooming houses, boarding homes, convalescent homes or other accommodations used for transient occupancy.

**Section 314.1 Dwelling, Attached.**

"Attached dwelling" means three or more adjoining dwelling units, each of which is separated from the others by one or more unpierced walls from ground to roof.

# Section 314.2 Dwelling, Multiple Family.

"Multiple family dwelling" means a building designed for or containing two or more dwelling units, sharing access from a common hall, stair or balcony.

**Section 314.3 Dwelling, Single Family Detached.**

"Single family detached dwelling" means. a dwelling designed for and occupied by not more than one family and having no roof, wall or floor in common with any other dwelling unit.

**Section 314.4 Dwelling, Semi-Detached.**

"Semi-detached dwelling" means two dwelling units, attached side to side, sharing only one common wall with the other; or two dwelling units arranged one over the other.

## Section 314.5 Dwelling Unit.

"Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Section 315.0 Earthmoving Activity.**

Any construction or other activity which disturbs the surface of the land including, but not limited to, excavation, embankments, land development, subdivision development, mineral extraction, and the moving, depositing or storing of soil, rocks, or earth.

## Section 315.5 Easement.

A right granted for the use of private land for certain public, quasi-public, or private purposes; also the land to which such right pertains.

## Section 316.0 Energy Dissipator.

"Energy dissipator" means a device used to slow the velocity of storm vyater, particularly at points of concentrated discharge such as pipe outlets.

**Section 316.5 Engineer, Township.**

The Township Engineer or any consultant designated by the Board of Supervisors to review a subdivision plan and perform the duties of engineer on behalf of the Township.

**Section 317.0 Engineer, Registered.**

A person duly registered as a professional engineer by the State of Pennsylvania.

## Section 317.5 Erosion.

''Erosion" means the detachment and movement of soil or rock fragments

by water, wind, ice and/or gravity.

## Section 318.0 Excavation .

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

**Section 318.5** Fill.

"Fill" means the sand, gravel, earth or other material placed or deposited such as to form an embankment or raise the elevation of the land surface.

## Section 319.0 Flood.

A temporary inundation of normally dry land areas.

## Section 319.5 Flood Fringe.

That portion of the flood plain outside the floodway.

## Section 320.0 Flood Plain Area.

Relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation in a one-hundred (100) year flood.

Section 320.5 Floodproofing.

Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

## Section 321.0 Flood-Prone Area.

A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

## Section 321.5 Floodway.

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The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude without increasing the water surface elevation of that flood more than one (1) foot at any point.

## Section 322.0 Grade, Established.

"Established grade" means the elevation of the centerline of the streets as officially established by the Township authorities, or as surveyed and recorded on a plat of record.

## Section 322.5 Grade, Finished.

"Finished grade" means the completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

## Section 323.0 Grassed Waterway.

"Grassed waterway" means a natural or man-made drainage way of parabolic or trapezoidal cross-section shaped to required dimensions and vegetated for safe disposal of runoff, and is also known as swale.

## Section 323.5 Half or Partial Street.

A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for satisfactory improvement and use of the street.

## Section 324.0 Impervious Cover.

Any natural or man-made material utilized to cover, pave, re-surface or compact any portion or area of a lot, so as to substantially reduce or prevent the infiltration of stormwater into the ground beneath it. It includes surfaces such as compacted clay, any form or mixture of concrete, asphalt, tar or similar substances, as well as roof areas of buildings and other structures.

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## Section 324.5 Improvements.

Those physical additions, installations, and changes required to render land suitable for the use intended, including but not limited to, grading, paving, curbing, street lights and signs, fire hydrants, water lines, electric service, sanitary sewers, stormwater management facilities, sidewalks, recreational facilities, street trees and buffer or screen plantings. Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

## Section 325.0 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 (1) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
2. **A** subdivision of land;
3. Excluding (1) the conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three msidential units, unless such units are intended to be a condominium; (2) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or (3) the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

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## Section 325.5 Landowner.

The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to

* exercise the rights of the landowner, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this act.

## Section 326.0 Lot.

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

Section 326.5 Lot **Area.**

The area contained within the property lines of a lot excluding space within· any public right-of-way, but including the area of any easement. The minimum required lot area of a panhandle or flag lot shall not include the area of the "panhandle" access.

## Section 327.0 Lot, Corner.

A lot at the junction of and abutting on two (2) or more intersecting streets or private roads or at the point of abrupt change of a single street or private road, where the interior angle is less than one hundred thirty-five (135) degrees and the radius of the street or private road line is less than one hundred (100) feet.

## Section 327.5 Lot Depth.

"Depth of lot" means the mean horizontal distance between the street line and rear lot line, measured along the mean direction of the side lines of the lot. On a panhandle or flag lot, the depth of the "panhandle" access shall be excluded from the calculation of lot depth.

## Section 328.0 Lot, Double Frontage.

An interior lot having frontage on two (2) streets.

## Section 328.5 Lot Frontage.

The lot dimension measured along the street line of any street abutting a lot.

## Section 329.0 Lot, Interior.

A lot other than a corner lot.

**Section 329 .5 Lot Line.**

"Lot line" means a line bounding a lot which divides one lot from another or from a street or any other public or private space.

## Section 330.0 Lot Line, Rear.

"Rear lot line" means that lot line which is parallel to and most distant from the front lot line of a lot; in the case of an irregular, triangular or gore-shaped lot, a line twenty feet in length, entirely within the lot, parallel to, and at the maximum possible distance from, the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

## Section 330.5 Lot Line, Side.

"Side lot line" means any lot line other than a front or rear lot line.

## Section 331.0 Lot of Record.

"Lot of record" means any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances and regulations.

## Section 331.5 Lot Width.

"Lot width" means the mean horizontal distance between the side lot lines measured at the building setback line. Where there is only one side lot line, lot width shall be measured between such lot line and the opposite lot line or future right-of-way line.

## Section 332.0 Mobilehome or Manufactured Home.

A transpo rtable, single-fam ily dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidentalunpacking and assembly operations, and constructed so that it may be used without a permanent foundatio n.

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## Section 332.5 Mobilehome/Manufactured Home Court or Park.

Any site, lot or tract of land upon which two or more authorized mobilehomes are parked permanently ortemporarily, either free of charge or for revenue purposes, and shall include any appurtenant facilities used or designed as part of the equipment of such mobilehome court or park.

## Section 333.0 Mobilehome/Manufactured Home Subdivision.

An area designed exclusively for mobile homes/manufactured homes and mobile dwelling units where lots are not rented but sold.

**Section 333.5 Municipality.**

The municipal corporation known as Lower Frankford Township, Cumberland County, Pennsylvania, and all lands therein.

## Section 334.0 Obstruction.

Any wall, dam, wharf, embankment, levee, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, re fuse, fill, structure or matter, in, along, across, or projecting into any channel, watercourse or flood-prone area, which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or is placed where the flow of the water might carry the same downstream causing damage of life and property.

## Section 334.5 Occupancy, Mixed.

"Mixed occupancy" means occupancy of a building or land for more than one use.

## Section 335.0 Official Plan for Liquid Waste Disposal, or Official Sewage P an.

A comprehensive plan for the provision of adequate sewage systems, adopted by a municipality or municipalities possessing authority or jurisdiction over the provision of the systems, and submitted to, and approved by, the Department of Environmental Resources as provided by the Pennsylvania Sewage Facilities Act (537), and Chapter 71, Rules and Regulations promulgated thereunder.

## Section 335.5 One-hundred (100) Year Flood.

A flood that, on the average, is likely to occur once every one hundred

(100) years (ie., a flood that has a one percent (1%} chance of occurring each year, although the flood may occur in any year).

## Section 336.0 On-Site Storm Water Management (Plan).

"On-site storm water management" means the control of runoff to allow water falling on a given site to be absorbed or retained on site to the extent that after development the peak rate of discharge leaving the site is not

significantly different than if the site had remained undeveloped.

## Section 336.5 On-Site Subsurface Sewage Disposal System.

(Or - Individual On-Lot Sewage System) A system of piping, tanks or other facilities serving a single lot and collecting, treating and disposing of sewage into a subsurface absorption area or a retaining tank.

**Section 337.0 Owner.**

"Owner'' means the person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase, a lot or parcel of land.

**Section 337 .5 Panhandle Lot.**

A lot that is connected to a public street by a forty (40) foot wide strip of land that is a part of the lot but that is not used in determining the applicable minimum lot area requirement. The lot area of a Panhandle Lot shall be calculated by using only that portion of the lot that satisfies the minimum lot dimensions.

**Section 338.0 Parcel.**

"Parcel" means a lot, or contiguous group of lots, in single ownership or under single control, and usually considered a unit for purposes of development.

**Section 338.5 Parking Spaces.**

An off-street space available for the parking of a motor vehicle and which, in this ordinance, is held to be an area nine (9) feet wide and eighteen (18) feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

## Section 339.0 Percolation Test.

A procedure to determine the absorption rate of the soil in an area proposed as the installation site for an on-site subsurface sewage disposal system. Such a test will be carried out according to the requirements of the Pennsylvania Department of Environmental Resources and shall be conducted by the Township Sewage Enforcement Officer or Sanitarian.

**Section 339.5 Plan, Final.**

A complete and exact subdivision plan, requiring approval of the Board of Supervisors, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.

**Section 340.0 Plan, Minor.**

A subdivision plan requiring approval of the Board of Supervisors, containing not more than five (5) lots, which does not propose the construction of public or private streets or other pubHc improvements, and does not propose the establishment of new public easements or rights-of­ **way;** or, a land development plan which contains not more than five (5) residential dwelling units, or not more than one **(1)** non-residential structure with not more than five (5) prospective occupants located on a parcel of land totalling not more than five (5) gross acres in size.

## Section 340.5 Plan, Preliminary.

A formal, tentative subdivision or land development plan, requiring approval of the Board of Supervisors, which is used as a basis for consideration of a Final Plan. A Preliminary Plan is not a final plan of record.

## Section 341.0 Plan, Sketch.

An informal plan, requiring no approvals, which indicates salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development.

## Section 341.5 Planning Commission.

The Planning Commission of Lower Frankford Township, Cumberland County, Pennsylvania.

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## Section 342.0 Planting Strip, or Tree Lawn.

The unpaved portion of a street right-of-way, located between the curb and sidewalk, or between the sidewalk or pavement and the right-of­ way/property line.

## Section 342.5 Preliminary Soil Analysis.

A procedure to permit visual inspection of soil characteristics, geological formations and water table level in an area proposed as the installation site for an on-lot septic system. Such tests shall consist of a trench which shall be two (2) feet wide and seven (7) feet deep or four (4) feet below the proposed installation level of the septic field, whichever is deeper. Such tests may be referred to as a "Deep Probe" or inspection trench and shall be open for inspection by the Township Sewage Enforcement Officer or Sanitarian and the Department of Environmental Resources.

## Section 343.0 Public Hearing.

**A** formal meeting held pursuant to public notice by the Board of Supervisors or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with appropriate procedures and laws.

## Section 343.5 Public Improvement.

"Public improvement" means any improvement, facility or service together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: vehicular and pedestrian circulation systems; storm sewers; flood control improvements; water supply and distribution facilities; sanitary sewage disposal and treatment; and public utility and energy services.

## Section 344.0 Public Notice.

Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty

(30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

## Section 344.5 Regulatory Flood Elevation.

"Regulatory flood elevation" means the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.

## Section 345.0 Report.

Any letter, review, memorandum, compilation of similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

## Section 345.5 Retention Basin.

"Retention basin" means a pond containing a permanent pool of water designed to store runoff for a given storm event and release it at a predetermined rate.

## Section 346.0 Right-of-Way.

An area or strip of land, either public or private, on which an irrevocable right of passage has been recorded for the use of vehicles or pedestrians or both.

## Section 346.5 Runoff.

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

# Section 347.0 Secretary.

The Township Secretary of Lower Frankford Township.

**Section 347.5 Sedimentation.**

"Sedimentation" means the deposition of soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a result of erosion.

## Section 348.0 Sediment Basins.

"Sediment b. asins" means a temporary dam or barrier constructed across. a waterway or at other suitable locations to intercept the runoff and to trap

. and retain the sediment.

## Section 348.5 Sewage Enforcement Officer (SEO).

The official of the Township who issues permits, reviews permit applications and sewage facilities planning modules and conducts investigations and inspections necessary to implement the Pa. Sewage Facilities Act and the regulations thereunder.

## Section 349.0 Sewage Facilities.

A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into the waters of the Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste.

1. Community Sewage System. A sewage facility, privately owned, for the collection of sewage from two (2) or more lots, or two (2) or more equivalent dwelling units (EDUs), and the treatment or diaposal, or both, of the sewage on one or more of the lots or at another site.

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1. Public Sewage System. A sewage facility, owned and operated by a municipal agency or a public company controlled by the Pennsylvania Public Utility Commission, for the collection of sewage from two (2) or more lots, or two (2) or more equivalent dwelling units (EDUs), and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site.

**Section 349.5 Shoulders.**

The portion of the street, contiguous to the cartway, for the accommodation of stopped vehicles, for emergency use or parking, or for lateral support of base and surface courses of the pavemer:it.

## Section 350.0 Slope.

The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per one­ hundred (100} feet of horizontal distance.

## Section 350.5 Soil Stabilization.

Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.

## Section 351.0 Street.

Any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or other way, whether public or private, used or intended to be used by vehicular traffic or pedestrians.

**Section 351.5 Street, Private.**

A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation, but not intended to be dedicated for public use.

## Section 352.0 Street, Public.

A strip of land, including the entire right-of-way, intended to be dedicated for use as a means of vehicular and pedestrian circulation by the public at large.

## Section 352.5 Street Line or Street Right-of-Way Line.

The street line is that line determining the limit of the street or highway right of the public, either existing or contemplated. Where a definite right-of-way width has not been .established, the street line shall be assumed to be at a point twenty-five (25) feet from the centerline of the existing street.

**Section 353.0 Street Width.**

"Street width" means the distance between right-of-way lines measured at right angles to the centerline of the street.

## Section 353.5 Structure.

"Structure" means any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. "Structure" means a building of any kind.

**Section 354.0 Subdivider.**

The owner, developer or the authorized agent of the owner of a subdivision or land development.

**Section 354.5 Subdivision.**

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

**Section 355.0 Substantially Completed.**

Where, in the judgement of the Township Engineer, at least ninety percent (90%) [based on the cost of the required improvements for which financial security was posted] of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be· able to be used, occupied or operated for its intended use.

# Section 355.5 Surface Drainage Plan.

A plan showing all present and proposed grades and facilities for stormwater drainage.

# Section 356.0 Surveyor, Registered or Surveyor, Professional Land

A person duly registered as a professional surveyor by the Commonwealth of Pennsylvania.

# Section 356.5 Swale.

A low-lying stretch of land, characterized as a depression, used to carry surface water runoff.

# Section 357.0 nme of Concentration.

The interval of time required for water from the most remote portion of the drainage area to reach the point in question.

# Section 357.5 Topsoil.

Surface soils and subsurface soils which are presumably fertile, containing material ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer, or horizon.

# Section 358.0 Total Tract Area.

The land area contained within the boundaries of a tract, exclusive of the areas of such permanent easements as are associated with overhead power transmission lines and underground pipelines, and land within the right-of-way of existing public roads that are present on the land at the time of development.

# Section 358.5 Watercourse.

"Watercourse" means a stream of water, river, brook, creek or a channel or ditch for water, whether natural or man-made, and whether flows are perennial or intermittent.

## Section 359.0 Waters of the Commonwealth.

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

## Section 359.5 Water System, Community.

**A** system for supplying and distributing potable water from a common source(s) to two (2) or more dwellings and/or other buildings within a neighborhood area, such system being privately owned.

## Section 360.0 Water System, Public.

**A** system for supplying and distributing potable water from a common source(s) to two (2) or more dwellings and/or other buildings, which is owned and operated by a municipal agency or a public company controlled by the Pennsylvania Public Utility Commission.

**Section 360.5 Wetland.**

Areas that have a predominance of hydric soils and that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**Section 361.0 Yard.**

An open space, unoccupied and unobstructed from the ground upward, as may be required by this ordinance, which open space lies between the principal building or group of buildings and the nearest lot line of unrelated property.

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## ARTICLE IV

**CONTROL OF SUBDIVISIONS AND LAND DEVELOPMENT, RECORDING OF PLANS, DEDICATIONS OF PROPERTY AND IMPROVEMENTS**

**Section 400. Control of Subdivisions and Land Developments.**

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1. From and after the effective date of this ordinance no subdivision or development of any lot, tract, or parcel of land within the Township shall be made, and no street, stmitary sewer, storm sewer, water main or other facility 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 this ordinance.
2. No lot in a subdivision or land development may be sold, no building may be erected and no changes may be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land may be commenced in a subdivision or land development unless anduntil a plan for the subdivision or land development has been approved by the Board of Supervisors and recorded, and until the improvements required by the Board of Supervisors in connection therewith have either been constructed in strict accordance with the standards and specifications of the Township or guaranteed as provided in Article XIII of this ordinance.
3. Said standards and specifications, particularly as are presented in Article X of this ordinance are declared to be a minimum guarantee that all streets shown on any proposed plan are of sufficient width and proper grade and so located as to accommodate the probable volume of traffic thereon, .a fford adequate light and air, facilitate fire protection, provide access for fire-fighting equipment to buildings and provide a coordinated system of streets; and further, that the land whereon buildings are to be constructed is of such character that it can be used for building purposes without danger to health or peril from fire, flood or other hazard, and that all necessary or required erosion and sedimentation facilities will be installed prior to or during the initial phase of construction of the subdivision or land development.
4. Where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship, the Board of Supervisors may, on the basis of an approved Preliminary Plan, make

such reasonable exception thereto as will not be contrary to the public interest and may permit the sale of a lot, issuance of a permit, or erection of a building, subject to conditions necessary to assure adequate streets and other public improvements.

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**Section 401. Recording of Final Plans and Dedication of Property and Improvements.**

* 1. Upon approval of a Final Plan, the developer shall within ninety (90) days of such final approval record such plan in the office of the Recorder of Deeds of Cumberland County, and the streets, parks, erosion and sedimentation and water management control facilities and other public improvements shown thereon shall then be considered to be a part of the Official Plan of the Township.
  2. Offers of dedication of land or public improvements to the Township shall include the following, where applicable:
     1. Deed of dedication to the ·T ownship, acceptable and recordable, setting forth by metes and bounds the offer;
     2. Separate plot plan or right-of-way plan, including metes and bounds, length of street, total area and reference to subdivision plan, together with any known easements, restrictions or covenants;
     3. Properly executed release of mechanics liens;
     4. Letter of inspection from the Township's Engineer, certifying that construction has been completed in accordance with applicable regulations, and is satisfactory;
     5. Maintenance bond in an amount equal to 15% of the actual cost of installation of jmprovements for a period of 18 months, as provided for in Section 509 (k) of the Pennsylvania Municipalities Planning Code.
  3. Every street, park, erosion and sediment facility or other public improvement shown on a recorded subdivision or land development plan shall be deemed to be a private street, park, or improvement until such time as the same has been accepted by the Board of Supervisors by ordinance or resolution.

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# Section 402. Control of Common Areas and Facilities.

Whenever a developer or owner proposes to provide land or structures for the common benefit of the particular residents of a project, such as usable open space and active play areas, a homeowners association shall be established to maintain such facilities. The Township Supervisors shall retain the right to review and approve the Articles of Incorporation and all Declarations of Covenants, Conditions, and Restrictions of the homeowners association.

ARTICLE V

GENERAL PROCEDURE AND JURISDICTION

## Section 500. Plan Approving Authority.

All subdivision and land development plans shall be subject to approval, approval with modification, or rejection by the Board of Supervisors; in the event such a plan is disapproved the reasons therefore shall be set forth in writing. All plans shall be referred to the Planning Commission for its review and recommendations.

## Section 501. Pre-Application Conference.

Subdividers are urged to prepare sketch plans for review with the Planning Commission. Such sketch plans shall be considered for informal discussion, and shall not constitute an official submission. Based on the data on the plan and information received during the discussion, the Planning Commission will advise the subdivider of the extent to which the proposed subdivision conforms to these regulations, and suggest any changes which are deemed advisable or necessary to secure conformance with these regulations where applicable. At this time the Planning Commission may also indicate whether the plan would be classified as a Minor, Preliminary or Final plan. The applicant shall indicate on the sketch plan all of the remaining property under single ownership.

## Section 502. Plan Submittal.

A. All proposed subdivisions or land development plans shall be filed with the Township through the Township Secretary. The Township Secretary shall receive all required copies of the plan and supporting documentation including sewage planning modules, where applicable, and shall distribute plan copies and documentation to appropriate review agencies as listed in Articles VII, VIII and IX.

8. The Township Secretary shall not accept any proposed subdivision or land development plan for review if appropriate filing fees to the Township and other review agencies, as may be required, have not been paid.

C. All plans and necessary supporting documentation shall be properly filed with the Township Secretary on or before the first Tuesday of the month. Plans meeting this deadline shall be reviewed at the next regularly

scheduled Planning Commission meeting. Plans not meeting this deadline shall be considered at the second regularly scheduled Planning Commission meeting following the date of submittal.

## Section 503. Plan Types.

1. **Minor Plan.**
   1. Any subdivision of land which contains no more than five (5) lots, does not propose the construction of public or private streets or other improvements to be dedicated to the public, and does not propose the establishment of new public easements or rights-of-way other than unimproved drainage easements, shall be considered as a Minor Subdivision Plan. Provided that such plan and supporting documents comply in all applicable respects with the requirements for both Preliminary and Final plans, the Planning Commission shall review the plan as both a Preliminary and Final plan, thereby excusing the applicant from submitting a separate Preliminary plan.
   2. Any proposed land development plan which contains no more than five (5) residential dwelling units or one (1) non­ residential structure with no more than five (5) prospective occupants located on a parcel of land totalling not more than five (5) gross acres in size, shall be considered as a Minor Land Development Plan. Provided that such plan and supporting documents comply in all applicable respects **with** the requirements for both Preliminary and Final land development plans, the Planning Commission shall **review** the land development as both a Preliminary and Final plan, thereby excusing the applicant from submitting a separate Preliminary land development plan.
   3. In order to prevent a single property from being subdivided over a period of time as a series of Minor Plans, an owner of a property that already has had, including any proposed submission, six (6) or more lots or units developed as a Minor Plan(s) shall indicate all the remaining property under single ownership in all future requests for subdivision or land development, and the Township shall require separate Preliminary and Final plan submissions.

# Preliminary Plan.

* 1. All proposed subdivision or land development plans, if not qualifying as Minor Plans as defined in 503.A above, and for which no valid Preliminary Plan approval exists, shall be submitted as Preliminary Plans and shall be required to comply in all respects with the applicable provisions of this ordinance.

1. **Final Plan.**
   1. To be considered as a Final Plan, all proposed subdivision. or land development submittals must first be approved by the Board of Supervisors as a Preliminary Plan.
   2. If the applicant makes substantial revisions in his plan after it has been approved as a Preliminary Plan, such revised plan shall require a new Preliminary Plan approval before being submitted as a Final Plan.

**Section 504. Approval of Plans.**

All applications for approval of a plan whether Minor, Preliminary or Final, shall be acted upon by the Board of Supervisors, and such decision communicated to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided the plari is filed in accordance with Section 502, above. 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 thirtieth (30th) day following the day the application has been filed.

1. The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.
2. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Lower Frankford Township Subdivision and Land Development Ordinance relied upon.
3. Failure of the Township 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.

1. Changes in Township ordinances shall affect plans as follows:
   1. From the time an application for approval of a plan, whether Preliminary or Final, is duly filed as provided in this subdivision and land development ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a Preliminary Plan application has been duly approved, the applicant shall be entitled to Final Plan approval in accordance with the terms of the approved Preliminary Plan application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
   2. When an application for approval of a plan, whether Preliminary or Final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.
   3. Where Final Plan approval is preceded by Preliminary Plan approval, the aforesaid five-year period shall be counted from the date of the Preliminary Plan approval. In the case of any doubt as to the terms of a Preliminary Plan approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
   4. Where the landowner has substantially completed the required improvements as depicted upon the Final Plan within the aforesaid five-year limit, or any extension thereof as may be granted by the governing body, no change of municipal ordinance or plan enacted subsequent to the date of filing of the Preliminary Plan shall modify or revoke any aspect of the approved Final Plan pertaining to zoning classification or density, lot, building, street or utility location. ·
   5. In the case of a Preliminary Plan calling for the installation of improvements beyond the five:-year period, a schedule shall be filed by the landowner **with** the Preliminary Plan delineating all proposed sections as well as deadlines within which applications for Final Plan approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the Preliminary Plan approval, until Final Plan approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Township in its discretion.
   6. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the Preliminary Plan, unless a lesser percentage is approved by the Township in its discretion. Provided the landowner has not defaulted with regard to, or violated any of the conditions of, the Preliminary Plan approval, including compliance with the aforesaid schedule of submission of Final Plans for the various sections, then the aforesaid protection afforded by substantially completing the improvements depicted upon the Final Plan within five years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period the aforesaid protection shall apply for an additional term or terms of three years from the date of Final Plan approval for each section.
   7. Failure of landowner to adhere to the aforesaid schedule of submission of Final Plans for the various sections shall subject any such section to any and all changes in zoning, subdivision and other governing ordinance enacted by the Township subsequent to the date of the initial Preliminary Plan submission.
2. Before acting on any subdivision plan, the Board of Supervisors or the Planning Commission, as the case may be, may hold a public hearing thereon after public notice.
3. No plan which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be finally approved unless the plan contains a notjce that a Highway Occupancy Permit is required pursuant to section 420 of the act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a State highway is permitted.

**Section** 505. **Fees.**

1. The Board of Supervisors shall set fees, payable to the Township in advance, for the administrative review and processing of subdivision or land development plans. Such fees shall be established by Resolution of the Board of Supervisors, and may be amended by subsequent Resolutions.
2. In addition, the Supervisors may require, through reimbursement to the Township and/or direct payment, the payment of reasonable and necessary charges of the Township's professional consultants or engineer for review of plans and report thereon to the Township. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer or consultants for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.
3. **Fee Disputes.** In the event the applicant disputes the amount of any fees charged as the result of reviews by the Township's professional consultants or engineer, the applicant shall, within ten (10) days of the billing date, notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees. In the event that the Township and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant andthe Township shall follow the procedure for dispute resolution as set forth below.
   1. If, within twenty {20) days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the

Commonwe lth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.

* 1. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
  2. In the event that the municipality and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of Cumberland County (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.
  3. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by $1,000. or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay one-half of the fee of the appointed professional engineer.

## Section 506. Recording of Plan.

Within ninety (90) days of the approval of a Minor Subdivision or Land Development Plan, or Final Subdivision or Land Development Plan by the Board of Supervisors, the applicant shall record the plan in the Office of the Recorder of Deeds of Cumberland County, and forthwith return one (1) copy of the plan showing the official date of recording (Recorder's clocking or stamp) with the Plan Book and Page Number(s) indicated. If any plan is not recorded within this time, the approval shall expire.

**ARTICLE VI**

**VOLUNTARY PRE-APPLICATION CONSULTATION**

# S ction 600. Consultation with Planning Commission

Conferences and any other communications with the Planning Commission shall be kept as confidential as possible, given the fact that all official meetings of the Planning Commission are open to the public. Before going ahead with the Preliminary Plan procedure or with steps to acquire land or subdivide, it is recommended that the subdivider or developer consult with the Planning Commission about the following factors:

1. The suitability of the site for development.
2. The demand for a development of the type proposed in the particular location proposed.
3. The accessibility of the site.
4. The availability of public facilities (schools, parks, water, sanitary and storm sewerage, etc.) and public services (police, fire, refuse disposal, etc.).
5. The effect on the project of any contemplated improvements or the proposals of any comprehensive plan and these regulations.
6. Sewage facilities requirements of the Department of Environmental Resources and the Township.
7. Erosion and Sedimentation plans and permits as required by the Department of Environmental Resources and as reviewed by the Cumberland County Conservation District.
8. Precautionary measures to preserve or protect historic and natural features.
9. Approvals by all appropriate state and federal agencies.
10. Probability of floodplain and/or wetland areas on the site.

# Section 601. Sketch Plan Submission.

It is suggested that prior to the consultation with the Planning Commission the subdivider prepare a sketch plan of his proposed development. It is suggested that the subdivider or developer submit sufficient data to the Planning Commission for purposes of generally illustrating and discussing the proposed project.

## ARTICLE VII PRELIMINARY PLANS

**Section 700. Plan Requirements.**

The following materials shall be submitted with an application for review and approval of Preliminary Plans:

1. Ten (10) copies of the subdivision or land development plan in the form of a map or series of maps on sheet sizes either eight and one-half inches by fourteen inches (8 1/2" x 14"), eighteen inches by twenty-four inches (18" x 24") or twenty-four inches by thirty-six inches (24" x 36") drawn to a scale not smaller than one hundred (100) feet to the inch and showing the following:
   1. Title Block, to be placed in lower right corner of plan sheet or on separate cover sheet, with the following information:
      1. Proposed subdivision name or identifying title. Such names shall not conflict with any other plan title on file in the Township.
      2. Bear the legend "Lower Frankford Township, Cumberland County, Pennsylvania".
      3. Written scale, date of preparation of plan, with revision dates, if any, drawing or file number and sheet number.
      4. Name, address, zip and telephone number of the owner(s) of the property or authorized agent.
      5. Name of registered engineer, registered surveyor or registered architect responsible for

. the plan. ·

* 1. Tract boundaries, with bearings and distances.
  2. North arrow and graphic scale.
  3. Contours at intervals of two (2) or five (5) feet, depending on the slopes of the land. Datum to which contour elevations refer shall be the National Geodetic Vertical Datum of 1929. The Planning Commission may require supplemental contour plans for final grades or enlargements.
  4. All existing streets on or adjacent to the tract, including name, right-of-way width and cartway width.
  5. All existing buildings, sewers, water mains, culverts, storm sewers, gas lines, underground cables, and any other significant man-made features, easements and right-of-ways.
  6. All existing watercourses, tree masses, rock outcrops, and any other significant natural features.including the approximate location of the 100-year floodplain boundaries, if applicable.
  7. Names of owners of all abutting land, including deed book reference.
  8. Location map, at a scale of one (1) inch divided by one thousand (1000) feet(1"/1000') showing proposed subdivision or land development and adjoining areas.

**1O.** The location and dimensions of proposed easements, rights-of-way, and land reserved for public purposes; and the location, course, and dimensions of existing and proposed sanitary and storm sewer and water facilities.

1. Proposed lot lines with approximate dimensions, approximate areas and proposed minimum setback lines.
2. Seal and signature of-·r egistered surveyor or registered engineer who has prepared the plan.
3. Clear sight triangles at street intersections, as set forth in this ordinance.
4. For land development plans, proposed building locations and respective parking areas.
5. A copy of any deed restrictions imposed on the property as a condition of sale by the present owner.
6. When on-site sewage disposal systems are proposed, the locations of satisfactory soil percolation test sites and probe holes required for the planning module shall be shown.
7. Signature block and date space for recommendation by the Township Planning Commission and approval by the Board of Supervisors.
8. Where the Preliminary Plan covers only a part of the subdivider's holdings, or where development is to occur in phases, a sketch shall be submitted of the prospective street layout for the remaining area.
9. If construction is to occur in phases; or if the Final Plan approval will be sought in phases, a plan showing the progression of phases, how each phase relates to completed and future phases, and a time schedule indicating when each phase is to be commenced and completed. The time schedule shall be updated in accordance with the provisions of the Municipalities Planning Code (Act 247, as amended).
10. Five (5) copies of cross-section drawings for all proposed streets showing rights-of-way, cartway widths, location of sidewalks, if applicable, and planting strips. Five (5) copies of profile drawings of all proposed streets showing existing and proposed grades.
11. Five (5) copies of plans and profiles of existing and/or proposed sanitary and storm sewer systems, water distribution systems, and any other pertinent utilities. Such plans shall include grades, pipe sizes and the location of valves and fire hydrants.
12. Results of preliminary soil analysis which shall be conducted in accordance with the Rules and Regulations of the Department of Environmental Resources andinspected by a certified Sewage Enforcement Officer approved by the Township.
13. Each subdivision or land development application shall be accompanied with five (5) copies of a Supplement or Revision to the Township's Official Plan of Liquid Waste Disposal on forms provided by the State Department of Environmental Resources.
14. Each subdivision or land development application shall be accompanied with five (5) copies of a preliminary stormwater management plan, in accordance with the requirements of this ordinance. (See Section 1011)
15. If water is to be supplied by means other than on-site wells, maintained and operated by individual lot owners, a copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such,- a cooperative agreement or commitment letter must accompany the Plan as evidence that the proposed development will be supplied with an adequate, reliable and safe water supply.
16. Whenever a single tract or other parcel of land, or part thereof, is subdivided or developed such that the subdivision or development is subject to the Rules and Regulations of the Department of Environmental Resources pursuant to the control of erosion and sedimentation, the subdivider or developer shall prepare, for the use and review of the Township, four (4) copies of a preliminary Erosion and Sedimentation Control Plan. The design standards and specifications for said Plan are contained in the Erosion and Sedimentation Control Handbook which has been prepared by the County Conservation District and. is on file in that office and with the Township.
17. No plan which will require access to a highway under jurisdiction of the Department of Transportation shall be finally approved unless the plan contains a notice that a Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 4228), known as the "State Highway Law," before driveway access to a State highway is permitted. The plan shall be marked to indicate that access to the state highway shall be only as authorized by a highway occupancy permit. In all other respects, full and complete compliance must take place with respect to the provisions of Act No. 1986-42 and any supplementary rules and regulations enacted pursuant thereto by the Pennsylvania Department of Transportation.
18. The applicant shall provide adequate documentation and certification as to the existence or nonexistence of wetlands on the site, and shall delineate any known or suspected wetlands on the plan. Where verified wetland areas exist either wholly, partially, or bordering any proposed subdivision or land development, all necessary permits required by Federal and State agencies for the crossing, disturbance or removal or such wetlands, including but not limited to filling, draining or building activities, shall be obtained prior to approval of the Final Plan.

## Section 701. Review Procedure.

1. No later than the first Tuesday of the month of the meeting of the Planning Commission at which initial consideration is desired; the subdivider or developer shall submit ten (10) copies of the Preliminary Plan and accompanying documentation to the Township Secretary, together with appropriate filing fees.
2. Copies of the Preliminary Plan shall be distributed by the Township Secretary as follows:
   1. One (1) copy of the plan and supporting data, plus the appropriate review fee, to the County Planning Commission for review and comment.
   2. One (1) copy of the plan and supporting data to the Township Engineer for his review and comment.
   3. One (1) copy of the plan and supporting data to the Pennsylvania Department of Transportation, where a proposed project abuts or will be traversed by an existing or proposed state highway.
   4. One (1) copy of the plan and supporting data, plus the appropriate review fee, to the County Conservation District Office of all land developments, subdivisions of three (3) lots or more and other parcels of land or projects deemed necessary by the Township.
   5. Remaining copies to the Township.

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1. The Planning Commission shall take official action on a Preliminary Plan and communicate such action to the Board of Supervisors in a timely fashion, so as not to jeopardize the proper review of the plan by the Board within the 90-day review limit, unless said limit is extended by agreement with the applicant. Upon recommendatio·n of Preliminary Plan approval, the Commission shall recommend to the Board of Supervisors that the supplement or revision to the Township Official Liquid Wastes Disposal Plan be formally adopted and submitted to the Pennsylvania Department of Environmental Resources for its review, if applicable.
2. The Board of Supervisors shall take official action on a Preliminary Plan after it has received the report of the Planning Commission and within ninety (90) days as described by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). The Board shall note its action on all available copies of the plans. At least one copy (1) shall be retained for Township use. The action of the Township with regard to the plan shall be in writing, and communicated to the subdivider or developer (applicant) personally, or mailed to him at his last known address not later than fifteen
3. days following the decision.

## ARTICLE VIII FINAL RECORD PLANS

**Section 800. Plan Requirements.**

The following materials shall, where applicable, be submitted with an application for approval of a Final Plan. Final Plans shall conform in all important details with Preliminary Plans as previously approved, and any conditions specified in the approval of Preliminary Plans shall be incorporated in the Final Plans.

* 1. Ten (10) copies of the Final Plan, in the form of a map or series of maps, drawn to a scale of not smaller than one hundred (100) feet to the inch, on sheets size eighteen inches by twenty-four inches (18" x 24"). Where more than one (1) sheet is required, an index map of the entire project at a smaller scale shall be shown on a sheet of the same size. The Planning Commission may require Final Plans at a scale of fifty feet (50'0") to the inch as a condition of Preliminary Plan approval to assure legibility in cases warranted by the complexity of the proposal. The error of closure shall not be more than one part in 5,000. Such Final Plans shall show:
     1. All items required to be shown in Preliminary Plans as specified in Section 700; A.
     2. Final topographic contours at not more than ten (10) foot intervals so that the contours shall have a maximum spacing of one hundred (100) feet.
     3. The location of all proposed survey monuments, street lights, and street signs. At least two permanent survey reference monuments shall be shown on the Final Plan.
     4. The location of minimum building setback lines and exact dimensions of all proposed lots.
     5. An Erosion and Sedimentation Control Plan and/or Earth Disturbance Permit, when required under Section 102 of the Clean Streams Law.
     6. In tabular form, the following information shall be shown on the plan, as is applicable;
        1. Type of Development
        2. Zoning of Tract
        3. Total Tract Area
        4. Area of this Plan (if less than total tract)
        5. Number of Lots or Units (total)
        6. · Breakdown of Unit Types and Numbers
        7. Minimum Lot Size on Plan
        8. Proposed Water Supply and Sewage Disposal
        9. Linear Feet of New Street
     7. Sufficient data to determine readily the location, bearings, and length of every street, lot and boundary line, and to reproduce such lines upon the ground.
     8. The length of all straight lines, radii, lengths of curves, chord lengths and bearings of curves for each street.
     9. Identification of each lot by number or letter, including residual tracts.

**1O.** Identification of all streets within and adjacent to the plan, by name and/or route number.

1. At least two permanent reference monuments shall be shown on the plan.
2. The location of storm drainage facilities, sanitary sewers and water mains, located in the tract, adjacent to the tract or related to the tract. Related to the tract·means the location of the main from which sewer or water service will be extended, and the source of drainage flows from off-tract which do or will flow through the tract.
   1. Five (5) copies of a utility map or maps showing tract boundaries, existing and proposed streets, lot lines, sanitary and storm water sewer facilities, water pipes, curbs, sidewalks, fire hydrants and manholes.
   2. Five (5) copies of final profile and cross-section·maps or diagrams of streets showing proposed grades of curbs, sanitary and storm water sewers, water pipes, underground utilities and water management facilities.
   3. Five (5) copies of final stormwater management plan, meeting the requirements of this ordinance.
   4. The Final Plan shall include thereon or be accompanied by engineering plans, which shall include, as applicable, the following information:
      1. Profiles for all streets showing the existing or natural and proposed finished grade along the centerline of the street.
      2. The location, profile, size, top and invert elevation information for all sanitary sewer mains.
      3. The location, profile, size of all storm sewer mains, including location and size of inlets, culverts and manholes.
      4. The erosion and sedimentation control plan and the storm water management plan, including all runoff comparisons, basin and pipe size calculations, etc. Also submitted shall be a final grading plan.
      5. Typical street cross-sections for all streets.
      6. **A** map showing the exact location and elevation of all proposed buildings, structures, roads and public utilities to be constructed within any designated Flood Plain Area. All such maps shall show contours at intervals of two (2) feet and accurately identify the boundaries of the flood-prone areas, showing elevations and delineated floodway and flood fringe areas with elevations where applicable.
      7. Submission of the Final Plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Resources, and any other Commonwealth agency, or the Township where any alteration or relocation of a stream or

watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation. The Department of Community Affairs and the Federal Insurance Administrator shall also be notified whenever any such activity is proposed.

* + 1. If wetlands exist wholly within, partially within, or bordering the site, they must be accurately delineated on the plan. In addition, a narrative shall be prepared and submitted describing the impact construction activities will have on the wetlands, and how they will be protected. If the wetland areas are to be disturbed, the appropriate perniit(s} shall be obtained, and evidence of such permit(s) presented to the Township prior to approval of the Final Plan.

In addition, a notation must be placed on the plan, indicating the presence of, suspected presence of, or absence of wetlands on the site. The notation must make reference to the information relied upon (such as NWI mapping, SCS information, field observations, etc.) and contain the name(s) of a contact person and phone number. If no actual field study and delineation of wetlands has been performed, the notation shall include such a statement.

* 1. Evidence that the plans are in conformity with building, sanitation and other applicable Township ordinances and regulations and with the regulations governing the extension of utility services into the Township. In any instance where such plans do not conform, evidence shall be presented that an exception has been officially authorized.
  2. No plan which will require access to a highway under jurisdiction of the Department of Transportation shall be finally approved unless the plan contains a notice that a Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 4228), known as the "State Highway Law," before driveway access to a State highway is permitted. The plan shall be marked to indicate that access to the State highway shall be only as authorized by a highway occupancy permit. In all other respects, full and complete compliance must take place with respect to the provisions of Act No. 1986-42 and any supplementary rules and regulations enacted pursuant thereto by the Pennsylvania Department of Transportation.
  3. The following affidavit and certifications shall be placed on all Final Plans:
     1. An affidavit duly acknowledged before an officer authorized to take acknowledgment of deeds certifying that the applicant is the owner or equitable owner of the land proposed for development and/or subdivision; and that the subdivision and/or development as shown on the final plan is made with his or her free consent and that it is desired to record the same; and that it is the intent to dedicate to public use, unless specifically stated otherwise, all street rights-of-way shown and all lands proposed for public use.
     2. Notation that all known existing easements and rights-of-way have been shown on the- plan, and all utilities have been contacted as required by Pa. Act 172 of 1986.
     3. Statement that the property owner or develope·r, as applicable, is responsible for implementation of the erosion and sedimentation control/storm water management plan.
     4. Statement that all street signs, traffic control signage and pavement markings will be purchased and installed at the developer's expense.
  4. A review block shall be provided for the Cumberland County Planning Commission.
  5. **A** recommendation block shall be provided for the Lower Frankford Township Planning Commission.
  6. An approval block shall be provided for the Board of Supervisors.

# Section 801. Review Procedure.

1. No later than the first Tuesday of the month of the meeting of the Planning Commission at which initial consideration is desired, the subdivider or developer (applicant) shall submit an original mylar or linen drawing and ten (10) copies of the Final Plan and the appropriate number of copies of accompanying documentation to the Township Secretary.
2. A Final Plan may be prepared for only a portion of the approved Preliminary Plan where a subdivider or developer wishes to undertake the development of a project in sections or stages.
3. Upon receipt of the Final Plan the Township Secretary shall submit one (1) copy of the plan and one (1} copy of utility maps, street profiles, erosion and sedimentation control plan, stormwater management plan and all other documentation to the Township Engineer; one (1) copy of the plan, utility maps, street profiles and requests for modifications or variances to the County Planning Commission, together with the appropriate fee; one (1) copy of the plan, the erosion and sedimentation control plan and the stormwater management plan and grading plan, together with the appropriate fee, to the Cumberland County Conservation District; and the remaining copies and original mylar or linen drawing to the Planning Commission.
4. The Planning Commission shall consider the comments of the other reviewing agencies and shall recommend either approval or disapproval of the Final Plan, or approval of the Final Plan with conditions.
5. The Township Supervisors shall take official action on each subdivision or land development plan within the required ninety (90) day review period as described in. the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and shall note or stamp its actions on all copies of the plan. Distribution of the copies of the plan as finally approved shall be as follows: One (1) copy to the Engineer; one (1) copy to be retained in the Township Secretary's files; one (1) copy to the Planning Commission; and the original and two (2) copies to the subdivider or developer. If the plan is disapproved, the subdivider or developer shall be notified, in writing, of the requirements which have· not been met with reference to the applicable provisions of this ordinance. The action of the Township with regard to the plan shall be communicated to the subdivider or developer not later than fifteen (15) days following the decision.
6. Within ninety (90) days following approval by the Boqrd of Supervisors, the final plan shall be recorded by the subdivider or developer at the County Recorder of Deeds' office. The Recorder of Deeds shall not accept any plan for recording unless the plan has been officially noted as being reviewed by the County Planning Commission and approved and signed by the Board of Supervisors. The subdivider or developer shall, within fifteen (15) days of the date of recording, deliver to the Township a copy of the final plan showing the appropriate Recorder of Deeds clocking and file reference .
7. The Township Board of Supervisors shall not approve a Final Plan without a favorable report from the Department of Environmental Resources regarding the Official Sewage Facilities Plan Supplement or Revision (planning module). However, failure of the Department of Environmental Resources to report to the Township within their regulated review period shall constitute approval of the planning module as submitted.
8. The Township Board of Supervisors shall not approve a Final Plan until proof of issuance is received for any necessary permits from the Department of Environmental Resources, including but not limited to Earth Disturbance Permit or Water Obstruction and Encroachment Permit, and any permits which may be necessary for wetland encroachment, crossings, or mitigation activities.
9. The Township Board of Supervisors shall not approve a Final Plan until a review of the plan is completed by the Cumberland County Planning Commission, or until the expiration of thirty (30) days from the date the County Planning Commission received the plan for review.
10. The Township Board of Supervisors shall not approve a Final Plan unless and until all required improvements are either installed in accordance with this ordinance, or financial security sufficient to cover the costs of the improvements is posted with, and accepted by, the Township. Security shall be as described and regulated in Article XIII of this ordinance, and by the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended and reenacted.

**ARTICLE IX MINOR PLANS**

**Section 900. Plan Requirements.**

Any subdivision or land development plan that qualifies as a Minor Plan according to the criteria of Section 503.A., shall be required to comply with all applicable standards of Section 700. Preliminary Plan Requirements and Section 800. Final Plan Requirements. By meeting both Preliminary and Final Plan requirements, the subdivider or developer (applicant) may combine the separate Preliminary and Final plan submittals into one submittal. All Minor Plans shall include the designation "Minor Subdivision Plan" or "Minor Land Development Plan", and shall be submitted on a sheet size of 18" x 24", or 24" x 36".

**Section 901. Review Procedure.**

**A.** No later than the first Tuesday of the month of the meeting of the Planning Commission at which initial consideration is desired, the subdivider or developer (applicant) shall submit an original mylar or linen drawing and ten (10) copies of the Minor Plan and the appropriate number of copies of accompanying documentation to the Township Secretary.

**8.** Upon receipt of the Minor Plan the Township Secretary shall submit one (1) copy of the plan and one (1) copy of all supporting documentation, to the Township Engineer; one (1) copy of the plan and all supporting documentation to the County Planning Commission, together with the appropriate fee; if earth moving activities are proposed, one (1) copy of the plan, with the erosion and sedimentation control plan and grading plan, together with the appropriate fee, to the Cumberland County Conservation District; and the remaining copies and original mylar or linen drawing to the Planning Commission.

1. The Planning Commission shall consider the comments of the other reviewing agencies and shall recommend either approval or disapproval of the Minor Plan, or approval of the Minor Plan with conditions.
2. The Township Supervisors shall take official action on each subdivision or land development plan within the required ninety (90) day review period as described in the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended} and shall note or stamp its actions on all copies of the plan. Distribution of the copies of the plan as finally

approved shall be as follows: One (1) copy to the Engineer; one (1) copy to be retained in the Township Secretary's files; one (1) copy to the Planning Commission; and the original and two (2) copies to the subdivider or developer. If the plan is disapproved, the subdivider or developer shall be notified, in writing, of the requirements which have not been met with reference to the applicable provisions of this ordinance. The action of the Township with regard to the plan shall be communicated to the subdivider or developer not later than fifteen (15) days following the decision.

1. Within ninety (90) days following approval by the Board of Supervisors, the Minor Plan shall be recorded by the subdivider or developer at the County Recorder of Deeds' Office. The Recorder of Deeds shall not accept any plan for recording unless the plan has been officially noted as being reviewed by the County Planning Commission and approved and signed by the Board of Supervisors. The subdivider or developer shall, within fifteen (15) days of the date of recording, deliver to the Township a copy of the final plan showing the appropriate Recorder of Deeds clocking and file reference.
2. The Township Board of Supervisors shall not approve a Minor Plan without a favorable report from the Department of Environmental Resources regarding the Official Sewage Facilities Plan Supplement or Revisi<J'ri (planning module). However, failure of the Department of Environmental Resources to report to the Township within their regulated review period shall constitute approval of the planning module as submitted. ·
3. The Township Board of Supervisors shall not approve a Minor Plan until proof of issuance is received for any necessary permits from the Department of Environmental Resources, including but not limited to Earth Disturbance Permit or Water Obstruction and Encroachment Permit, and any permits which may be necessary for wetland encroachment, crossings, or mitigat,ion activities.
4. The Township Board of Supervisors shall not approve a Minor Plan until a review of the plan is completed by the Cumberland County Planning Commission, or until the expiration of thirty (30) days from the date the County Planning Commission received the plan for review.

## ARTICLE X

**DESIGN AND CONSTRUCTION STANDARDS**

**Section 1000. Application.**

The standards of design in this article shall be used to judge the adequacy of development proposals. Where, in the opinion of the Township, the literal application of these standards in certain cases would work undue hardship or would be plainly unreasonable, the Planning Commission may recommend, and the Board of Supervisors may approve, such reasonable modifications as will not be contrary to the public interest or general intent of this ordinance. Modifications, if granted, shall be in accordance with the provisions set forth in Article XIII. If questions arise regarding the interpretation of these design standards, the determination of the Board of Supervisors shall prevail. In making their determination, the Board may request the review and interpretation of these standards by the Township Engineer, Planning Commission and/or Township Solicitor.

# Section 1001. General Standards.

1. No land shall be subdivided or developed for any purposes unless all hazards to life, health, or property from flood, fire and disease, shall have been eliminated or unless the plans for the project shall provide adequate safeguard against such hazards.
2. Proposed projects shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.
3. If the Board of Supervisors determines that only a part of a proposed plan can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.
4. If the Board of Supervisors determines that additional controls are required to in\_sure safe development, it may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plan.
5. The layout, arrangement or desrgn of a subdivision or land development plan shall follow as much as possible the Rural Development Guidelines and other applicable recommendations of the Lower Frankford Township Comprehensive Plan. All ubdivision andland development plans shall be reviewed in conjunction with these Guidelines and the Goals and Objectives set forth in the Comprehensive Plan.
6. **Traffic Impact Study.** The Board of Supervisors may require, upon the recommendation of the Planning Commission and the Township Engineer, that a detailed traffic impact study be provided to determine the need for improvements to adjacent roadway intersections, drainage structures or piping, geometric alignment of streets or intersections, or other safety or capacity related improvements, as a result of the proposed subdivision or land development Such study shall be completed by a qualified traffic engineer and/or transportation planner who shall be mutually agreed upon by the developer and the Township. The cost of the study shall be borne by the developer. T e study shall:

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1. Identify traffic and transportation problems associated with the adequacy of the existing transportation network and facilities to provide safe and efficient access to and from and through the site in light of the character and volume of traffic expected to be generated by the proposed subdivision or land development.
2. Delineate solutions to such problems or inadequacies, including the prescription of improvements to be provided by or at the expense of the developer.

## Section 1002. Blocks and Lots.

1. **General Layout.** In general, the lengths, depths and shapes of blocks and lots must be determined with regard to:
   1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
   2. Minimum lot size requirements, lot dimensions, required setbacks, yard areas and other open areas.
   3. Need for convenient access, circulation, control and satety of street traffic.
   4. Limitations and opportunities of topography.
2. **Block Length.** Blocks shall be not less than five hundred (500) feet long nor more than eighteen hundred (1800) feet long. In the design of blocks longer than twelve hundred (1200) feet, special consideration shall be given to the requirements of satisfactory fire protection.
3. **Block Width.** Blocks shall be deep enough for two (2) tiers of lots unless through lots are permitted by the Planning Commission.
4. **Single Family Residential Lot Sizes.** Lot dimensions, areas, yards and building setback lines for single family residential uses shall be as listed in the table below.

|  |  |  |  |
| --- | --- | --- | --- |
| LOT STANDARDS FOR RESIDENTIAL SUBDIVISIONS | | | |
|  | Lots Having Public  Sewer and Public Water | Lots Having Public Sewer | Lots Not Having Public Sewer  or Public Water |
| Minimum Lot Area | 15,000 sq. ft. | 40,000 sq. ft. | 60,000 sq. ft. |
| Minimum Width1 | 100 ft. | 150 ft. | 200 ft. |
| Minimum Depth | 100 ft. | 150 It | 200 ft. |
| Minimum Front Setback | 25 ft. | 40 ft\_ | SOit |
| Minimum Side Setback (1 side) | 1Qlt | 20 . | 35 ft. |
| Minimum Side Setback (combined) | 30 ft. | 40 ft. | 70 ft. |
| Minimum Rear Setback | 25ft. | 40 ft. | 50 ft. |
| Accessory Structures: Side Setback Accessory Structures: Rear Setback | 10 ft.  10 ft. | 10 ft.  10 ft | 10 ft.  10 ft. |

1Measuredat the minimum front setback line.

1. **Lot Frontage.** All lots created through subdivision shall have a minimum of forty (40) feet- of frontage on a public street, existing or proposed.
2. **Lot Lines .** Lot lines shall be approximately at right angles or radial to street lines, so long as reasonably-shaped lots result.
3. **Double Frontage Lots.** Double frontage or through. lots are to be avoided and generally will not be permitted unless site conditions clearly warrant their use, and unless such lots are a minimum of two hundred

(200) feet deep. Access to double frontage lots shall be limited to the street of lower classification.

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1. **Other Residential Lots.** Attached and multi-family dwelling units, such as townhouses and apartments must be served by a community or public sewer system and a community or public water system. Minimum lot size shall be 3,000 square feet per unit for attached units and 5,000 square feet per unit for apartment units. Setbacks shall be: Front: 50 ft., Side: 30 ft., Rear: 50 ft.
2. **Non-residential Lots.** The width and depth of parcels laid out or reserved for non-residential uses shall be sufficient to provide satisfactory space for off-street parking and unloading, landscaping and other needed facilities. Minimum setbacks shall be: front - 50 ft.; side - 35 ft.; rear - 50 ft. Regarding the front setback, a minimum of 25 feet, measured from the front property line, shall be landscaped with ground cover and plant material and shall not contain impervious cover except for the crossing of necessary entrance/exit drive(s) or the placement of sign standards.
3. **House Numbers.** House numbers will be assigned to each building lot by either the Township or the Postal Service.
4. **Grading.** Blocks and lots shall be graded to sufficient elevation to secure drainage away from buildings and to prevent the collection of stormwater in pools. Roof drainage shall be provided for according to recommendations of the Township Engineer or such other official as may be designated by the Board of Supervisors. Topsoil shall be preserved and redistributed as cover and shall be suitably planted with perennial grasses or ground cover.
5. **Mowing of Lots.** Lots created through subdivision shall be maintained free of noxious weeds, trash or debris; Developers shall keep , lots properly maintained and mowed until they are sold or transferred, after which the new lot owner shall do likewise.

**Section 1003. Streets, Design Specifications.**

1. **Street Pattern.** The proposed street pattern shall be integrated with existing and/or officially planned streets and it shall be so related to topography as to produce usable lots and reasonable street grades.
2. **Street Access.**
   1. Streets shall be laid out to provide for access to all lots and to adjacent undeveloped areas, and the subdivider or developer shall improve or reserve access streets to the limits of the subdivision of land development.
   2. Each subdivision or land development plan shall be designed to provide for access to each lot or development by a public street. Private streets, if approved, shall be designed and constructed in accordance with the standards set forth in this ordinance for local streets. Private rights-of-way, if approved shall be designed and constructed in accordance with the standards set forth in 1003. S.
   3. New half or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these Subdivision and Land Development Regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.
3. **Design and Purpose.** Streets shall be designed according to their function and laid out to preserve the integrity of their design in accordance with the following functional classification:
   1. Local Street or Road. A street providing access to farms and residences. Standards assume light traffic flow with the possibility of upgrading the classification sometime in the future. Trip lengths are short and operating speeds are relatively low. Generally, Township roads shall be considered local roads, unless otherwise determined by the Township.
   2. Alley and Service Drive. This classification is intended to include minor streets which provide secondary access to the back or side of properties abutting a street. It is also intended to include marginal access drives which are parallel to arterial highways and collector roadways providing service access to property fronting on such highways and roadways. The construction of new alleys shall be prohibited except where proven to be necessary.
   3. Collector Street or Road. A street which connects local streets or roads to arterial roads or to population centers. Collectors may serve a traffic corridor connecting villages, small boroughs, shopping points and agricultural areas in an intra-county or township basis. Traffic volumes and trip lengths vary greatly depending upon size and distance between localities. Standards assume medium traffic flow with the possibility of upgrading the classification sometime in the future.
   4. Arterial Road. A road which connects collector streets or roads to major highways or to towns and cities. Standards assume heavy traffic flow at high speeds. Generally, traffic routes shall be considered arterial roads, unless otherwise determined by the Township.
4. **Street Widths.** Streets shall be laid out according to the following minimum schedule; however, additional street width may be required as determined by the Township.

|  |  |  |  |
| --- | --- | --- | --- |
| **Class of Roadway** | **Right-of-way Width** | **Minimum Pavement Width** | **Minimum Shoulder Width** |
| Local Street | so feet | 24 feet | 8 feet (4 ft. ea) |
| Collector Street | 60 feet | 30 feet | 8 feet (4 ft. ea) |
| Arterial | PennDOT Standards | PennDOT Standards | PennDOT Standards |

1. **Street Pavement.** The roadway shall be improved in accordance with Township specifications set forth in Section 1004 of this ordinance.
2. **Continuations.** Where reasonable and practicable, new streets shall be laid out to continue existing streets at no reduction in width. Greater widths may be required.
3. **Street Names.** Continuations of existing streets shall be known by the same name; but names for other streets shall not duplicate or closely resemble names for existing streets in the Township.
4. **Dead-End Streets.** Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or where designed as culs-de-sac.

# Cul-de-sac Streets.

* 1. Permanent cul-de-sac streets shall not be utilized whenever a through street is more advantageous. The applicant must demonstrate that there is no other reasonable manner in which to access the land served by the cul-de-sac. Topography, parcel shape, parcel size, natural features, wetlands and existing adjacent land use and development should be considered in determining whether a cul-de-sac is appropriate.
  2. Culs-de-sac, permanently designed as such, shall not exceed one thousand (1000) feet in length and shall furnish access to not more than twenty (20) dwelling units. The length of a cul-de-sac shall be measured from the centerline intersection of the nearest through street to the center of the cul-de-sac turnaround.
  3. Culs-de-sac shall be provided at the closed end with a paved turnaround having a minimum radius to the outer pavement edge or curb line of forty (40) feet, and a minimum radius to the right-of-way line of fifty (50) feet. Cul-de-sac streets accessin 1 commercial or industrial development shall be reviewed for adequacy by the Township Engineer. Additional right-of-way and/or pavement may be required.
  4. **.** Temporary Cul-de-sac Streets. Any street which is terminated for ac:cess to an adjoining property or because of phased development authorized in the approval of the subdivision or land development plan, shall be provided with a mud-free all-weather turnaround. The use of such turnaround shall be guaranteed until such time as the street is extended. VVhen a temporary cul-de-sac has been designed for future access to an adjoining property, the turnaround right--of-way shall be placed adjacent to the property line, and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit the extension of the street into the adjoining tract. The developer who extends a street which has been provided with a temporary turnaround shall remove the temporary turnaround and restore the area adjacent to the extended street.
  5. Turnaround Grade. No cul-de-sac turnaround shall have a centerline grade exceeding four percent {4%).

1. **Additional Right-of-Way.** Where a subdivision or land development abuts or contains an existing State or Township street or highway, the plan shall provide for additional right-of-way if necessary, to bring the street up to the minimum widths prescribed by Section 1003.D.
2. **Improvement to Curb or Shoulder Line.** Where a subdivision or land development abuts or contains an existing State or Township street or highway and the plan provides for the installation of curbing or shoulders, the plan shall also provide for additional stone base and paving between the

existing cartway edge and the new curb, or shall provide for the widening of the existing cartway and the addition of or .widening of the shoulder, in accordance with the standards prescribed by Section 1004.

1. **Clear Sight Distance.** Clear sight distance along the center lines of local streets shall be maintained at not less than two hundred-fifty (250) feet, and along collector streets at not less than four hundred-fifty (450) feet).
2. **Grades.** There shall be a minimum center line grade of five-tenths of one percent (.5%) on all streets. Grades shall not exceed six percent (6%) on all collector streets, and twelve percent (12%) on local streets. Steeper grades may be permitted on local streets for short distances if no gentler slope is possible.
3. **Horizontal Curves.** Changes in street direction shall be made by horizontal curves with a minimum radius of five hundred (500) feet for arterial streets, three hundred (300) feet for collector streets, and two hundred (200) feet for local streets. These radii are to be measured at the center line. Shorter radii may be permitted on recommendation of the Township Engineer.
4. **Vertical Curves.** Changes in grade shall be joined by vertical curves, and the maximum rate of change of grade shall be five percent (5%) per hundred feet of road, provided that the clear sight distances specified above are maintained at all points.
5. **Crown.** The slope of the crown on all streets shall be more than one-eighth (1/8) inch per foot and less than one-third (1/3) inch per foot as directed by the Township Engineer.

**a. Side Slopes.** Street cuts and fills shall be provided with side slopes no steeper than one vertical to three horizontal. Such slopes shall be suitably planted with perennial grasses or other vegetation to prevent gullying and erosion.

1. **Intersections.** Street intersections shall be designed according to the following standards:
   1. No more than two (2) streets shall cross at the same point. Street intersections shall be at right angles wherever possible, and intersections of less than sixty (60) degrees (measured at the centerline intersection of the streets) will not be permitted.
   2. Intersecting streets shall not enter into the same side of co llector, arterial or major streets at intervals of less than eight hundred (800) feet. Local streets entering another street from opposite sides should be directly opposite each other; or if necessary, they may be separated by at least one-hundred fifty (150) feet between centerlines measured along the centerline of the cross street. Greater off-set may be required by the Planning Commission depending on the importance of the cross street.
   3. Maximum grade within any intersection shall not exceed five percent (5%) in any direction, and approaches to any intersection shall follow a straight course within one hundred (100) feet of the intersection. Grades within one hundred (100) feet of an intersection shall not exceed ten percent (10%).

Where the grade of any street at the approach to an intersection exceeds seven percent (7%), a leveling area shall be provided, having not greater than four percent {4%) grades for a distance of twenty-five (25) feet, measured from the nearest right-of-way line of the intersecting street.

* 1. Curb radii at intersections shall be according to the following schedule of minimum lengths: Fifteen (15) feet for intersections of alleys and all streets; twenty (20) feet for local streets; and thirty (30) feet for major and collector streets. Where streets of different categories intersect, requirements for the one with the larger radius shall control. The minimum radius of intersecting rights-of-way lines shall be forty (40) feet.
  2. At local street intersections a seventy-five (75) foot clear sight triangle shall be provided, in which no building or structure, wall, fence, hedge, tree, shrub or other growth shall be placed except for utility poles, light standards, street signs and fire hydrants. The clear sight triangle shall be depicted on the approved plan. The clear sight triangle shall be increased to one hundred fifty (150) feet for collector or arterial streets.

1. **Private Rights-of-Way.** The Supervisors, upon the recommendation of the Planning Commission, may, at the Board's discretion, grant modification of the requirement that lots or developments be accessed by a public street if the literal enforcement of said requirement will exact undue hardship because of peculiar conditions pertaining to the: land in question, provided that the modification shall not be contrary to the public interest and that the purpose and intent of the ordinance is observed, and further provided that each lot or development is sufficiently accessed by a private right-of-way which shall be a minimum of fifty (50) feet in width, and shall be adequately designed to safely accommodate the traffic expected from the proposed and foreseeable development, and provided further that the proposed private right-of-way shall not be \_required to carry significant traffic.

It shall be the responsibility of the applicant to substantiate adequately the need for such relief in accordance with Article XIII.

* 1. Private rights-of-way shall **not** be approved if:
     1. **A** bridge or other structure is located on the private right-of-way which is not in conformity with standards determined appropriate by the Township Engineer.
     2. Access to the properties serviced by the private right-of-way by emergency vehicles shall be inhibited.
     3. The private right-of-way would service more than three (3) dwelling units.
  2. The private right·of-way shall be improved with a dustless surface as specified on the Final Plan. When serving more than one lot a minimum of 6" shale and 2" 2A modified shall be required along with a minimum cartway width of eighteen (18) feet with the cartway placed in the center of said right-of-way. Rights-of-way serving more than one lot shall have the entire fifty (50) foot right-of-way cleared of all obstacles (i.e. trees, shrubs,- rocks, structures, ... etc.) and shall be planted in grass. Any private right-of-way serving one (1) lot and running through or between existing lots shall be a minimum of 6" shale, 2" 2A modified up to the point where the bordering lots end and shall have the cartway placed in the center of said right-of-way.
  3. A Clear site distance shall be provided in accordance with Section 1003 L.
  4. Whenever a subdivider or developer proposes to provide access to a subdivision or development by a private right-of-way, the Township shall require that he submit two (2) copies of a proposed Agreement on Plan as well as two (2) copies of an appropriate deed restriction The Agreement and deed restriction shall establish responsibility for street maintenance and repair, right-of-way maintenance including mowing, snow and ice removal, maintenance of clear sight distance within the clear sight triangle, and upkeep of the road bed and drainage facilities. Said Agreement shall be provided on the plans and recorded with the final subdivision or land development plan.
  5. Security shall be posted for private rights-of-way to ensure completion of any improvements, in accordance with Article XIII.
  6. Any subdivision or land development plan proposing private rights-of-way, approved by the Township under the provisions of this Subsection S, shall include the following notation on the plan sheet and shall be subject to the provisions specified therein.

"Each deed for the transfer or conveyance of any lot(s) shown on this plan shall contain restrictions and/or conditions that the private right-of-way shown hereon shall remain a private right-of-way, and that the purchasers or owners of said lot(s), their heirs, successors and assigns, shall be responsible for the construction, maintenance, repair and snow and ice removal of said private right-of-way; which restrictions and/or conditions shall be deemed to be covenants running with the land. Lower Frankford Township shall not now, nor at any time in the future, have responsiblilty for the construction, maintenance, repair or snow and ice removal of any private right-of-way shown on this plan, and, no further subdivision of any lot shown on this plan or the tract fram which such lots have been subdivided shall be allowed, unless and until such right-of-way is constructed or improved to current Township standards as a Local Street and offered for dedication in accordance with the requirements of the Lower Frankford Township Subdivision and Land Development Ordinance."

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1. **Access by Panhandle Design.** It is the desire of Lower Frankford Township to minimize the use of panhandle lots in new subdivision design. However, it is recognized that there may be circumstances which promote the use of a panhandle design as the best, most practical means of access to otherwise landlocked tracts, or to allow a single lot subdivision of an excessively deep tract with little frontage. Therefore, the Board of Supervisors, upon the recommendation of the Planning Commission, may

approve the utilization of panhandle lots to provide access provided that the

* topography of the land to be developed and the adjacent public street shall safely accommodate the number of proposed access areas. Where traffic safety would be promoted, the Township may require adjacent panhandled lots to share one access road and the Township may require a formal written covenant to run with the land to establish rights and responsibilities of the panhandle lot owners. Access roads for panhandle lots shall be a minimum of 6" shale, 2" 2A modified up to the points where the existing bordering lots end, and the cartway shall be placed in the center of said panhandle.

Frontage on an existing or proposed public street is required to be at least forty (40) feet for a single panhandle lot and fifty (50) feet for two (2} adjacent panhandle lots together sharing one (1) access road.

The applicant shall request permission for panhandle design in writing at the time of plan submittal, or sketch plan review. The request shall be treated as a modification of ordinance requirements, and it shall be the responsibility of the applicant to substantiate adequately the need for such relief in accordance with Article **XIII.**

## Section 1004. Streets, Construction Specifications.

Streets must be surfaced to the grades and dimensions drawn on the plans, profiles, and cross-sections submitted by the applicant and approved by the Board of Supervisors. Before paving the streets surface, the applicant must install the required utilities and provide, where necessary, adequate storm water drainage for the street, acceptable to the Supervisors. The pavement base, wearing surface, and shoulders must be constructed according to the following specifications excepting, however, that for the construction of arterial roads or highways, the subdivider shall consult the Supervisors and be governed by the standards of PennDOT for the method of construction to be used.

|  |  |  |  |
| --- | --- | --- | --- |
| STREET **CONSTRUCTION SPECIFICATIONS\***  LOWER **FRANKFORD TOWNSHIP, CUMBERLAND COUNTY, PA.** | | | |
| Pavement  **Alternative** | **Type**  **Material** | **Thickness:**  Local Street | **Thickness:**  **Collector Street** |
| Rigid Pavement | Portland Cement | 6" | **8"** |
|  | Concrete |  |  |
|  | 2A Crushed | 6" | 6" |
|  | Aggregate Base |  |  |
|  | Shoulders | Paved: Type 3 | Concrete: Type 2 |
| Flexible Pavement -A | ID-2  Wearing Course | 1" | 1.5" |
|  | 10-2  Binder Course | 3" | **3•** |
|  | 2A Crushed Aggregate Base | 6" | **8"** |
|  | Shoulders | **Paved: Type 3** | Paved: Type 3 |
| **Flexible**  Pavement - B | **FB-1**  Wearing Course | **1.5"** |  |
|  | FB-1  Binder Course | **3S** |
| Seal Coat is required. | *2A* Crushed Aggregate Base | 6" |
|  | Shoulders | Paved: Type 3 |

* All components of street construction shall conform to the specifications set forth in Publication 408. "Specifications 1990", published by the Commonwealth of Pennsylvania, Department of Transpo rtation, as updated or amended.
* The binder and wearing course shall be tightly rolled with an 8 to 12 ton roller.
* The Supervisors shall reserve the right to increase the percentage of emulsion needed based on the condition of the aggregate used.
* The Supervisors and/or the Township Engineer shall approve the base before FB-1 or ID-2 is applied.

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**Section 1005. Access Drives and Driveways.**

Whenever required and/or provided under the provisions of this ordinance, all access drives and driveways shall be designed according to the following standards. .

**A.** The general layout shall be such that there will be no need for motorists to back into the public right-of-way of collector or arterial streets.

**8.** Driveway entrances or aprons within the street right-of-way shall be surfaced to their full width, and in no case shall be less than ten (1O) feet. The type of surface shall be the same as the street to which it provides access. Where sidewalks are installed, the required driveway surfacing shall end at the street side of the sidewalk.

1. Access drives for commercial and industrial uses shall be paved and shall not be less than twenty-four (24) feet in width, nor exceed thirty-five

(35) feet in width within twelve (12) feet of the street right-of-way line, except as increased by the curb or pavement radii.

1. Access drives and driveways shall not cross the street right-of-way lines:
   1. Within fifty (50) feet of the street right-of-way line of an intersecting street, and in no case less than ten (1O) feet from the point of tangency when the intersecting street lines are joined by a curve. This dimension may be increased for access drives to shopping centers, or other commercial, industrial, public or institutional uses.
   2. Within ten (10) feet of a fire hydrant, catch basin or drain inlet.
   3. Within forty {40) feet of another access drive or driveway.
   4. Within three (3) feet of a property line unless two adjoining owners mutually agree to a common access drive.
2. Access to the public highway or street shall be controlled in the interest of public safety. Off-street parking, loading, and service areas on all properties used for purposes other than single-family residences shall be physically separated from the highway or street by a curb, pipe rail, or fence and a planting strip. Rather than permitting driveways to enter at virtually any point along the frontage of a lot, the design and placement of a driveway shall be consistent with the function of the fronting roadway (see
3. below). Wherever possible, residential driveways shall enter onto an interior street, with access to the main or collector roadway controlled for optimum visibility and safety.
4. Access drives and driveways shall be located in safe relationship to minimum safe stopping sight distances used by the Pennsylvania Department of Transportation, based on posted speed limits and average centerline slope, as well as to barriers to vision. Access drives and driveways shall not exceed a slope of seven (7) percent within twelve (12) feet of the street line. When drives enter a bank through a cut, unless a retaining wall is used, the side slopes of the cut shall be graded to not more than one (1) foot vertical to two (2) feet horizontal within ten (10) feet of the point the drive intersects with the right-of-way line.
5. Access drives and driveways serving single residential units shall be so designed as to provide at least two (2) off-street parking spaces for each unit. Multi-family structures may be served by separate parking lots and/or driveways. However the *tqtal* number of spaces provided shall be a minimum of two (2) per dwelling unit.

# Section 1006. Easements.

1. When easements are required for any utility serving a subdivision or land development, they must be a minimum of twenty (20) feet wide and must, to the fullest extent possible, be adjacent to or centered on rear or side lot lines.
2. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainage way, channel or stream, and of such width as will be adequate to preserve the unimpeded flow of natural drainage as required by this ordinance, or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities, or for the purpose of installing a stormwater sewer.

Section 1007. Monuments and **Markers.**

* 1. At least two (2} permanent survey monuments must be located and set for any subdivision or land development plan. These monuments should be located at the intersection of lines forming angles in the boundary of the subdivision or land development, or at the intersection of street right­ of-way lines. Monuments shall also be set at such intermediate points as may be required by the Township Engineer.
  2. Monuments shall be four (4) inches square or four (4) inches in diameter and shall be thirty inches long. They shall be made of concrete, stone, or by setting a four (4} inch cast iron or steel pipe filled with concrete. Monuments shall be marked on top with. a copper or brass plate or cross, or with a pin or dowel set in the concrete.
  3. Iron pin markers shall consi t of iron or steel pipes or bars not less than one-half(½) inch in diameter, and not less than twenty-four (24) inches long. Markers shall be set at all corners except those that are monumented, af the beginning and ending of all curves along street property lines, and at all points where lot lines intersect curves, either front or rear.
  4. Monuments and markers must be placed 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 finished grade of the surrounding ground.

## Section 1008. Curbs.

1. Wherever a proposed subdivision or land development shall average six (6) or more dwelling units per gross acre or contain a building or buildings totalling twenty thousand (20,000) square feet or more, or where any subdivision or land development is immediately adjacent to or within one thousand (1,000) feet of any existing subdivision or land development having curbs, curbing shall be installed on each side of the street surface in accordance with the Township's specifications. The Township may require the installation of curbs in any subdivision or land development where the evidence indicates that such improvements are necessary.
2. Curbs shall be constructed of cement concrete, eighteen (18) inches in total height, eight (8) inches thick, with a one (1) inch bevel at the top. The curb reveal from the road surface shall be eight (8) inches. Material and installation specifications shall follow current PennDOT Form 408 requirements.
3. The Board of Supervisors, upon recommendation by the Planning Commission, may waive a requirement for the construction of curbs. A written request for such consideration shall be submitted by the subdivider/developer, and it shall be acted upon in accordance with the provisions of Article XIII.

## Section 1009. Sidewalks.

1. Wherever a proposed subdivision or land development shall average six (6) or more dwelling units per gross acre or contain a building or buildings totalling twenty thousand (20,000) square feet or more, or where any subdivision or land development is immediately adjacent to or within one thousand (1,000) feet of any existing subdivision or land development having sidewalks, sidewalks shall be installed on each side of the street in accordance with the Township's specifications. The Township may require the installation of sidewalks in any subdivision or land development where the evidence indicates that sucih improvements are necessary.
2. Sidewalks shall be locatEld within the right-of-way of the street, shall be four (4) feet in width and terminate at the right-of-way line. They shall be constructed of cement concrete according to the standards set forth in the most recent edition or revision of PennDOT Form 408 Sp(3Cifications.
3. The Board of Supervisors, upon recommendation by the Planning Commission, may waive a requirement for the construction of sidewalks. A written request for such consideration shall be submitt d by the subdivider/developer, and it shall be acted upon in accordance with the provisions of Article XIII.

## Section 1010. Sewers and Water.

**A.** Where a public sanitary s13wer system is within one thousand (1000) feet, or where plans approved by the municipality provide for the installation of such public sanitary sewer facilities to within one thousand (1000) feet

of the nearest residential unit within a proposed subdivision, the subdivider shall provide the subdivision with a complete sanitary sewer system, if, in the Supervisor's opinion, and on the recommendation of the Planning Commission, it is feasible.

8. Where the installation of a sanitary sewer system is not required, the subdivider or owner of the lot shall provide for each lot, at the time improvements are erected thereon, a private sewage disposal system consisting of a septic tank and tile absorption field or other approved sewage disposal system. All such individual sewage disposal systems shall be constructed in accordance with the "Rules and Regulations of the Pennsylvania Department of Environmental Resources."

1. Where a private, community sewerage system is proposed, such system shall be subject to approval of the Pennsylvania Department of Environmental Resources before approval by the Township. The design and installation shall be subject to the approval of the entity having jurisdiction as a condition of Township approval. All private, community sewerage systems shall be owed and maintained by a perpetual entity and such ownership and maintenance responsibility shall be clearly established as a condition of final plan approval.
2. Where a water main supply system is within one thousand (1000) feet of the nearest residential unit, or where plans approved by the Township provide for the installation of such public water facilities, the subdivider shall provide the subdivision with a complete water main supply system to be connected to the existing or proposed water main supply system if, in the Supervisor's opinion, and on the recommendation of the Planning Commission, it is feasible. The design and installation shall be subject to the approval of the agency or entity having jurisdiction as a condition of Township approval.
3. Where a private, community water system is proposed, such system shall be subject to the applicable approval of the Pennsylvania Department of Environmental Resources before approval by the Township. As a condition of Township approval, the Board, upon recommendation of the Planning Commission, may establish terms for future acceptance of such system which may include a deferral of acceptance or a permanent refusal to accept. All private, community water systems shall be owned and maintained by a perpetual entity and such ownership and maintenance responsibility shall be clearly established as a condition of Final Plan approval.
4. Where water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Board of Supervisors that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority, or utility. A copy of Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment

or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

## Section 1011. Stormwater Management/Erosion and Sedimentation Control.

1. **Authority.** Act 247 of July 31, 1968, the Pennsylvania Municipalities Planning Code, as amended, has authorized that the governing body of each municipality may regulate subdivision and land developments. In addition, Act 167 of October 4, 1978, the Storm Water Management Act, authorizes the regulation of land and water for flood control and storm water management purposes, imposing duties and conferring powers on the Department of Environmental Resources, municipalities and counties, providing for enforcement and making appropriations; and Chapter 102 of the Rules and Regulations of the Department of Environmental Resources, Subpart C - Protection of Natural Resources, Article II Water Resources, imposes requirements on earthmoving activities which create accelerated erosion or a danger of accelerated erosion and which require planning and implementation of effective soil conservation measures.

## Applicability.

* 1. No person, partnership, business or corporation shall undertake any of the following activities without written approval from the Township:
     1. Earth disturbing activity involving one acre or more, except agricultural activity, provided such activity conforms to USDA Soil Conservation Service guidelines;
     2. Diversion or piping of any natural or man- made stream channel, or natural springs;
     3. Installation of storm water collection or conveyance systems or appurtenances thereto;

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* + 1. Placement of fill, structure, or pipes in the flood plain as designated on the official flood plain map, and as may be documented by other pertinent sources of flood plain information, used by the Township;
    2. Land development;
    3. Land subdivisions; or
    4. Installation of impervious cover, 5,000 square feet or more in an area.
  1. The Township may waive the requirement of this section for residential subdivisions involving not more than three lots; however, no successive three lot phases shall be permitted. In addition·, the Township may waive the requirement of certain items of the Erosion and Sedimentation Control/Storm Water Management Plan outlined in Section 1011.C. (below) upon the recommendation of the Township Engineer.

1. **Plan Content.** The Erosion and Sedimentation Control/Storm Water Management Plan hereafter referred to as ESC/SWM Plan shall consist of a map(s) and a narrative. For subdivision and land development activities, it shall be included as part of the total land subdivision and development submission(s) to the Township and shall include the following items:
   1. **A** general statement of the project, including the date the project is expected to begin and expected date final stabilization shall be completed, shall be included in the narrative. The project location shall be shown on a seven and one-half minute USGS topographic map.
   2. Topographic features of the project area which shall be

shown on the map are as follows:

* + 1. Existing and finished contours, at two (2) foot intervals except in areas where slope is greater than fifteen percent (15%), iri which case the contour interval shall be five (5) feet;
    2. Boundary lines of the project area; and
    3. Existing drainage on project and adjoining properties such as flood plain, streams, lakes, ponds and easements.
  1. The proposed alteration to the area shall be shown on the map, including lots, streets, parking areas, storm drainage (piping and inlets), erosion control facilities, areas of cut and fill and the limits of earth disturbance and storm water management facilities. The ESC/SWM Plan shall be designed to preserve existing natural drainage areas within proposed subdivisions and developments whenever possible, and shall demonstrate clearly the need for any proposed earth disturbance or alteration of natural drainage areas.
  2. Runoff Calculations for Control Facilities.
     1. Volumes of runoff from the drainage area(s) shall be calculated to determine the sizing of temporary and permanent facilities to control stormwater and erosion. For the purposes of this article, storm events are based on the amount of runoff during a period of twenty-four (24) hours as follows:

## Storm Frequency (Years) Rainfall (Inches)

|  |  |
| --- | --- |
| **2** | **2.9** |
| **5** | **3.9** |
| **10** | **4.8** |
| **25** | **5** |
| **50** | **9** |
| **100** | **6.5** |

* + 1. Design of the erosion and sedimentation control management facilities outlined in the plan requires that runoff calculations be made for the site and areas which contribute drainage to the site. These calculations should be based on land use, time of concentration and other standard aspects of hydraulic analysis.

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Temporary Control Measures/Facilities. Runoff calculations of the site's condition during development shall be used to size temporary control measures.

Permanent Control Measures/Facilities. Permanent storm water control facilities shall be used to control runoff from land development facilities. In most cases, permanent control measures/facilities shall be designed to assure that the maximum rate of storm water runoff is no greater after development than prior to development activities for the ten (10) year storm. Calculation of the pre-development peak discharge shall presume a good condition meadow cover for all open areas with separate calculations made for other pre-development conditions. Design storms in excess of the ten year event shall be used when on-site or surrounding conditions dictate. The capacity of the outlet structure, such as existing storm sewer systems, may control the rate of discharge and thus require design storm criteria varying from the ten (10) year event.

* + 1. Runoff calculations shall also include complete hydrologic and hydraulic analysis of all erosion control facilities including, but not limited to:

Velocities of slopes, capacity and roughness coefficient of conduits and grassed waterways; and

Capacity of sediment basins and permanent holding ponds.

* + 1. Computations for determining storm water runoff and for the design of storm water management facilities shall be based upon the **Soil•Cover-Complex method** described in either TR 55, Urban Hydrology for Small Watersheds; the United States Department of Agriculture, Soil Conservation Service Engineering Field Manual; or the Soil ConseNation SeNice National Engineering Handbook, Section 4. Computations based upon an alternative method may be accepted upon recommendation of the Township Engineer and approval . of Township SupeNisors.
  1. The staging of earth disturbing activities shall be described in the narrative, detailing the sequence of erosion control installation in relation to the installation of improvements.
  2. Temporary and permanent control· measures and facilities, including holding facilities and swales, shall be shown on the map and described in the narrative.
  3. **A** maintenance program for control facilities shall be included in the narrative, describing the method of disposal of materials removed from the control facilities or the project area.

# Design Criteria For Erosion Control Facilities.

* 1. All erosion control facilities shall be designed as a minimum to meet the design standards and specifications of the latest revision of the "Erosion and Sedimentation Control Handbook for Cumberland, Dauphin, and Perry Counties", published by the Dauphin Conservation District. Grassed waterways may be used in place of conduit piping in those areas where soil conditions allow recharge of ground water.The usage of grassed waterways is not recommended in areas of year round or seasonally high ground water tables unless provision is made to handle long duration flows, for example, by means of subsurface drainage or stone-centered waterways.
  2. Any basins with slopes steeper than three-to-one (3:1) may be required to be fenced with a six (6) foot high fence of a material acceptable to the Township. The Board of Supervisors shall make the decision to require fencing based on potential hazards at the site such as detention versus retention capability, slope, depth of water and length of detention time.
  3. Detention basins may be waived by the Township, upon recommendation of the Township Engineer, at sites in close proximity to major streams, depending on the hydrology of the watershed. This is to facilitate drainage prior to stream flooding.

## Construction Standards For Erosion Control Facilities.

* 1. Construction standards for erosion control facilities shall be in accordance with the approved plans and accompanying specifications. The construction standards for erosion control facilities outlined in the latest revision of the "Erosion and Sedimentation Control Handbook for Cumberland, Dauphin and Perry Counties" published by Dauphin Conservation District shall be considered the minimal acceptable standard. Controls shall be installed at initial stages of earthmoving and otherwise as outlined in the staging of earthmoving activities section of the - soil erosion and sedimentation control plan.

## Maintenance Criteria For Erosion Control Practices.

Maintenance is an essential part of the successful functioning of a storm water management system.

* 1. Maintenance during development of a project shall be the responsibility of the developer and/or landowner and shall usually include but not be limited to:
     1. Removal of silt from all debris basins, traps, or other structures or measures, when sixty percent (60%) of capacity is filled with silt;
     2. Periodic maintenance of temporary control facilities such as replacement of straw bale dikes, straw filters or similar measures;
     3. Establishment or reestablishment of vegetation by seeding and mulching or sodding of scoured areas or areas where vegetation has not successfully been established;
     4. Installation of necessary controls to correct unforeseen problems caused by storm events withi-n design frequencies; and
     5. The contractor or developer shall be responsible for removal of all temporary measures and installation of permanent measures upon completion of the project.

## Design Criteria For Storm Water Collection System.

* 1. General. The engineering design criteria for storm water collection systems shall be storms of the ten (10) year frequency, unless other frequencies are required by Chapter

105 of the Department of Environmental Resources regulations, with intensities based on the times of concentration , land use and other accepted design factors for each drainage area. A minimum time of concentration of five

(5) minutes shall be used. Computational methods shall be based on those presented in Section 906.C.4.d. The Township, pursuant to recommendations of the Engineer, may require a design storm of higher intensity to be used when on-site or surrounding conditions, such as the history of flooding downstream or the capacity of receiving stream or storm water system, indicate such a variation to be necessary.

* 1. Piping. All piping used in the storm drainage system shall be CMP galvanized steel, aluminum alloy or reinforced concrete. A minimum pipe size of eighteen (18) inches in diameter shall be used in all roadway systems proposed for dedication to the Township. A minimum pipe size of twelve

(12) inches in diameter is permitted on private facilities which receive no off-site drainage. Pipes shall be designed so as to provide a minimum velocity of two and one-half (2 1/2) feet per second when flowing full. Arch pipe may be used in lieu of round pipe where cover or utility conflict conditions exist.

All storm drainage piping discharging to the ground surface shalr' be provided with either reinforced concrete headwalls or metal pipe end sections compatible with the pipe size involved. A rip-rap apron of adequate length shall be provided at all surface discharge points in order to minimize erosion. The apron shall extend to the crown of the pipe. Rip-rap size shall be determined by the flow velocity leaving the system as follows:

**Flow Velocity**

(feet/second)

**Up to 6**

**6 to 9**

## Greater than 9

**Average Stone Size**

(inches)

## 6-8

**8 -12**

**Specialized Design Required**

All precautions should be taken to limit the discharge velocity from storm drainage systems to six (6) feet per second. Baffle systems, drop manholes or other appurtenances should be used to control velocity.

* 1. Inlets. If required by this ordinance, storm drainage

,inlets shall be provided at all low points and hydraulically intermediate points on a system. Location and spacing of inlets shall be based on the hydraulic capacity of each inlet related to the flow rece.i ved and amount of flow bypassed from upstream inlets. Inlets shall be placed so street drainage shall not cross intersections or street crowns.

All inlet tops shall be pre-cast concrete with heavy-duty steel grating. Weep holes shall be provided on all inlet tops. In private parking areas, streets, and yard areas with no curbing, PennDOT Type "M" inlet tops shall be used. Where curbing is required, all street inlet tops shall be the combination curb and gutter inlet PennDOT type "C", with a ten (10) inch curb reveal to allow an automatic depressed condition to exist when used on an eight (8) inch curb. Inlet foundations shall be a minimum of eight (8) inches of plain concrete. Inlet walls

shall be either pre-cast concrete or solid clay brick or solid concrete block, with a one-half (1/2) inch coat of parging on the interior. All pipes entering or exiting inlets shall be cut flush with the inlet wall.

* 1. Roof Leaders 1 Foundation Drains, Springs and Sump Pumps. All roof leaders shall be connected to the storm sewer system or, where site conditions permit, be drained overland to street or yard areas. Foundation drains, sump pumps and springs shall be connected directly to the nearest practical storm sewer system. In order to reduce runoff from developed areas, underground basin drains are permitted to which roof leaders may be connected.

These drains consist of stone-filled basins which temporarily store and release water below ground surface. Plans for such basins shall be submitted to the Township for approval, and the basins shall be used only in those areas where soils, geologic and water table conditions permit.

All underground or surface springs encountered during or after construction of roadways or buildings shall be adequately piped or drained to the nearest storm drainage system. The Township Roadway Inspector or Township Engineer shall be contacted when a spring is encountered.

The Inspector or Engineer shall make a site investigation and make written recommendations to the developer for correcting the problem. Such recommendations shall be binding on the developer unless the Board of Supervisors, upon the request of the developer, agrees to permit an alternative solution.

Sub-base drains shall be provided at all low points in cut areas, toe of slope areas and other areas as dictated by proven engineering principles and design judgement. Sub-base drains shall be designed and· constructed in accordance with the Pennsylvania Department of Transportation Design Criteria and Form 408 Specifications. All drains shall be connected to a storm drainage system.

All land development projects shall be designed and constructed in order to provide proper drainage of storm water runoff. All lot and open areas shall be designed to drain to the nearest practical street or drainage system with minimal impact on adjoining properties, unless an area specifically designed for storm water detention is provided.

* 1. Compliance with Department of Environmental Resources (DER) Chapter 105 Regulations. The design criteria contained in this article are intended for usage in conjunction with the Chapter 105 Regulations of the Pennsylvania Department of Environmental Resources (DER) entitled, "Water Obstructions and Encroachments". All information and regulations contained in Chapter 105 shall be considered to be incorporated into this article as if reproduced in full.

A DER permit in accordance with Chapter 105 shall be required for any obstruction or encroachment in the regulated waters of the Commonwealth, prior to the approval of the final plan. In the event any question or conflict arises between this article and the DER Chapter 105 Regulations, the design criteria contained in the DER regulations shall govern.

* 1. Compliance with Pennsylvania · Department · of Transportation Form 408 Specifications. All materials, workmanship and methods of work shall comply with the Pennsylvania Department of Transportation Form 408 Specifications, as accepted and commonly used by the Township, and shall be considered to be incorporated into this article as if copied in full. In the event a conflict arises between the requirements of this article and the Form 408 Specifications, the Township Engineer shall resolve the difference, and his opinion shall be binding.

## Review and Approval.

* 1. In the case of subdivision and/or land development activities, the ESC/SWM Plan shall be submitted to the Township with the subdivision plan to allow for timely review and inclusion in the final subdivision plan of any revision(s) which may result from the reviews of the Cumberland County Planning Commission and the Cumberland County Conservation District.
     1. Evidence that the **ESC/SWM** Plan has been submitted to the Township and Cumberland County Conservation District shall be presented to the Planning Commission.
     2. The review and comments of the Cumberland County Conservation District and Township Engineer shall be considered by the Board of Supervisors in taking action on subdivision and land development plans.
  2. The final ESC/SWM Plan approved by the Township shall become a supplement to the final subdivision plan and be subject to all rules, regulations and procedures pertaining thereto.

**Section 1012. Open Space and Recreation Requirements.**

In order to further the Goals and Objectives of the Comprehensive Plan, including the preservation and protection of the rural character of the Township, and to provide for open space and recreational needs of Township residents, the following shall be required.

1. All subdivisions or land developments which will result in twenty (20) or more dwelling units shall set aside no less than ten (1O} percent of the gross acreage of the plan as permanent open space. This ten (10) percent shall not include utility or access easement or right-of-way areas.
2. The location, form and design of the open space area shall be reviewed and recommended by the Planning Commission and approved by the Board of Supervisors. In the selection of location, consideration shall be given to the preservation of natural features, such as streams, wooded areas, outcroppings, scenic vistas, etc. The open space area shall be accessible and shall be of a shape compatible with any- intended use. Long, narrow strips of land shall be avoided.
3. The method of preserving such areas for open space or recreation purposes shall be reviewed and recommended by the Planning Commission and approved by the Board of Supervisors. Permanent open space easements, running with the land, and prohibiting construction or disturbance of the natural features or clearing of vegetation, are preferred. However, the Township may, solely at its option, accept the public dedication of open space land, or preservation through deed restriction, homeowner association, or other means proposed by the developer.

**ARTICLE XI MOBILEHOME PARK REGULATIONS**

**Section 1100. Mobilehome Parks - Procedure.**

No person, firm or corporation shall construct, maintain or operate a mobilehome park within the Township without obtaining a Mobilehome Park Permit from both Lower Frankford Township and the Department of Environmental Resources. The procedures for reviewing mobilehome park plans shall be the same as for subdivision and land development projects in accordance with the provisions of this ordinance.

**Section 1101. Mobilehome Parks - Plan Requirements.**

Prior to the issuance of a Mobilehome Park Permit, plans shall be submitted to and approved by the Township in accordance with the requirements, procedures and design standards of this ordinance regarding pre-application consultation, preliminary plans and final record plans, including review and filing fees. In addition to the site plan information required elsewhere in this ordinance, the following information shall be provided on the plans:

* 1. The location and use of proposed buildings or structure improvements.
  2. The location and design of all uses not requiring structures such as recreation areas and landscaping.

**Section 1102. Renewable Mobilehome Park Permits and Registers.**

1. The Board of Supervisors may grant a Mobilehome Park Permit for a period not to exceed twelve (12) months from the date. of approval of such permit, which shall be renewable every twelve (12) months. The Board of Supervisors or its duly authorized representative shall inspect each mobilehome park prior to granting or renewing an annual permit for conformance with the provisions of this ordinance and any other applicable regulations .

Each application for an original permit or renewal permit shall be accompanied by an inspection fee, in the amount set by the Board of Supervisors. Such fee may be periodically reviewed and adjusted by the

Board. In the event the actual cost of inspection services exceeds the fee amount, the additional cost shall be borne by the applicant. Such charges shall be levied whether or not the permit is approved.

1. Any person holding a permit shall give notice in writing to both the Pennsylvania Department of Environmental Resources (Pa. Dept. of Health), and the Township, within ten (10) days after having sold, transferred or otherwise disposed of interest in or control of any mobilehome park. Such notice shall include the name and address of the person succeeding to the interest in or control of such mobilehome park, and shall be accompanied by a permit transfer fee payable to the Township of ten dollars ($10.00).
2. Any person whose application for a permit under this article has been denied, may request, and shall be granted, a hearing on the matter before the Board of Supervisors.
3. It shall be incumbent upon the proprietor of a mobilehome park to keep a register and to report therein the name of person or head of family occupying each mobilehome, showing the address within the mobilehome park by street and plot number and the date of entry on said land, the last permanent address of the head of household, make and size of the mobilehome, and the names of all persons living in said mobilehome. An updated copy of said register shall be delivered by the proprietor of the mobilehome park to the Township Secretary twice a year, on May 1 and October 1.

**Section 1103. Inspection of Mobilehome Parks.**

1. The Township or its authorized agent is hereby authorized to make such inspections as are necessary to determine satisfactory compliance with regulations contained herein and regulations issued hereunder, in order that the duty of safeguarding the health and safety of the occupants of such mobilehome park and of the general public, may be performed.
2. Whenever, upon inspection of any mobile home park, the Township or its authorized agents find that conditions or practices exist which are in violation of any provision contained herein or regulations issued hereunder, the Township shall give notice in writing in accordance with Subsection C., below, to the person to whom the permit was issued, that unless such conditions or practices are corrected within a reasonable period of time, the

permit shall be suspended. At the end of such period, the Township shall reinspect the mobilehome park and, if such conditions or practices have -not been corrected, the permit shall be suspended and notice given in writing of such suspension to the person to whom the permit is issued. Upon receipt of notice of such suspension, such person shall cease operation of such mobilehome park.

1. Whenever the Township determines that there are reasonable grounds to believe that there has· been a violation of any provision contained herein or regulations issued hereunder, notice shall be given of such alleged violations to the person to whom the permit was issued as hereafter provided. Such notice shall be as follows:
   1. Be in writing;
   2. Include a statement of the reasons for the issuance;
   3. Allow a reasonable time for the performance of any act it requires;
   4. Be served upon the owner or his agent as the case may require, provided that such notice or orders shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by Certified Mail to his last known address, or when he has been served by such notice by any method authorized or required by the laws of this State;
   5. Contain an outline of remedial action which, if taken, will effect compliance with the provisions contained herein and regulations issued hereunder.
2. Any person affected by any notice which has been issued in connection with the enforcement of the provisions contained herein, or regulation issued hereunder, may request a hearing on the matter before the Board of Supervisors; provided that such person files in the office of the Township Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension except in the case of an order issued upon finding that an emergency exists which requires immediate action to protect the public.

**Section 1104. Mobilehome Parks - Lot Requirements and Mobilehome Standards.**

1. Individual mobilehome lots located in a mobilehome park shall contain at least seven thousand five hundred (7500) square feet of lot area and shall not be less than sixty (60) feet wide at the building set-back line exclusive of easements or rights-of-way.
2. The maximum number of mobilehomes that may be approved for a mobilehome park shall be computed by subtracting from the total gross acreage 100% of lands in slopes of 25% or more, 75% of all identified wetland areas, 75% of all lands within the 100-year flood plain, and 50% of all lands containing existing public utility easements. The remaining acreage shall be divided by the minimum lot requirement to obtain the maximum number of units allowed.
3. All mobilehome lots shall be given street · numbers and all park streets shall be given names.
4. Every mobilehome shall be provided with a mobilehome stand, which provides an adequate foundation for the placement of such mobilehome, securing the structure from settling, vibration, uplift and sliding.
   1. The mobilehome stand shall have a minimum area equal in length and width to the mobilehome to be placed on it, but in no case shall the area of the stand be less than seven hundred twenty (720) square feet. Such stand shaU be cement concrete with a minimum thickness of four (4) inches, shall have a frost wall around its perimeter, and shall have an adequate sub-base.
   2. All mobilehomes shall be securely fastened to the concrete stand (tied down} in a manner recommended by the manufacturer of the mobilehome, or the mobilehome owner's insurance company, for the purpose of protecting and securing the mobilehome from the forces of wind. As a minimum, however, the tie-down system used shall meet the following criteria:
      1. Every mobilehome shall be firmly anchored to withstand a lateral wind pressure of fifteen (15) pounds per square foot.

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* + 1. The dead load resisting moment of a mobilehome shall not be less than· one-and one-half (1 1/2) times the overturning moment due to wind and other lateral forces. The foundation and superimposed earth loads may be included provided the anchorage is sufficient to develop these weights. The Township Engineer shall determine the sufficiency of the method of anchorage.

## Section 1105. Yard and Set-Back Requirements.

**A.** All mobilehomes shall be located at least forty (40) feet from any public street right-of-way which abuts a mobilehome park boundary and at least fifty (50) feet from any other boundary of the park.

**8.** There shall be a minimum distance of twenty-five (25) feet between an individual mobilehome and adjoining pavement of a park street or common parking area or other common areas.

C. All mobilehomes and patios on a mobilehome lot shall not be located closer than ten (10) feet to a side lot line, and shall not be located closer than twenty-five (25) feet to a rear lot line that is not a park boundary.

## Section 1106. Mobilehome Park Street System.

1. **Park Access.** Each Mobilehome Park shall be provided with at least two (2) suitable points of ingress and egress and a distance of at least one hundred-fifty (150) feet shall be maintained between centerlines of access streets.
2. **Lot Access.** All Mobilehome Parks shall be provided with safe and convenient paved access streets to and from each and every mobilehome lot. Alignment and gradient shall be properly adapted to topography.
3. **Streets.** All streets within any Mobilehome Park shall be designed and improved as local streets in accordance with Township specifications.
4. **Intersections.** Not more than two (2) streets shall intersect at any point and a distance of at least one - hundred-fifty (150) feet shall be maintained between centerlines of offset intersection streets.

# Section 1107. Required Off-Street Parking.

* 1. Off-street parking areas shall be provided in all Mobilehome Parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least two (2) on-lot vehicular parking spaces for each mobilehome lot.
  2. Each off-street parking space shall contain at least two hundred

(200) square feet , exclusive of access drive area, being a minimum of ten

(10) feet by twenty (20) feet.

# Auxiliary Parking Lots.

* + 1. There shall be a minimum of one (1) auxiliary parking space for each mobile home stand, located within three hundred (300) feet of the mobilehome it is intended to serve.
    2. Construction and paving of auxiliary parking lots shall be in accordance with the standards set forth herein for park streets.
    3. All parking spaces within the auxiliary parking lot shall be clearly defined.
    4. Separate parking lots for the storage of small trailers, boats, RV's, campers, etc. may be provided. However, storage of such vehicles shall not occur in auxiliary parking lots.

# Section 1108. Utility Improvements.

1. **Water Supply.**
   1. All mobilehome parks shall be served by a public water supply. However, where a public supply of water is not available, a private water system may be developed and used as approved by the Pennsylvania Department of Environmental Resources.
   2. The water supply shall supply a minimum of one hundred fifty (150) gallons per day per mobile home.
   3. Water supply treatment, where applicable, shall be in accordance with the requirements of the Pennsylvania Department of Environmental Resources.
   4. All water storage reservoirs shall be covered so as to prevent the entrance of contaminated material, shall be watertight, and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened.
   5. The water system of the mobilehome park shall be connected by pipes to all mobilehomes, buildings and other . facilities requiring water, and shall be so designed and maintained as to provide a pressure of not less than forty (40) pounds per square inch, under normal operating conditions.
   6. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with State and local regulations and requirements and shall be of a type and in a location approved by the Pennsylvania Department of Environmental Resources.
   7. Individual water-riser pipes and connections shall be provided, and shall be located within the confined area of each mobilehome stand at a point where the water connection will approximate a vertical position, and shall extend at least four (4) inches above ground elevation. The pipe shall be at least three-fourths (3/4) inches in diameter, and the water outlet shall be capped when a mobile home does not occupy the stand; surface drainage shall be diverted from the location of the riser pipe.

## Sanitary Sewage Facilities.

* + 1. An adequate and safe sanitary sewage system shall be provided in all parks for conveying and disposing of sanitary sewage from mobile homes, service buildings and other accessory facilities.
    2. All proposed treatment and disposal facilities shall be approved by the Pennsylvania Department of Environmental Resources prior to construction.
    3. Sanitary sewer collection lines shall be completely separate from the water supply system and from any storm drainage system.
    4. Each mobilehome shall be provided with a sanitary sewer riser pipe located within the confined area of the mobilehome stand, so that the sewer connection to the mobile home drain outlet will approximate a vertical position.
    5. The sanitary sewer riser pipe shall be capped when a mobilehome does not occupy a stand. The rims of the riser pipe shall extend a minimum of four (4) inches above ground elevation, and surface drainage shall be diverted away from the riser pipe.

1. **Electrical Distribution.** All Mobilehome Parks shall have underground electrical distribution systems which shall be installed and maintained in accordance with the local electric power company's specifications regulating such systems.
2. **Natural Gas Systems.** Any natural gas system shall be installed and maintained in accordance with the regulations and specifications of the company supplying said natural gas.
3. **Liquified Petroleum Gas System.** Liquified petroleum gas systems provided for mobile homes, service buildings or other structures shall include the following:
   1. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
   2. Systems shall have at least one (1) accessible means for shutting off gas. Such means shall be located outside the mobilehome and shall be maintained in effective operating condition.
   3. All LPG piping outside of the mobilehomes shall be well supported and protected against mechanical injury. Undiluted liquified petroleum gas, liquid form; shall not be conveyed through piping equipment and systems in mobilehomes.
   4. Any vessel containing liquified petroleum gas shall be securely but not permanently fastened to prevent accidental overturning.
   5. No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobilehome or any other structure unless such installations are specifically approved by the Township.
4. **Fuel Oil Supply System.**
   1. All fuel oil supply systems provided in mobilehomes, service buildings and other structures shall be installed and maintained in conformity **with** accepted engineering practices and standards of the supplying or installing company.
   2. **All** piping from outside fuel storage tanks shall be located below the surface of the ground and a riser pipe shall be provided, located within the confined area of the mobilehome stand.
   3. All fuel oil supply systems shall have shut-off valves located within five (5) inches from the mobile home stand surface.
   4. All fuel storage tanks shall be located a minimum distance of ten (10) feet from all electrical service lines.

# Section 1109. Usable Open Space.

1. All Mobilehome Parks shall provide not less than ten percent (10%) of the total land area for usable open space purposes. Usable open space shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located and easily accessible to all park residents. No more than 25% of the total area to be set aside as usable open space may consist of slopes of 25% or more, floodplain area, and/or wetlands. Mobilehome parks containing more than thirty (30) lots or dwelling units shall provide playgrounds, with facilities which are appropriate to the scale and character of the mobilehome park, considering its natural features, size, land use intensity, and potential population.
2. Exposed ground surfaces in all parts of every park shall be paved, or covered with stone screenings, and other solid material, or protected with a vegetation that is capable of preventing soil erosion and the emanation of dust during dry weather.

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

## Section 1110. Walkways.

1. **General Requirements.** All parks shall be provided with safe, convenient, all season pedestrian walks of adequate width for intended use, durable and convenient to maintain, between individual mobilehome lots, the park streets and all community facilities provided for park residents. Sudden change in alignment and gradient shall be avoided.
2. **Common Walk System. A** common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a width of four (4) feet, and shall be constructed of cement concrete in accordance with PennDOT Form 408 specifications.
3. **Individual Walks.** All mobilehome lots shall be connected to common w?lks, to paved streets, or to paved driveways or parking spaces connecting to a paved street, with individual walks. Such individual walks shall have a minimum width of two (2) feet, and may be constructed of concrete, brick, flagstone or other suitable material.

Section 1111. Other Site Improvements.

1. One (1) fire alarm box or public telephone shall be provided for each mobilehome park. The park operator shall maintain a fire extinguisher of a type approved by the Board of Supervisors in all public service buildings under park control.
2. Provision shall be made by the park operator to have garbage and waste collected at least once every week.
3. Each mobilehome lot may be provided with a concrete slab for use as a patio or for a foundation for any expansion of the mobilehome. If provided, the concrete slab shall be constructed on a stable surface and be located so as to adjoin and be parallel to the mobilehome. It shall not be larger than three hundred (300) square feet in area.
4. The primary entrance to each mobilehome shall be provided with an entrance landing, the height of which shall not be less than six (6) inches below the threshold of the door opening. Such landing shall extend at least four (4) feet outward from the mobilehome. Any such landing over twelve

(12) inches in height above the ground shall be provided with steps. Any such landing over eighteen (18) inches in height shall also be provided with a railing on all open sides not containing steps as well as a step handrail. Landings must be of permanent construction, and may be made of wood, masonry or metal.

1. Individual tenants at the mobilehome park may construct attached enclosures or covered patios to individual mobilehomes, provided that such enclosure does not exceed the slab area noted in 1111 C. and is confined to same.
2. **An** enclosure of compatible design and material shall be erected around the entire base of each mobilehome. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
3. All means of ingress, egress, walkways, streets and parking lots shall be adequately lighted.

## Section 1112. General Regulations.

1. Grounds, buildings and structures shall be maintained free of insects and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Pennsylvania Department of Environmental Resources regulations governing mobilehome parks.
2. The person to whom a license for a mobilehome park is issued shall operate the park in compliance with the regulations contained herein and shall provide supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
3. The responsible operator of the mobilehome park shall supervise the placement of each mobile home on the mobile home stand which includes securing its stability and installing all utility connections.
4. No part of any mobilehome park shall be used for a non- residential purpose except such uses that are required for the direct seNicing and well being of park residents and for the management and maintenance of the park.
5. Fire-resistant skirting shall be provided for the entire perimeter of the mobile home, for the purpose of concealing the wheel assembly and piping, which skirting shall not be of lattice construction, but shall provide sufficient ventilation to inhibit decay and deterioration of the structure. Such skirting shall be installed by the individual mobilehome owner within ninety (90) days after placement of the mobilehome.
6. **No** provision contained herein shall be deemed as prohibiting the sale or rental, for residential use, of a mobilehome, provided such mobilehome is located on a mobilehome stand and is connected to the pertinent utilities.

## ARTICLE XII

**MOBILEHOMES NOT LOCATED IN .A MOBILEHOMEPARK**

**Section 1200. General.**

Any mobilehome not located in a mobilehome park shall comply, in all respects, with the requirements of the Township for obtaining building permits as a single-family detached dwelling unit, and also shall comply with all applicable requirements of the Lower Frankford Township Subdivision and Land Development Ordinance.

## Section 1201. Mobilehome Stand and Tie-Downs.

* 1. Each mobilehome shall be provided with a mobilehome stand, which provides an adequate· foundation for the placement of such mobilehome, securing the structure from settling, vibrations, uplift and sliding.
  2. The mobilehome stand shall have an area equal to the area of the mobilehome to be placed on such stand. The stand shall be cement concrete with a minimum thickness of four (4) inches and shall have a frost wall around its perimeter, with an adequate sub-base, all of which shall be approved by the Township prior to construction.
  3. All mobilehomes shall be securely fastened to the concrete stand (tied down) in a manner recommended by the manufacturer of the mobilehome, or the mobilehome owner's insurance company, for the purpose of protecting and securing the mobilehome from the forces of wind. As a minimum, however, the tie-down system used shall meet the following criteria:
     1. Every mobilehome shall be firmly anchored to withstand a lateral wind pressure of fifteen (15) pounds per square foot.
     2. The dead load resisting moment of a mobilehome shall not be less than one-and one-half (1 1/2) times the overturning moment due to wind and other lateral forces. The foundation and superimposed earth loads may be included provided the anchorage is sufficient to develop these weights. The Township Engineer shall determine the sufficiency of the m·ethod of anchorage.

**Section 1202. Landings.**

The primary entrance to each mobilehome shall be provided with an entrance landing, the height of which shall not be less than six (6) inches below the threshold of the door opening. Such landing shall extend at least four (4) feet outward from the mobilehome. Any such landing ·over twelve

(12) inches in height shall be provided with steps. Any such landing over eighteen (18) inches in height shall also be provided with a railing on all open sides not containing steps as well as a step handrail. Landings must be of permanent construction, and may be made of wood, masonry or metal.

**Section 1203. Utility Improvements.**

1. **Riser Pipes.** Sanitary sewer and water riser pipes shall be provided and shall be located within the confined area of the mobilehome stand at a point where the water and sewer connections will approximate a vertical position, and shall extend a minimum of four (4) inches above the stand surface. Both riser pipes shall be capped when a mobilehome does not occupy the stand. Surface drainage shall be diverted from the location of the riser pipes.
2. **Fuel Storage Tanks.** All piping from outside fuel storage tanks shall be located below the surface of the ground and a riser pipe shall be provided, located within the confined area of the mobilehome stand. All supply systems shall have shut-off valves located within five (5) inches from the mobilehome stand surface.

**Section 1204. Skirting.**

Fire-resistant skirting shall be provided for the entire perimeter of the base of the mobilehome, for the purpose of concealing the wheel assembly and piping, which skirting shall not be of lattice construction, but shall provide

sufficient ventilation to inhibit decay and deterioratio\_ n of the structure. Such

skirting shall be installed by the mobilehome owner within ninety (90) days after placement of the mobilehome.

**ARTICLE XIII IMPROVEMENT STANDARDS**

**Section 1300. Construction of Improvements.**

The subdivider or developer shall grade and pave the streets and install all other necessary improvements at no expense to the Township, including, where required, curbs, sidewalks, **water** mains, erosion, sedimentation and water management control facilities, sanitary and storm sewers, street lights, fire hydrants, street name signs, and other fadlities and utilities required by the Board, in strict accordance with the requirements of this Article and the standards and specifications of the Township. Construction and inspection of all such facilities and utilities shall be subject to inspection by appropriate Township officials during the progress of the work. The subdivider or developer shall not begin work on structures in any part of the subdivision or land development until the streets in that part have been graded to within four (4) inches of the finished grade.

**Section 1301. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plan Approval.**

* 1. No plan shall be finally approved unless the streets shown on such plan have been improved to a mud-free or otherwise permanently passable condition, or improved as may be required by the Subdivision and Land Development Ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains and other improvements as required by this ordinance have been installed in accordance with this ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plan, including improvements or fees required of any land development which is not immediate, the developer shall provide for the deposit with the Township of financial security in an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to, roads, stormwater detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.
  2. When requested by the developer, in order to facilitate financing, the Board of Supervisors or the Planning Commission, if designated, shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security.

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The final plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expi,re and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days, unless a written extension is granted by the Board of Supervisors; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

* 1. Without limitation as to other types of financial security which the Township may approve; which approval shall not be unreasonably withheld; Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
  2. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
  3. Such bond or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action. of approval or accompanying agreement for completion of the improvements.
  4. The amount of financial security to be posted for the completion of

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

* 1. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost.

The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the .applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.

* 1. If the party posting the financial security requires mo\_r e than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten percent (10%) for each one-year period beyond the first anniversary date from posting of financial security; or to an amount not exceeding one hundred-ten percent (110%) of the cost of completing the required improvements as re-established on or about the expiration of the preceding one-year period by using the above bidding procedure.
  2. In the case where development is projected over a period of years, the governing body may authorize submission of final plans by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
  3. As the work of installing the required improvements proceeds, the party posting the financial security may request the governing body to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the governing body, and the governing body shall have forty-five (45) days from 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 upon the improvements has been completed in accordance with the approved plan. Upon receipt of such certification the governing body shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed, or if the governing body fails to act within said forty-five (45) day period, the governing body shall be deemed to have approved the release of funds as requested.

The governing body may, prior to final release at the time of completion and certification by its engineer, require retention of ten percent (10%} of the estimated cost of the aforesaid improvements.

* 1. Where the governing body accepts dedication of all or some of the improvements following completion, the governing body 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 this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.

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

1. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plan as set forth in this section, the Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plan upon actual completion of the improvements depicted upon the approved final plan. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plan, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

## Section 1302. Release From Improvement Bond.

When the developer has completed all of the required improvements, the developer shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer.

* 1. The Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Engineer to inspect all of the required improvements.
  2. The Township Engineer shall.thereupon, file a report, in writing, with the Board of Supervisors, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the authorization for i spection by the Board of Supervisors.
  3. The 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 reason for non-approval or rejection.
  4. The Board of Supervisors shall notify the developer, within fifteen

(15) days of receipt of the Engineer's report, in writing, by certified mail or registered mail, of the action of the Board with relation thereto.

* 1. If the Board of Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released of all liability, pursuant to its performance guaranty bond.
  2. If any portion of the said improvements shall not be approved or shall be rejected by the Board of Supervisors, the developer shall proceed to complete the same, and upon completion, the same procedure of notification as listed above shall be followed.
  3. The Township may prescribe that the applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense· shall be reasonable and in accordance with the ordinary and-customary fees

charged by the Township Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Engineer or consultant to the municipalities when fees are not reimbursed or otherwise imposed on applicants.

* + 1. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary. in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
    2. If, within twenty (20} days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
    3. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
    4. In the event that the Township and applicant cannot agree upon the professional engineer to be appointed within twenty {20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of Cumberland County (or, if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five years.
    5. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by $1,000.00 or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay one-half of the fee of the appointed professional engineer.

## Section 1303. 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 accordance with the approved Final Plan, the Board shall have 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 Board of Supervisors may, at its 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, whether resulting from the security or from *any* legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Township purpose.

**ARTICLE XIV MODIFICATION OF REQUIREMENTS**

## Section 1400. Peculiar Conditions.

1. The Board of Supervisors may grant a modification of the requirements of one or more provisions of this ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the ordinance is observed.
2. The general principles of design and the minimum requirements for the laying out of subdivisions and land developments stipulated in this ordinance may be varied by the Board of Supervisors upon request by the subdivider or developer and the recommendation of the Township Engineer and the Planning Commission, in the case of a project large enough to constitute a more or less self-contained neighborhood, industrial park or commercial center. Such a project shall be developed in accordance with a comprehensive plan safeguarded by appropriate restrictions, which in the judgement of the Board has made adequate provisions for all essential requirements. Provided, however, that no modification shall be granted by the Board which would conflict with features of any adopted long-range plan of the Township or with the intent and purpose of the general principles of design and minimum requirements of this ordinance.

## Section 1401. Requests for Modification.

1. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.
2. The request for modification may be referred to the Planning Commission and Township Engineer for advisory comments. The Board of Supervisors and the Planning Commission shall keep a written record of all action on all requests for modifications.

**ARTICLE XV ENFORCEMENT AND REMEDIES**

## Section 1500. Enforcement.

The Township is hereby authorized and directed to enforce all of the provisions of this ordinance. Upon presentation of proper credentials, duly and with the consent of the property owner, authorized representatives of the Township may enter at reasonable times upon any property within the Township to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this ordinance.

## Section 1501. Enforcement Remedies.

* 1. Any person, partnership, or corporation who or which has violated the provisions of the Lower Frankford Township Subdivision Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by Lower Frankford Township, pay a judgement of not more than $500.00 plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. No judgement 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 judgement, the municipality may enforce the judgement 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 furtherdetermines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
  2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgement pending a final adjudication of the violation and judgement.
  3. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

# Section 1502. Preventive Remedies.

1. In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
2. Lower Frankford Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of the Township subdivision ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:
   1. The owner of record at the time of such violation.
   2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
   3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
   4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

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## ARTICLE XVI EFFECTIVE DATE: ENACTMENT

**Section 1600. Effective Date.**

This ordinance shall take effect upon its enactment as provided by law.

**Section 1601. Enactment.**

Enacted and ordained this 7th day of February, 1993.

## Section 1602. Repealer.

The enactment of this ordinance hereby repeals any other ordinance or part thereof in conflict with this ordinance.

## LOWER FRANKFORD TOWNSHIP

Chairman, Board of Supervisors

Supervisor

Supervisor

Attest