

Lower Frankford Township

Subdivision and Land Development Ordinance

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**LOWER FRANKFORD TOWNSHIP SUBDIVISION AND LAND
DEVELOPMENT ORDINANCE**

TABLE OF CONTENTS

ARTICLE I

PURPOSES AND INTERPRETATION1-1

Section 100. Purposes 1-1

Section 101. Interpretation 1-2

Section 102. Severability 1-2

ARTICLE II

SHORT TITLE2-1

Section 200. Short Title..... 2-1

ARTICLE III

DEFINITIONS3-1

Section 300. General Word Usage..... 3-2

ARTICLE IV

**CONTROL OF SUBDIVISIONS AND LAND DEVELOPMENT, RECORDING OF PLANS,
DEDICATIONS OF PROPERTY AND IMPROVEMENTS4-1**

Section 400 Control of Subdivisions and Land Developments 4-1

Section 401 Recording of Final Plans and Dedication of Property and Improvements 4-1

Section 402 Control of Common Areas and Facilities 4-2

ARTICLE V

GENERAL PROCEDURE AND JURISDICTION5-1

Section 500 Plan Approving Authority 5-1

Section 501 Pre-Application Conference..... 5-1

Section 502 Plan Submittal..... 5-1

Section 503	Plan Types	5-2
Section 504	Approval of Plans	5-2
Section 505	Fees	5-4
Section 506	Recording of Plan	5-5

ARTICLE VI

VOLUNTARY PRE-APPLICATION CONSULTATION6-1

Section 600	Consultation with Planning Commission	6-1
Section 601	Sketch Plan Submission	6-1

ARTICLE VII

PRELIMINARY PLANS.....7-1

Section 700	Plan Requirements.....	7-1
Section 701	Supporting Documentation	7-4
Section 702	Review Procedure.....	7-6

ARTICLE VIII

FINAL RECORD PLANS8-1

Section 800	Plan Requirements.....	8-1
Section 801	Supporting Documentation	8-2
Section 802	Review Procedure.....	8-3

ARTICLE IX

MINOR PLANS.....9-1

Section 900	Plan Requirements.....	9-1
Section 901	Review Procedure.....	9-1

ARTICLE X

DESIGN AND CONSTRUCTION STANDARDS10-1

Section 1000	Application.....	10-1
Section 1001	General Standards	10-1
Section 1002	Blocks and Lots	10-2
Section 1003	Streets, Design Specifications	10-3

Section 1004	Streets, Construction Specifications	10-9
Section 1005	Access Drives and Driveways	10-10
Section 1006	Easements.....	10-11
Section 1007	Monuments and Markers	10-12
Section 1008	Curbs	10-12
Section 1009	Sidewalks	10-13
Section 1010	Sewers and Water.....	10-13
Section 1011	Traffic Impact Studies	10-14
Section 1012	Grading.....	10-17
Section 1013	Landscaping	10-19
Section 1014	Stormwater Management	10-21
Section 1015	Open Space and Recreation Requirements.....	10-21

ARTICLE XI

MOBILEHOME PARK REGULATIONS 11-1

Section 1100	Mobilehome Parks - Procedure	11-1
Section 1101	Mobilehome Parks -Plan Requirements	11-1
Section 1102	Renewable Mobilehome Park Permits and Registers.....	11-1
Section 1103	Inspection of Mobilehome Parks	11-2
Section 1104	Mobilehome Parks – Lot Requirements and Mobilehome Standards.....	11-3
Section 1105	Yard and Set-Back Requirements	11-3
Section 1106	Mobilehome Park Street System	11-3
Section 1107	Required Off-Street Parking.....	11-4
Section 1108	Utility Improvements	11-4
Section 1109	Usable Open Space	11-6
Section 1110	Walkways.....	11-7
Section 1111	Other Site Improvements	11-7
Section 1112	General Regulations.....	11-8

ARTICLE XII

MOBILEHOMES NOT LOCATED IN A MOBILEHOME PARK 12-1

Section 1200	General.....	12-1
Section 1201	Mobilehome.....	12-1
Section 1202	Landings	12-1
Section 1203	Utility Improvements.....	12-1
Section 1204	Skirting	12-1

ARTICLE XIII

CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS 13-1

Section 1300	Campgrounds and Recreational Vehicle Parks	13-1
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ARTICLE XIV

IMPROVEMENT STANDARDS.....14-1

Section 1400	Guarantee of Required Improvements as Prerequisite to Final Plan Approval.....	14-1
Section 1401	Inspection During Construction	14-3
Section 1402	As-Built Plan	14-4
Section 1403	Release from Financial Security	14-5
Section 1404	Remedies to Effect Completion of Improvements	14-6
Section 1405	Fees for Inspection of Improvements.....	14-6
Section 1406	Disputes Over Fees	14-6

ARTICLE XV

MODIFICATION OF REQUIREMENTS.....15-1

Section 1500	Peculiar Conditions	15-1
Section 1501	Requests for Modification	15-1

ARTICLE XVI

ENFORCEMENT AND REMEDIES.....16-1

Section 1600	Enforcement	16-1
Section 1601	Enforcement Remedies.....	16-1
Section 1602	Preventive Remedies	16-1

ARTICLE XVII

EFFECTIVE DATE: ENACTMENT.....17-1

Section 1700	Effective Date.....	17-1
Section 1701	Enactment.....	17-1
Section 1702	Repealer.....	17-1

ARTICLE I

PURPOSES AND INTERPRETATION

Section 100. Purposes.

- A. The purpose of this ordinance is to generally implement the Township Comprehensive Plan and protect the public health, safety, and general welfare. The provisions of this ordinance shall be administered to ensure the harmonious development and future growth of the Township and discourage conflicts between neighboring properties and municipalities and shall supplement and facilitate the provisions of the Township Zoning Ordinance.
- B. Further purposes are as follows:
1. Ensuring the equitable handling of all subdivision and land development plans by providing uniform standards and procedures;
 2. Ensuring the conservation, protection and wise use of the Township's natural resources and features, including, but not limited to water, woodlands, slopes, vegetation, agricultural soils, wetlands, natural drainage systems and geology;
 3. Ensuring sites suitable for building purposes and human habitation;
 4. Ensuring that documents prepared as part of a land ownership transfer fully and accurately describe the parcel of land being subdivided and the new parcel(s) thus created;
 5. Ensuring the protection of flood-prone areas and wetlands through enforcement of basic protective ordinances;
 6. Ensuring the implementation of sound stormwater management and erosion and sediment control practices in new development and agricultural uses;
 7. Ensuring the safe maintenance of all Township roads and providing specifications for new street construction and maintenance;
 8. Ensuring the safe and efficient movement of traffic;
 9. Ensuring the efficient and orderly extension of community services and facilities at minimum cost and maximum convenience, and to promote alternative housing types, subdivisions, and light commercial activities in appropriate areas of the Township served by these services;
 10. Ensuring cooperation with surrounding municipalities in areas such as fire and police protection and ambulance services thereby preventing blight, loss of health, life, or property from fire, flood, panic, or other dangers.

Section 101. Interpretation.

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 statute, other ordinance or regulation impose greater restrictions than those of this ordinance, the provisions of such statute, ordinance, or regulation shall prevail.

Section 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."

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ARTICLE III

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.
- B. Words in the singular number shall include the plural number and words in the plural number shall include the singular number.
- C. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
- D. The word "shall" is mandatory.
- E. The word "may" is permissive.
- F. The word "person" includes individuals, firms, corporations, associations, trusts and any other similar entities.
- G. The word "building" includes the meaning of "structure" and shall be construed as if followed by the phrase "or part thereof".
- H. The words "Township" or "Municipality" mean Lower Frankford Township, Cumberland County, Pennsylvania.
- I. The words "Board", "Township Board", "Supervisors" or "Governing Body" mean the Board of Supervisors of Lower Frankford Township.
- J. The words "Planning Commission" or "Commission" mean the Lower Frankford Township Planning Commission.
- K. The words "Recorder" and "Recorder of Deeds" mean the Cumberland County Recorder of Deeds.
- L. 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. Definitions.

Abutting.

Having a common border with, or being separated from such common border by a right-of-way or easement.

Access.

A provision for vehicular approach or entry to or exit from property.

Access Drive.

Private drives which provide vehicular movement between a street and a tract of land containing any use other than a single-family dwelling unit or a farm.

Accessory Building or Use.

A building or use which:

- A. Is subordinate to and serves a principal building or a principal use;
- B. Is subordinate in area, extent, or purpose to the principal building or use served;
- C. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
- D. Is located on the same lot as the principal building or use served.

Alley.

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

Applicant.

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

Application for Development.

Every application, whether 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.

Block.

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.

Board of Supervisors.

The Board of Supervisors of the Township of Lower Frankford Township.

Building.

A structure built, maintained or intended for use for the shelter or enclosure of persons, animals or property of any kind and includes, but is not limited to, all manufactured homes and trailers to be used for human habitation. The term is inclusive of any part thereof.

Building Setback line.

The line within a property defining the required minimum distance between any building or structure and the front, side or rear lot line. It shall be a straight line parallel to the front, side or rear lot 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. The front setback shall be measured from the center of the street or right-of-way.

Cartway.

The portion of a street intended for vehicular use.

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.

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.

- A. 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.
- B. 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.

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.

Construction.

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

County.

Cumberland County, Pennsylvania.

County Planning Department.

The Cumberland County Planning Department.

Cul-de-sac.

A minor street intersecting another street at one end and terminated at the other by a vehicular turnaround.

Cut.

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.

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.

Detention Basin.

A vegetated pond designed to drain completely after storing runoff only for a given storm event and release it at a predetermined rate and is also known as a dry pond.

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.

Development.

Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations, storage of equipment or materials; and the subdivision of land.

Development Plan.

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.

Drainage.

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.

Drainage Easement.

An easement required for the installation of storm water management apertures (ponds, pipes, swales, etc.), and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.

Drainage Facility.

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.

Driveway.

A minor vehicular right-of-way providing access between a street and a tract of land serving one single-family dwelling unit or a farm.

Dwelling.

A building or structure designed for living quarters for one (1) or more families, including mobile homes but not including tents, cabins, travel trailers, motels, hotels, rooming houses, boarding homes, convalescent homes or other accommodations used for transient occupancy.

Dwelling, Attached.

Three or more adjoining dwelling units, each of which is separated from the others by one or more unpierced walls from ground to roof (Townhouse or Row house).

Dwelling, Multiple Family.

A building designed for or containing three or more dwelling units, sharing access from a common hall, stair or balcony.

Dwelling, Semi-Detached.

Two dwelling units, attached side to side, sharing only one common wall with the other (Duplex); or two dwelling units arranged one over the other.

Dwelling, Single Family Detached.

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.

Dwelling Unit.

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

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.

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.

Energy Dissipator.

A device used to slow the velocity of storm water, particularly at points of concentrated discharge such as pipe outlets.

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.

Engineer, Registered or Engineer, Professional.

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

Erosion.

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

Erosion and Sediment Pollution Control Plan.

A plan that is designed to minimize accelerated erosion and prevent sediment pollution to the Waters of the Commonwealth.

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.

Fill.

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

Flood.

A temporary inundation of normally dry land areas.

Flood Fringe.

That portion of the flood plain outside the floodway.

Flood Plain Area.

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.

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.

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.

Floodway.

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 foot (1'0") at any point.

Grade, Established.

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.

Grade, Finished.

The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

Grassed Waterway.

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.

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.

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, gravel/stone, any form or mixture of concrete, asphalt, tar or similar substances, as well as, roof areas of buildings and other structures.

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.

Land Development.

Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (1) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or

lots regardless of the number of occupants or tenure; or (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;

- B. A subdivision of land;
- C. Excluding (1) the conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium; (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.

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.

Lot.

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

Lot Acreage.

See Lot Area. The lot area measured in acres.

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.

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.

Lot Depth.

The mean horizontal distance between the street line (right-of-way line) and rear lot line, measured along the mean direction of the side lines of the lot.

Lot, Double Frontage.

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

Lot Frontage.

The lot dimension measured along the street line (right-of-way line) of any street abutting a lot.

Lot, Interior.

A lot other than a corner lot.

Lot Line.

A line bounding a lot which divides one lot from another, which divides a lot from a public right-of-way or street, and which divides a lot from any other defined public or private space. The lot line which divides a lot from a public right-of-way or street is also known as the street line.

Lot Line, Rear.

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 at least 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.

Lot Line, Side.

Any lot line other than a front or rear lot line.

Lot of Record.

Any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances and regulations.

Lot Width.

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.

Mobile Home or Manufactured Home.

A transportable, single-family 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 incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home/Manufactured Home Park.

A parcel or contiguous parcels of land which has been so designed and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Mobile Home/Manufactured Home Subdivision.

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

Municipality.

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

Obstruction.

Any wall, dam, wharf, embankment, levee, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, 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.

Occupancy, Mixed.

Occupancy of a building or land for more than one use.

Official Plan for Liquid Waste Disposal, or Official Sewage Plan.

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.

One-hundred (100) Year Flood.

A flood, which is likely to be equaled or exceeded once every 100 years (i.e. that has a 1% chance of being equaled or exceeded in any given year).

On-Site Storm Water Management (Plan).

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.

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.

Open Space.

The unoccupied, unimproved space open to the sky on the same lot with a building, not including parking lots.

Owner.

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.

Panhandle Lot.

A lot not meeting minimum frontage requirements and where access to the public road is by a private right-of-way or driveway. The “panhandle” component of the lot shall be included in the lot area calculation.

Parcel.

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

Parking Spaces.

The space within a building, or on a lot or parking lot, for the parking or storage of one (1) motor vehicle.

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 Protection and shall be conducted by the Township Sewage Enforcement Officer.

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.

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 public improvements, and does not propose the establishment of new public easements or rights-of-way.

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.

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.

Planning Commission.

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

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.

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 and the Department of Environmental Protection.

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.

Public Improvement.

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.

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.

Regulatory Flood Elevation.

The 100-year flood elevation plus a freeboard safety factor of one and one-half feet.

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.

Retention Basin.

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

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.

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.

Secretary.

The Township Secretary of Lower Frankford Township.

Sedimentation.

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.

Sediment Basins.

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.

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 Pennsylvania Sewage Facilities Act and the regulations thereunder.

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.

- A. 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 disposal, or both, of the sewage on one or more of the lots or at another site.

- B. 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.

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 pavement.

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.

Soil Stabilization.

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

Stormwater.

Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

Stormwater Management.

The control of storm water runoff on a given site.

Stormwater Management Plan.

A plan or design for controlling storm water so that it will preclude erosion or flooding and/or the adverse effects of storm water from impervious areas.

Street.

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

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.

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.

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, as shown on the property deed, the street line shall be assumed to be at a point twenty-five (25) feet from the centerline of the existing street.

Street Width.

The distance between right-of-way lines measured at right angles to the centerline of the street.

Structure.

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

Subdivider.

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

Subdivision.

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

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.

Surface Drainage Plan.

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

Surveyor, Registered or Surveyor, Professional Land.

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

Swale.

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

Time of Concentration.

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

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.

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.

Township.

The Township of Lower Frankford, Cumberland County, Pennsylvania, Board of Supervisors, its agents or authorized representatives.

Watercourse.

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.

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.

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.

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.

Watershed.

The entire region or area drained by a river or other body of water whether natural or artificial.

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.

Yard.

An open space on the same lot with a building or building group lying between the front, rear or side wall of a building and the nearest lot line, unoccupied except for projections and the specific minor uses or structures allowed in such open space under these provisions.

ARTICLE IV

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

Section 400. Control of Subdivisions and Land Developments.

- A. 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, sanitary 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.
- B. 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 and until 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 XIV of this ordinance.
- C. 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, afford 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.
- D. 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.

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

- A. Upon approval of a Final Plan, the Township Secretary 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.

- B. Offers of dedication of land or public improvements to the Township shall include the following, where applicable:
1. Deed of dedication to the Township, 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 improvements for a period of 18 months, as provided for in Section 509 (k) of the Pennsylvania Municipalities Planning Code.
- C. 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.

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 homeowner's 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 homeowner's association.

ARTICLE V

GENERAL PROCEDURE AND JURISDICTION

Section 500. Plan Approving Authority.

All subdivision and land development plans shall be initially referred to the Planning Commission for its review and recommendations. 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.

Section 501. Pre-Application Conference.

Subdividers/Developers 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/developer of the extent to which the proposed subdivision and/or land development 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 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 ten (10) copies of the plan and two (2) copies of supporting documentation including sewage planning modules, where applicable. In addition, all plans and supporting documents and reports shall be provided in digital PDF format or other format acceptable to the Township. The Township Secretary shall distribute plan copies and documentation to the Township Planning Commission, Township Zoning Officer and Township Engineer. The applicant shall submit the plan and supporting documentation to the Cumberland County Planning Department, Cumberland County Conservation District (if applicable), Pennsylvania Department of Transportation (if applicable) and other review or approving authorities; as required by each agency or department.
- B. 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 at least twenty-one (21) days prior to the meeting of the Planning Commission at which initial consideration is desired. If this falls on a non-workday, the submission deadline shall be pushed to the first workday following the non-workday(s). 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.

A. 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. 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 within the last five (5) years 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.

B. 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.

C. 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 to the 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 plan 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.

- A. 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.

- B. 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 defects found in the plan and the requirements which have not been met, including specific reference to the provision of any statute or ordinance which has not been fulfilled.
- C. 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.
- D. 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.
- E. 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.
 - F. 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 notice 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.

- A. 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.
- B. 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.

- C. **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 and the 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 consultant or 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.
 2. The professional consultant or 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.
 3. In the event that the municipality and applicant cannot agree upon the professional consultant or 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.
 4. The fee of the appointed professional consultant or 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 person.

Section 506. Recording of Plan.

Within ninety (90) days of the approval of a Minor Subdivision Plan, or Final Subdivision or Land Development Plan by the Board of Supervisors, the Township Secretary shall record the plan in the Office of the Recorder of Deeds of Cumberland County.

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ARTICLE VI

VOLUNTARY PRE-APPLICATION CONSULTATION

Section 600. Consultation with Planning Commission

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:

- A. The suitability of the site for development.
- B. The demand for a development of the type proposed in the particular location proposed.
- C. The accessibility of the site.
- D. The availability of public facilities (schools, parks, water, sanitary and storm sewerage, etc.) and public services (police, fire, refuse disposal, etc.).
- E. The effect on the project of any contemplated improvements or the proposals of any comprehensive plan and these regulations.
- F. Sewage facilities requirements of the Department of Environmental Protection and the Township.
- G. Erosion and Sedimentation plans and permits as required by the Department of Environmental Protection and as reviewed by the Cumberland County Conservation District.
- H. Precautionary measures to preserve or protect historic and natural features.
- I. Approvals by all appropriate state and federal agencies.
- J. Probability of floodplain and/or wetland areas on the site.

Section 601. Sketch Plan Submission.

- A. 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 and any comments made by the Planning Commission shall not be construed as being binding on the part of the Township. The sketch plan shall show the following information:
 - 1. Name and address of developer; name of municipality; title; North arrow; and date.
 - 2. Tract boundaries.

3. Number of acres in tract; average lot size; approximate number of lots; anticipated type of development.
 4. Existing and proposed streets, highways, rights-of-way.
 5. Proposed general lot layout.
 6. All public reservations such as school, parks, etc.
 7. Predominant natural features such as wooded areas, streams, wetlands, etc.
 8. A location map for the purpose of locating other streets, developments, recreation areas and rights-of-way to better plan the proper locations of the same.
- B. A land development sketch plan should be drawn to a graphic scale; however, precise dimensions are not required.

ARTICLE VII

PRELIMINARY PLANS

Section 700. Plan Requirements.

All new plans to be reviewed by the Planning Commission shall be received by the Township at least twenty-one (21) days prior to the meeting of the Planning Commission at which initial consideration is desired. If this falls on a non-workday, the submission deadline shall be pushed to the first workday following the non-workday(s). The following materials shall be submitted with an application for review and approval of Preliminary Plans:

- A. 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. The designation, Preliminary Plan.
 2. Proposed project name or identifying title. Such names shall not conflict with any other plan title on file in the Township.
 3. Proposed municipality or municipalities and county in which the project is located.
 4. North Arrow, graphic scale, written scale, date of preparation of plan, with revision dates, if any, drawing or file number and sheet number. If the plan requires more than one sheet, each sheet shall be numbered, and a sheet number index shall be provided.
 5. The ownership box must contain "Commonwealth of PA, County of Cumberland, Lower Frankford Township", name, address and telephone number of the record owner(s) of the property and developer(s).
 6. Tax parcel identification number, deed reference and plan book or instrument number for the subject site.
 7. Name, address, seal, registration number and signature of registered engineer, registered surveyor or registered architect responsible for the plan, certifying that the preparer of the plan has been to the site and observed the present condition and that the plan indicates the actual condition of the site.
 8. Names of all abutting property owners and respective deed references.
 9. Signature(s) of the owner(s) [or equitable owner(s)] certifying approval of the plan. If the proposed subdivision involves a proposed conveyance of a nonconforming lot to an adjoining property, lot addition, or a lot line adjustment the owner of said adjoining property shall also sign the proposed plan.

10. Location map, at a scale of one (1) inch equals one thousand (1,000) feet, showing proposed subdivision or land development and adjoining areas.
11. 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).
12. Boundaries of the property being subdivided or developed showing bearings and distances, a statement of total acreage of the property, the total number of lots being proposed, building setback lines and the location of municipal boundaries.
13. Purpose for which sites other than buildable lots are dedicated or reserved.
14. Zoning data, including any changes in the existing zoning to be requested by the applicant and identifying the limits of any Zoning Districts or Overlay Zoning Districts affecting the site.
15. All existing buildings, wells, on-lot sewage disposal systems, sewers, water mains, culverts, storm sewers, gas lines, underground cables, and any other significant man-made features, easements and rights-of-way.
16. All existing watercourses and bodies, tree masses, rock outcrops, sinkholes, wetlands and any other significant natural features, including the approximate location of the 100-year floodplain boundaries, if applicable.
17. Existing (from actual field or aerial survey) and proposed contours of the site at vertical intervals of two feet for areas with an average slope of 4% or less and at intervals of five feet for areas with an average slope exceeding 4%. Extrapolated USGS contours shall only be accepted where no public improvements are proposed. Where public improvements are proposed, contours must be field verified with a two-foot minimum interval.
18. Datum to which contour elevations refer shall be based upon the National Geodetic Survey (NGS), North American Vertical Datum (NAVD) 1988 or current version.
19. Land which is flood-prone or is located within the Floodplain Conservation Overlay District as defined in the Lower Frankford Township Zoning Ordinance, shall be identified on the plan.
20. Proposed lot lines with bearings and distances, lot numbers, lot areas, minimum building setback lines and the location of municipal boundaries.
21. Location and description of existing and proposed lot line markers and monuments.
22. Parcels of land intended to be dedicated or reserved for schools, parks, playgrounds, parking areas, common open space, or other public, semi-public or community purpose.

23. The location and dimensions of proposed easements, rights-of-way, and land reserved for public purposes.
24. All existing or proposed streets, driveways or private rights-of-way within or adjacent to the tract, including name, right-of-way width and cartway width, and whether they are intended to remain private or are to be dedicated to public use. All streets or driveways, whether public or private, will be permitted only insofar as they are in conformity with the specifications provided on the Plan. Further, all driveways, subsequently built or installed shall only be permitted as specified and as located on the subdivision plans regardless of the identity of who performed the construction or installation.
25. The typical cross section, names, and widths of right-of-way, cartway and paving of proposed streets, alleys and easements.
26. Profiles showing proposed street centerlines, including and existing and proposed gradients. The profile datum shall indicate the existing and proposed grade elevation at each station.
27. The location of curbs, sidewalks, and street lights, if required.
28. The location of street signs. The location, type and size of all required stop signs, or other traffic control paving markers, signs, devices or signage including street names. The developer is responsible for specifications and installation of all such traffic controls as shown on the plan, which shall meet design standards as established by PennDOT or the Township, as appropriate.
29. Clear sight triangles at street and driveway intersections, as set forth in this ordinance.
30. A copy of any deed restrictions imposed on the property as a condition of sale by the present owner.
31. When on-site sewage disposal systems are proposed, the locations of all soil percolation test sites and probe holes required for the planning module shall be shown. This shall include primary and secondary sites and a 100' well isolation zone.
32. Plans and profiles of existing and/or proposed sanitary and storm sewer systems, water supply, water mains and any other pertinent utilities. Such plans shall include sizes, grades and invert elevations, and the location of valves and fire hydrants.
33. For land development plans, proposed building locations and respective parking areas.
34. 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.
35. Signature block and date space for recommendation by the Township Planning Commission, review by the Cumberland County Planning Department and approval by the Township Board of Supervisors.

36. The owner shall provide for, install and maintain any necessary traffic safety devices as he may deem necessary or as may be required by the Township Engineer, until such time as the roads in question are accepted for public dedication.
37. A note shall be included on the plan listing any special zoning decisions, variances, conditional use approvals, special exceptions, modifications which were granted for the project, which shall also include applicable case designations.
38. When a developer proposes a subdivision/land development for a commercial and/or industrial use, residential subdivision with more than 10 units, or multifamily residential use, the developer must provide information that adequate fire, police and ambulance protection facilities are available to serve the proposed use/development.
39. When a proposed project, whether because of its location, topography, special man-made or natural feature, or because of its potential impact on the Township or its environment, is deemed by the Planning Commission or the Board of Supervisors to require additional detail, information, data, studies, specifications and/or tests, not otherwise required in this Ordinance, the Planning Commission shall recommend and the Board of Supervisors may require the applicant to submit such information, by an agreed upon time, in no case later than approval of the Final Plan.
40. The following note shall be included on all subdivision and/or land development plans when required by the Township Zoning Ordinance:

The primary purpose of this Zoning District is to accommodate commercial agricultural operations. Non-farm dwellings or uses located within this District may be subject to some common characteristics of agriculture which are sometimes regarded as objectionable, including but not limited to: odor; dust; noise; night, holiday, early morning and weekend operations; heavy vehicle use of roads; the storage and disposal of manure; the application of fertilizers, herbicides, etc. Residents, property owners and users of property in this District should accept these factors as normal and unavoidable characteristics of an agricultural area, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, "The Right to Farm Law" may bar them from obtaining legal judgment against such normal agricultural operations.

Section 701. Supporting Documentation.

- A. If water is to be provided by means other than private wells owned and maintained by individual lot owners, a copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission (PUC) or an application for such or a cooperative agreement or commitment must accompany the plan as evidence that the proposed development will be supplied with an adequate, reliable and safe water supply.
- B. A Sewage Facilities Planning Module for Land Development or other equivalent documentation submitted to the Sewage Enforcement Officer and ready for submission to the Pennsylvania Department of Environmental Protection in compliance with the requirements of the Pennsylvania Sewage Facilities Act and Title 25, Chapter 71 of the Pennsylvania Code.

- C. Where the proposed subdivision or land development abuts a state highway (Pennsylvania Route or United States Route), the application shall begin preparation of a highway occupancy permit to be submitted to the Commonwealth of Pennsylvania Department of Transportation for review. A Professional Engineer shall certify, in writing, that the clear sight distance standards have been met.

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.

- D. Where the proposed subdivision or land development abuts a Township street, the applicant should verify that proper sight distance is available for each proposed lot.
- E. A Stormwater Management Plan prepared in accordance with the standards established in the Stormwater Management Ordinance.
- F. An Erosion and Sedimentation Control Plan prepared in conformance with the requirements of the Cumberland County Conservation District.
- G. In the event that the plans propose extension of service into the project by any authority or jurisdiction other than the Township, a statement from the applicable authority or jurisdiction regarding the adequacy of such extension shall be submitted.
- H. A preliminary grading plan for the site in accordance with Section 1012 of this Ordinance.
- I. A preliminary landscaping plan for the site in accordance with Section 1013 of this Ordinance.
- J. A preliminary traffic impact study in accordance with Section 1011 of this Ordinance.
- K. 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 of such wetlands, including but not limited to filling, draining or building activities, shall be obtained prior to approval of the Final Plan.
- L. Adequate studies to establish speed limits for all streets within or bordering on the proposed subdivision or land development. Said requirement shall apply to each such street that currently has no legal speed restriction or to such streets identified by the Board of Supervisors which maintain a speed restriction that may be changed due to the impact of the proposed subdivision or land development. In lieu of providing such studies, the applicant shall reimburse the Township for its reasonable costs in obtaining such studies.

- M. Adequate studies to determine the need for intersection controls, or other traffic safety measures, for all streets within or bordering on the proposed subdivision or land development. In lieu of providing such studies, the applicant shall reimburse the Township for its reasonable costs in obtaining such studies.

Section 702. Review Procedure.

- A. All new plans to be reviewed by the Planning Commission shall be received by the Township at least twenty-one (21) days prior to the meeting of the Planning Commission at which initial consideration is desired. If this falls on a non-workday, the submission deadline shall be pushed to the first workday following the non-workday(s). The subdivider or developer shall submit ten (10) copies of the Preliminary Plan and two (2) copies of supporting documents and reports to the Township Secretary, together with appropriate filing fees. In addition, all plans and supporting documents and reports shall be provided in digital PDF format or other format acceptable to the Township.
- B. Copies of the Preliminary Plan and supporting documentation shall be distributed by the Township Secretary to the Township Planning Commission, Township Zoning Officer and Township Engineer and appropriate reviewing and advisory bodies for comment and report. The applicant shall submit the Preliminary Plan and supporting documentation to the Cumberland County Planning Department and to adjacent municipalities and governmental agencies and authorities that may be affected by the plan; as required by each agency or department.
- C. Lot additions and non-building subdivision plans shall be reviewed by the Township Planning Commission and Township Zoning Officer, and other representatives of the Township as deemed necessary by the Township Manager and/or the Board of Supervisors, e.g. Township Engineer and Township Solicitor. All other plans shall be reviewed by the Township Planning Commission, Township Engineer and Township Zoning Officer and by other representatives of the Township as deemed necessary by the Township Manager and/or the Board of Supervisors, e.g. Township Solicitor. All fees and costs incurred by the Township for plan reviews and meetings shall be paid by the applicant. If, during the course of this review, the plan is found to be lacking material information required by the Board of Supervisors to make its determination, the applicant will be requested to withdraw the plan pursuant to the provisions of this chapter and make revisions thereto by providing the required data. If the applicant refuses to voluntarily withdraw the plan, the plan will be subject to rejection by the Board of Supervisors due to its incompleteness.
- D. At a regular or special Planning Commission meeting following receipt of reports from the Township Engineer and other agencies listed above, prior to consideration of the Preliminary Plan by the Board of Supervisors as provided herein, the Planning Commission may:
 - 1. Review the applicant's submission.
 - 2. Review all reports issued.
 - 3. Discuss submission with the applicant or agent.
 - 4. Evaluate the plan, reports, and discussion.

5. Determine whether the Preliminary Plan meets the objectives and requirements of this chapter and other ordinances of the Township.
 6. Recommend approval, disapproval or conditional approval of the Preliminary Plan. Conditional approval shall set forth the conditions to be satisfied by the applicant.
 7. Submit its reports to the Board of Supervisors. When the Planning Commission recommends disapproval in terms as filed, the decision should specify the reasons for disapproval.
- E. After review by the Planning Commission of the Preliminary Plan and prior to any action by the Board of Supervisors within the required ninety (90) day period, the Preliminary Plan may be revised by the applicant. Ten (10) copies of any revised Preliminary Plan and two (2) copies of any revised supporting documents shall be submitted which shall note the dates of all revisions and a summary of the nature thereof. In addition, all revised plans and supporting documents and reports shall be provided in digital PDF format or other format acceptable to the Township.
1. The revised Preliminary Plan shall be submitted to the Township no less than fourteen-(14) days prior to a regular public meeting of the Planning Commission. If this falls on a non-workday, the submission deadline shall be pushed to the first workday following the non-workday(s).
 2. The applicant shall provide a written response to all the comments upon submission of a revised plan.
- F. Within ninety (90) days calculated in accordance with Section 508 of the Pennsylvania Municipalities Planning Code, as amended, unless said ninety (90) days is extended in writing by agreement of the Applicant, following submission of the completed Preliminary Plan to the Township, the Board of Supervisors shall:
1. Evaluate the applicant's submission, presentation and any other relevant information.
 2. Determine whether the Preliminary Plan meets the objectives and requirements of this Ordinance and other ordinances of the Township.
 3. Either approve, conditionally approve, or disapprove the Preliminary Plan.
 4. Inform the applicant in writing, communicated to the Applicant personally or mailed to him/her at his/her last address appearing on the application not later than fifteen (15) days following the decision. 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 to the provisions or the ordinance relied upon.
 5. Failure of the Township Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in

writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

ARTICLE VIII
FINAL RECORD PLANS

Section 800. Plan Requirements.

At least twenty-one (21) days prior to the meeting of the Planning Commission at which initial consideration is desired, the following materials shall, where applicable, be submitted with an application for approval of a Final Plan. If this falls on a non-workday, the submission deadline shall be pushed to the first workday following the non-workday(s). 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.

- A. 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") or twenty-four inches by thirty-six inches (24" x 36"). 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 to assure legibility in cases warranted by the complexity of the proposal. Such Final Plans shall show:
1. The designation, Final Plan and the date submitted.
 2. All items required to be shown in Preliminary Plans as specified in Section 700.A.
 3. Proposed and existing tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of residential lots and other sites with accurate dimensions, bearings, or internal angles, and radii, arcs, and deflection angles. The error of closure shall not be more than one part in five thousand (5,000).
 4. Statement by owner dedicating streets, rights-of-way and any sites for public uses which are to be dedicated.
 5. Signature block and date for acknowledgement by Cumberland County Planning Department and Lower Frankford Township Planning Commission review and approval by the Board of Supervisors of Lower Frankford Township.
 6. A Notation on the Plan relating to the conformance with the requirement for a "Highway Occupancy Permit" from the Pennsylvania Department of Transportation, in accordance with Section 701.C. of this Ordinance.
 7. PA DEP code number referencing the approval of the Plan Revision Module.
 8. Certification by a Professional Land Surveyor and/or Professional Engineer, as defined by Article II of this Ordinance.
 9. Certification of qualified professional that wetlands have been investigated and

delineated for the site under review.

10. In addition to any zoning approvals, a list of modifications granted or requested, shall be noted on the plan.
11. 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.
12. The length of all straight lines, radii, lengths of curves, chord lengths and bearings of curves for each street.
13. At least two permanent reference monuments shall be shown on the plan.
14. 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.

Section 801. Supporting Documentation.

- A. Whenever any improvements are proposed in connection with a subdivision or land development, it shall be the responsibility of the applicant to provide adequate engineering and related designs, construction specifications, performance guarantees, and ownership and maintenance responsibilities in accordance with the standards and requirements set forth in this chapter, as applicable.
- B. Approved Sewage Planning Module or Sewage Planning Exemption for subdivision or land development, if required.
- C. Final stormwater management plan.
- D. Final erosion and sedimentation control plan (required for any earth disturbance over 5,000 sq. ft.)
- E. General or Individual National Pollution Discharge Elimination System (NPDES) Permit for Discharges Associate with Construction approved by the Cumberland County Conservation District and/or the Department of Environmental Protection.
- F. A notarized certificate of ownership.
- G. An overall grading plan in accordance with Article X.
- H. Suitable documentation that the applicable plans are in conformity with ordinances and regulations governing the extension of utility services.
- I. Verification of compliance with floodplain area regulations as set forth herein.

- J. Such other certificates, affidavits, endorsements, conditions, or dedications as may be required by the Board of Supervisors in the enforcement of these regulations.
- K. A draft deed of consolidation for parcels or lots being proposed as lot additions for review and approval by the Township Solicitor.
- L. Public improvement guarantees with construction cost estimates for review by the Township Engineer in accordance with Article XIV of this chapter.
- M. Copies of all permits/approvals received from all utilities, governmental agencies, or departments reviewing the plan.

Section 802. Review Procedure.

- A. At least twenty-one (21) days prior to the meeting of the Planning Commission at which initial consideration is desired, the following materials shall, where applicable, be submitted with an application for approval of a Final Plan. If this falls on a non-workday, the submission deadline shall be pushed to the first workday following the non-workday(s). The subdivider or developer (applicant) shall submit ten (10) copies of the Final Plan and two (2) copies of supporting documents and reports to the Township Secretary. In addition, all plans and supporting documents and reports shall be provided in digital PDF format or other format acceptable to the Township.
- B. 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.
- C. Copies of the Final Plan and supporting documentation shall be distributed by the Township Secretary to the Township Planning Commission, Township Zoning Officer and Township Engineer and appropriate reviewing and advisory bodies for comment and report. The applicant shall submit the Final Plan and supporting documentation to the Cumberland County Planning Department and to adjacent municipalities and governmental agencies and authorities that may be affected by the plan; as required by each agency or department.
- D. Lot additions and non-building subdivision plans shall be reviewed by the Township Planning Commission and Township Zoning Officer, and other representatives of the Township as deemed necessary by the Township Manager and/or the Board of Supervisors, e.g. Township Engineer and Township Solicitor. All other plans shall be reviewed by the Township Planning Commission, Township Engineer and Township Zoning Officer and other representatives of the Township as deemed necessary by the Township Manager and/or the Board of Supervisors, e.g. Township Solicitor. All fees and costs incurred by the Township for plan reviews and meetings shall be paid by the applicant. If, during the course of this review, the plan is found to be lacking material information required by the Board of Supervisors to make its determination, the applicant will be requested to withdraw the plan pursuant to the provisions of this chapter and make revisions thereto by providing the required data. If the applicant refuses to voluntarily withdraw the plan, the plan will be subject to rejection by the Board of Supervisors due to its incompleteness.
- E. At a regular or special Planning Commission meeting the Township Planning Commission may:

1. Review the applicant's submission.
 2. Review all reports received.
 3. Discuss submission with the applicant or applicant's agent.
 4. Evaluate the plan, reports and discussion.
 5. Determine whether the Final Plan meets the objectives and requirements of this chapter and other ordinances of the Township.
 6. Recommend approval, disapproval or conditional approval of the Final Plan. Conditional approval shall set forth the conditions to be satisfied by the applicant.
 7. Submit its reports to the Board of Supervisors. When the Planning Commission recommends disapproval in terms as filed, the decision should specify the reasons for disapproval.
- F. Revisions to Final Plans. During the course of the Planning Commission's review of the Final Plan and prior to any action by the Board of Supervisors within the required ninety (90) day period, the Final Plan may be revised by the applicant according to the procedure for Preliminary Plan revisions and as set forth in Section 702.E. herein.
- G. Within ninety (90) days calculated in accordance with Section 508 of the Pennsylvania Municipalities Planning Code, as amended, unless said ninety (90) days is extended, in writing, by agreement of the applicant, following submission of the completed Final Plan to the Township, the Board of Supervisors shall:
1. Evaluate the applicant's submission, presentation and any other relevant information.
 2. Determine whether the Final Plan meets the objectives and requirements of this chapter and other ordinances of the Township.
 3. Approve, conditionally approve, or disapprove the Final Plan.
 4. Inform the applicant, in writing, communicated to the applicant personally or mailed to him at his last address appearing on the application not later than 15 days following the decision. 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 ordinance relied upon.
 5. Failure of the Township Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed, in writing, to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case failure to meet the extended time or change in manner of presentation of communication shall have like effect.

- H. 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 Protection, including but not limited to National Pollution Discharge Elimination System (NPDES) Permit or Water Obstruction and Encroachment Permit, and any permits which may be necessary for wetland encroachment, crossings, or mitigation activities.
- I. The Township Board of Supervisors shall not approve a Final Plan until a review of the plan is completed by the Cumberland County Planning Department, or until the expiration of thirty (30) days from the date the County Planning Department received the plan for review.
- J. 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 XIV of this ordinance, and by the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended and reenacted.
- K. Within ninety (90) days following approval by the Board of Supervisors, the Final Plan shall be recorded by the Township Secretary 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 Department and approved and signed by the Board of Supervisors.

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ARTICLE IX

MINOR PLANS

Section 900. Plan Requirements.

Any subdivision 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 and 701. Preliminary Plan Requirements and Section 800 and 801. Final Plan Requirements. By meeting both Preliminary and Final Plan requirements, the subdivider and developer (applicant) may combine the separate Preliminary and Final plan submittals into one submittal. All Minor Plans shall include the designation "Minor Subdivision Plan" and shall be submitted on a sheet size of 18" x 24", or 24" x 36".

Section 901. Review Procedure.

- A. At least twenty-one (21) days prior to the meeting of the Planning Commission at which initial consideration is desired, the subdivider or developer (applicant) shall submit ten (10) copies of the Minor Plan and two (2) copies of supporting documents and reports to the Township Secretary. If this falls on a non-workday, the submission deadline shall be pushed to the first workday following the non-workday(s). In addition, all plans and supporting documents and reports shall be provided in digital PDF format or other format acceptable to the Township.
- B. Copies of the Minor Plan and supporting documentation shall be distributed by the Township Secretary to the Township Planning Commission, Township Zoning Officer and Township Engineer and appropriate reviewing and advisory bodies for comment and report. The applicant shall submit the Minor Plan and supporting documentation to the Cumberland County Planning Department and to adjacent municipalities and governmental agencies and authorities that may be affected by the plan; as required by each agency or department.
- C. Lot additions and non-building subdivision plans shall be reviewed by the Township Planning Commission and Township Zoning Officer, and other representatives of the Township as deemed necessary by the Township Manager and/or the Board of Supervisors, e.g. Township Engineer and Township Solicitor. All other plans shall be reviewed by the Township Planning Commission, Township Engineer and Township Zoning Officer and other representatives of the Township as deemed necessary by the Township Manager and/or the Board of Supervisors, e.g. Township Solicitor. All fees and costs incurred by the Township for plan reviews and meetings shall be paid by the applicant. If, during the course of this review, the plan is found to be lacking material information required by the Board of Supervisors to make its determination, the applicant will be requested to withdraw the plan pursuant to the provisions of this chapter and make revisions thereto by providing the required data. If the applicant refuses to voluntarily withdraw the plan, the plan will be subject to rejection by the Board of Supervisors due to its incompleteness.
- D. At a regular or special Planning Commission meeting following receipt of reports from the Township staff, Township Engineer and other agencies listed above, prior to consideration of the Minor Plan by the Board of Supervisors as provided herein, the Township Planning Commission may:

1. Review the applicant's submission.
 2. Review all reports received.
 3. Discuss submission with the applicant or applicant's agent.
 4. Evaluate the plan, reports and discussion.
 5. Determine whether the Minor Plan meets the objectives and requirements of this chapter and other ordinances of the Township.
 6. Recommend approval, disapproval or conditional approval of the Minor Plan. Conditional approval shall set forth the conditions to be satisfied by the applicant.
 7. Submit its reports to the Board of Supervisors. When the Planning Commission recommends disapproval in terms as filed, the decision should specify the reasons for disapproval.
- E. Revisions to Minor Plans. During the course of the Planning Commission's review of the Minor Plan and prior to any action by the Board of Supervisors within the required ninety (90) day period, the Minor Plan may be revised by the applicant according to the procedure for Preliminary Plan revisions and as set forth in Section 702.E. herein.
- F. Within ninety (90) days calculated in accordance with Section 508 of the Pennsylvania Municipalities Planning Code, as amended, unless said ninety (90) days is extended, in writing, by agreement of the applicant, following submission of the completed Minor Plan to the Township, the Board of Supervisors shall:
1. Evaluate the applicant's submission, presentation and any other relevant information.
 2. Determine whether the Minor Plan meets the objectives and requirements of this chapter and other ordinances of the Township.
 3. Approve, conditionally approve, or disapprove the Minor Plan.
 4. Inform the applicant, in writing, communicated to the applicant personally or mailed to him at his last address appearing on the application not later than 15 days following the decision. 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 ordinance relied upon.
 5. Failure of the Township Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed, in writing, to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case failure to meet the extended time or change in manner of presentation of communication shall have like effect.

- G. The Township Board of Supervisors shall not approve a Minor Plan without a favorable report from the Department of Environmental Protection regarding the Official Sewage Facilities Plan Supplement or Revision (planning module). However, failure of the Department of Environmental Protection to report to the Township within their regulated review period shall constitute approval of the planning module as submitted.
- H. 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 Protection, including but not limited to National Pollution Discharge Elimination System (NPDES) Permit or Water Obstruction and Encroachment Permit, and any permits which may be necessary for wetland encroachment, crossings, or mitigation activities.
- I. The Township Board of Supervisors shall not approve a Minor Plan until a review of the plan is completed by the Cumberland County Planning Department, or until the expiration of thirty (30) days from the date the County Planning Department received the plan for review.
- J. The Township Board of Supervisors shall not approve a Minor 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 XIV of this ordinance, and by the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended and reenacted.
- K. Within ninety (90) days following approval by the Board of Supervisors, the Minor Plan shall be recorded by Township Secretary 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 Department and approved and signed by the Board of Supervisors.

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ARTICLE X

DESIGN AND CONSTRUCTION STANDARDS

Section 1000. Application.

The standards of design and construction in this Article shall be used to judge the adequacy of development proposals and shall be considered to be the minimum criteria in achieving the purpose and objectives of this Ordinance. When a proposed project, because of its location, topography, special natural or man-made features, or because of its potential impact upon the Township or its environment is deemed to require more stringent criteria or additional standards and/or regulations the Planning Commission may recommend or the Board of Supervisors may impose such requirements in order to promote the public's health, safety, or welfare or to assist in achieving the purpose of this or other Township Ordinances. Conversely, as set forth in Article XIV and Section 512.1 of the Municipalities Planning Code, 53 Pa.C.S. Section 10101, et seq., variations or modifications to these criteria may be granted by the Township Board of Supervisors provided the Applicant complies with the provisions set forth in Article XV of this Ordinance.

Where questions should arise regarding the interpretation of these design standards, the determination of the Board of Supervisors shall prevail.

Section 1001. General Standards.

- A. Land. No land shall be subdivided or developed for any purposes unless reasonable 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.
- B. Development. Proposed projects shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously and no construction in any development is to occur until a Building Permit is obtained from the Building Permit Officer.
- C. Natural and historic features. Reasonable measures shall be taken to insure, insofar as possible, the preservation of natural and historic features, areas and structures as identified in the Comprehensive Plan to be worthy of such preservation and to insure public access to such features, areas and structures where appropriate.
- D. Conformance with Comprehensive Plan. The layout or arrangement of the subdivision or land development shall conform to the Lower Frankford Township Comprehensive Plan and any regulations or maps adopted in furtherance thereof.
- E. Conformance with Zoning Ordinance. The layout or arrangement of the subdivision or land development shall conform to the Lower Frankford Township Zoning Ordinance.
- F. 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.
- G. If the Board of Supervisors determines that additional controls are required to ensure 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.

Section 1002. Blocks and Lots.

- A. **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 safety of street traffic.
 4. Limitations and opportunities of topography.
- B. **Block Length.** Blocks shall be not less than five hundred (500) feet long nor more than eighteen hundred (1,800) feet long. In the design of blocks longer than twelve hundred (1,200) feet, special consideration shall be given to the requirements of satisfactory fire protection.
- C. **Block Width.** Residential blocks shall generally be of sufficient depth to accommodate two (2) rows of lots, except where reverse frontage lots bordering an arterial, or collector street are used or, where due to the contour of the land or the necessary layout of the subdivision, there is insufficient depth between intersecting streets for such two (2) row design.
- D. **Lot Lines.** Lot lines shall be approximately at right angles or radial to street lines, so long as reasonably-shaped lots result.
- E. **Double Frontage Lots.** Double frontage lots shall be discouraged, except where desired along limited access highways, or required due to the limitations of a specific site. Reverse frontage lots adjacent to limited access highways must face on an interior street, and back on such thoroughfares. Where a lot is permitted to have reverse frontage, a landscaped screen shall be provided between the lot and limited access highway. Access to double frontage lots shall be limited to the street of lower classification.
- F. **House Numbers.** House numbers will be assigned to each building lot by the Township.
- G. **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.
- H. **Maintenance of Lots.** Lots created through subdivision shall be maintained free of trash or debris; Property owner shall keep lots properly maintained and mowed until they are sold or transferred, after which the new lot owner shall do likewise.

- I. **Lot Access.** Every lot shall have access off a street which shall be properly designed, improved and constructed as required by this Chapter.

- J. **Panhandle Lots.**
 - 1. Panhandle lots shall have a minimum of 50 feet of frontage. The area of the panhandle portion of the lot shall be included in the calculation of required minimum lot area.
 - 2. No more than two panhandle lots may be located adjacent to one another. A minimum separation distance of 400 feet shall otherwise be employed for panhandle lots located along the same side of the street. Said separation shall be measured at the street frontage between the centerlines of the respective handles. No more than two tiers of panhandle lots shall be permitted. The maximum panhandle length shall be 500 feet. Panhandle lots shall not be permitted to access the turnaround or bulb area of a cul-de-sac.
 - 3. A driveway setback of six feet shall be required within the pole or handle. Driveways shall also be set back a minimum of 20 feet from any adjacent existing structure and shall incorporate adequate turnaround area to allow for egress from the lot in the forward direction.
 - 4. Panhandle lots shall be permitted for single-family detached dwellings only. Only one such dwelling shall be permitted for a single panhandle lot.
 - 5. The panhandle shall be used exclusively for access and shall not be used for other purposes including, but not limited to, buildings, wells or septic systems.

Section 1003. Streets, Design Specifications.

- A. **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.
- B. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets to the boundaries of the tract to be subdivided.
- C. Where a development is to be constructed in phases, the arrangement of streets in each phase shall make provisions for the proper projections of streets to the boundaries of the next phase.
- D. **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 unless otherwise determined by the Board:

Classification	Class Description	Roads in Class
Arterial	<ul style="list-style-type: none"> Used for longer trips (inter- and intra- state, inter-region, longer intra-region and intra-county trips) Minimize local access points Higher operation speeds Connect with other Arterial and Collector Roads 	N/A
Collector Road or Street	<ul style="list-style-type: none"> Used for short to medium distance intra-regional trips Connect with Arterial and Local Roads 	S.R. 0074 Waggoners Gap Road S.R. 0944 Enola Road S.R. 4025 Old Mill Road S.R. 4027 McClures Gap Road Burgners Road (T-457) Meadowbrook Road (T-486)
Local Road or Street	<ul style="list-style-type: none"> Used for short trips and for accessing higher order systems Connect with other Local Roads and Collector Roads 	All Other Township Roads

- E. **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	50 Feet	24 Feet	8 Feet (4 Feet Each)
Collector Street	60 Feet	30 Feet	8 Feet (4 Feet Each)
Arterial	PennDOT Standards	PennDOT Standards	PennDOT Standards

- F. **Street Pavement.** The roadway shall be improved in accordance with Township specifications set forth in Section 1004 of this ordinance.
- G. **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.
- H. **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. All street names shall be coordinated with the Cumberland County Geographic Information System (GIS) Department Master Street and Address Guide (MSAG) Coordinator and 911 operations.
- I. **Dead-End Streets.** Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or where designed as cul-de-sac.

J. **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. Cul-de-sac, permanently designed as such, shall not exceed one thousand (1,000) 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. Cul-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 accessing 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 access 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. When 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%).
6. Drainage of cul-de-sac shall, wherever possible, be toward the open end of the cul-de-sac.
7. All cul-de-sac streets shall be designed with an area reserved for the Township to push snow during snow removal operations. An easement shall be provided indicating that the Township has the right to use the area for snow removal. A curb cut shall be provided at least 20 feet in width so that snow can be pushed into the easement area. This easement shall have a minimum dimension of 20 feet by 20 feet.

K. **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.E.

L. **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.

- M. **Clear Sight Distance.** Sight distance must be provided with respect to both horizontal and vertical alignment. Passing sight distance and stopping sight distance shall comply with the minimum requirements of PennDOT Publication 70, based on highway classification and speed limit. Safe sight distance at driveway and roadway intersections should be provided in accordance with 67 PA Code Chapter 441 and PennDOT Publication 70 and 282, as amended.
- N. **Grades.** There shall be a minimum center line grade of one percent (1%) on all streets. Grades shall not exceed six percent (6%) on all collector streets, and ten percent (10%) on local streets. Steeper grades may be permitted on local streets for short distances if no gentler slope is possible.
- O. **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.
- P. **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 (100) feet of road, provided that the clear sight distances specified above are maintained at all points.
- Q. **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.
- R. **Side Slopes.** Street cuts and fills shall be provided with side slopes no steeper than one (1) vertical to three (3) horizontal. Such slopes shall be suitably planted with perennial grasses or other vegetation to prevent gullying and erosion.
- S. **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 seventy (70) degrees (measured at the centerline intersection of the streets) will not be permitted.
 - 2. Intersecting streets shall not enter into the same side of collector, 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 four percent (4%) in any direction, and approaches to any intersection shall follow a straight course both vertically and horizontally within one hundred (100) feet of the intersection.

4. 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 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.
5. 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.

T. **Private Rights-of-Way.** The Supervisors, 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 XV.

1. Private rights-of-way shall **not** be approved if:
 - a. 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.
 - b. Access to the properties serviced by the private right-of-way by emergency vehicles shall be inhibited.
 - c. 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 (1) 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. Clear site distance shall be provided in accordance with Section 1003 M.
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 Maintenance Agreement 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 XIV.
6. Any subdivision or land development plan proposing private rights-of-way, approved by the Township under the provisions of this Subsection T, 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 responsibility 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 from 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."

- U. **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, 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 fifty (50) feet.

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 XV.

- V. **Streets.** When streets become passable, they shall be adequately signed and identified, and all houses, places of business, and other such buildings shall be conspicuously numbered for identification purposes, consistent with any applicable ordinances or Township permits.
- W. **Snow Plowing.** It shall be the responsibility of the developer to properly maintain all roads and keep them reasonably free and clear of snow and ice and other debris until such time as the Township has accepted an offer of public dedication thereon. In the event the developer should at any time fail to reasonably fulfill this responsibility, the Township and its agents in its discretion may enter the premises to properly maintain the road and remove any snow and ice, and the developer shall be held liable for all costs incurred by the Township therefore, including, but not limited to, costs associated with manpower, equipment and any damage that may occur to the Township equipment. In addition, the applicant/developer and/or owner agree to hold the Township harmless in the event of damage to the property or improvements and to indemnify the Township for any loss incurred by the Township. Such actions by the Township shall not in any way be construed to constitute an acceptance of the road for public dedication, or otherwise require the Township to regularly maintain any of the roads.
- X. **Subdivision Compliance with Road Access Requirements.** No subdivision of land shall be permitted unless it is shown that each proposed lot, tract, or parcel will be able to obtain access to a public street without violating any road access standards specified elsewhere in this or any other ordinance of law.

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 street's surface, the applicant must install the required utilities and service laterals and provide, where necessary, adequate storm water drainage for the street, acceptable to the Supervisors. All subgrade and paving work must be supervised by the Township or their representative. All subgrade, stone subbase and base pavement must lay over the winter months from November through May 1, before being paved with the wearing course. The wearing course shall only be placed between May 1 and October 31. Prior to the commencement of paving the Township shall be contacted to determine the suitability of compaction. The pavement base, wearing surface, and shoulders must be constructed according to the specifications in the following table, excepting, however that for the construction of arterial roads or highways, the subdivider shall consult the Supervisors and be governed by the Pennsylvania Department of Transportation for the method of construction to be used. The developer shall also be responsible for the erection of all traffic control signage (i.e., warning advisory and informational) of the type and grade deemed necessary by the Board of Supervisors and must be installed in accordance with the latest addition of PennDOT's Sign Foreman Manual Publication 108.

STREET CONSTRUCTION SPECIFICATIONS*			
LOWER FRANKFORD TOWNSHIP, CUMBERLAND COUNTY, PA			
STREET	SUBBASE	BASE COURSE	WEARING COUSE
ARTERIAL STREET	AS DETERMINED BY THE BOARD OF SUPERVISOR AFTER CONSULTATION WITH PENNDOT		
LOCAL STREET	6" COMPACTED NO. 2A CRUSHED AGGREGATE	3" HMA SUPERPAVE PG64-2, 25 MM MIX 0.3 to 3.0 MILLION ESALS	2" HMA SUPERPAVE PG64-2, 9.5 MM MIX 0.3 to 3.0 MILLION ESALS SRL-M
COLLECTOR STREET	8" COMPACTED NO. 2A CRUSHED AGGREGATE	5" HMA SUPERPAVE PG64-2, 37.5 MM MIX 3.0 to 10.0 MILLION ESALS	2" HMA SUPERPAVE PG64-2, 9.5 MM MIX 3.0 to 10.0 MILLION ESALS SRL-G

* All components of street construction shall conform to the specifications set forth in Pennsylvania Department of Transportation Specifications, Publication 408, as amended.

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.
- B. 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 (10) 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.
- C. 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.
- D. 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 (10) 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.
- E. 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 F. 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.
- F. 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.
- G. 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. Section 11-16 of Lower Frankford Township' 2019 Zoning Ordinance addresses off-street for commercial, institutional, and residential use parking.
- H. All access drives and driveways shall be designed as to not impede the surface water flow along public right-of-way.
- I. A single driveway to a residential use with access to any street or road in the Township shall not exceed a width of 20 feet or a radius of 10 feet at the curb.
- J. Access drives and driveways shall be located and constructed so that a clear-sight triangle is provided. Two (2) apexes of the triangle shall be located in both directions along the street centerline, seventy-five (75) feet from a point where the centerline of the access drive or street intersect. The vertex of the triangle shall be located along the centerline of the access drive or driveway, on the site and fifteen (15) feet from the property/street right-of-way line.

Section 1006. Easements.

- A. 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.
- B. Natural gas lines. All natural gas lines must be installed in compliance with the applicable state or federal laws. The minimum distance from a natural gas line to a dwelling unit or other structure

must be as required by the applicable transmission or distribution company.

- C. Petroleum lines. Minimum setback easements, as established by the owner of such easement must be maintained.
- D. 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.

- A. 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.
- B. 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.
- C. Iron pin markers shall consist of 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, at the beginning and ending of all curves along street property lines, and at all points where lot lines intersect curves, either front or rear.
- D. 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.

- A. Wherever a proposed subdivision or land development shall average six (6) or more dwelling units per gross acre or contain a building or buildings totaling 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 or recorded subdivision or land development located along the same side of a connecting street having curbs, curbs shall be installed on lot frontages of the street.
- B. 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 Specifications Publications 408 requirements.

- C. The Board of Supervisors, may waive a requirement for the construction of curbs. A grant of such a modification shall be recorded in the minutes of the Board of Supervisors and shall require that the following language be shown on the final plan:

“The owners of these lots, upon notification by Lower Frankford Township, shall be responsible for the construction of curbs to Township specifications within six months of the date of notification.”

Section 1009. Sidewalks.

- A. Wherever a proposed subdivision or land development shall average six (6) or more dwelling units per gross acre or contain a building or buildings totaling 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 or recorded subdivision or land development located along the same side of a connecting street having sidewalks, sidewalks shall be installed on all lot frontages.
- B. Sidewalks shall be located 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 Specifications Publication 408.
- C. Sidewalks shall be ADA compliant.
- D. The Board of Supervisors, may waive a requirement for the construction of sidewalks. A grant of such a modification shall be recorded in the minutes of the Board of Supervisors and shall require that the following language be shown on the final Plan:

“The owners of these lots, upon notification by Lower Frankford Township, shall be responsible for the construction of sidewalks to Township specifications within six months of the date of such notification.”

Section 1010. Sewers and Water.

- A. Where a public sanitary sewer system is within one thousand (1,000) feet, or where plans approved by the municipality provide for the installation of such public sanitary sewer facilities to within one thousand (1,000) 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, it is feasible.
- B. Where the installation of a public 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 Protection."
- C. Where a private, community sewerage system is proposed, such system shall be subject to approval of the Pennsylvania Department of Environmental Protection 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 owned and maintained by a perpetual entity and such ownership and maintenance responsibility shall be clearly established as a condition of final plan approval.

- D. Where a water main supply system is within one thousand (1,000) 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, 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.
- E. Where a private, community water system is proposed, such system shall be subject to the applicable approval of the Pennsylvania Department of Environmental Protection before approval by the Township. As a condition of Township approval, the Board, 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.
- F. 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 certified 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. Traffic Impact Studies.

- A. **Purpose.** To provide the Board of Supervisors with an opportunity:
 - 1. To identify traffic and transportation problems associated with the adequacy of the existing transportation network and facilities to provide 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 and/or land development.
 - 2. To delineate solutions to such problems, or facilities including the prescription of improvements to be provided by or at the expense of Applicant.
- B. **When Required.** A transportation impact study shall be submitted regarding subdivisions and land developments which meet the following criteria:
 - 1. Residential: involving 25 or more dwelling units.
 - 2. Nonresidential: involving 50 or more parking spaces.

3. Other: when the Planning Commission or Board of Supervisors shall determine that the volume or type of anticipated vehicular movements resulting from the proposed subdivision and land development may adversely impact road conditions.

C. **By Whom Prepared; Costs.**

1. The study shall be prepared by a qualified traffic engineer and/or transportation planner who shall be mutually agreed upon by the developer and the Township. The study preparer shall have sufficient, documented prior traffic study experience to qualify him/her to perform the study and render any opinions and recommendations set forth therein.
2. The cost to prepare the study will be borne entirely by the developer.

D. **Contents.** The study shall contain information, analysis and conclusions regarding the following:

1. **General site description.** The site description shall include the size, location, proposed land uses, construction staging and completion date of the proposed land development. If the development is residential, types of dwelling units and number of bedrooms shall also be included. The general site description shall also include probable socioeconomic characteristics of potential site uses to the extent that they may affect the transportation needs of the site (i.e., number of senior citizens).
2. **Transportation facilities description.**
 - a. **Proposed internal transportation system.** This description shall show proposed vehicular, bicycle and pedestrian circulation, all proposed ingress and egress locations, all existing or proposed internal roadways, including the widths of paved cartway and rights-of-way, parking conditions, traffic channelization and any other traffic signals or other intersection control devices, within or near the site of the subdivision or land development.
 - b. **External transportation system.** This report shall describe the entire external roadway system within the study area of the proposed subdivision or land development. Major intersections in the study area shall be identified and sketched. All existing and proposed public transportation services and facilities within a one-mile radius of the site shall also be documented. All future highway improvements, including proposed construction and traffic signalization, shall be noted. This information shall be obtained from the Pennsylvania Department of Transportation. Any proposed roadway improvements resulting from proposed surrounding developments shall also be recorded.
 - c. **Existing traffic conditions.** Existing traffic conditions shall be measured and documented for all roadways and intersections in the study area. Existing traffic volumes for average daily traffic, peak highway hour(s) traffic, and peak development-generated hour(s) traffic shall be recorded. Manual traffic counts at major intersections in the study area shall be conducted, encompassing the peak highway and development-generated hour(s) and documentation shall be

included in the report. A volume capacity analysis based upon existing volumes shall be performed during the peak highway hour(s) and the peak development-generated hour(s) for all roadways and major intersections in the study area. Levels of service shall be determined for each location. This analysis will determine the adequacy of the existing roadway system to serve the current traffic demand.

d. **Transportation impact.**

[1] Estimation of vehicular trips to result from the proposal shall be completed for the average daily peak highway hour(s) and peak development-generated hour(s). Vehicular trip generation rates to be used for this calculation shall be obtained from the Trip Generation Rates Table found in the latest edition of the Institute of Transportation Engineers Trip Generation Manual. These development-generated traffic volumes shall be provided for the inbound and outbound traffic movements as estimated, and the reference source(s) and methodology followed shall be documented. All turning movements shall be calculated. These generated volumes shall be distributed to the study area and assigned to the existing roadways and intersections throughout the area.

[2] Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to individual access points. Pedestrian volumes shall also be calculated, if applicable. If school crossings are to be used, pedestrian volumes shall be assigned to each crossing. Any characteristics of the site that will cause particular trip generation problems shall be noted.

e. **Conclusions and recommended improvements.** Levels of service for all roadways and intersections shall be listed. All roadways and/or intersections showing a level of service below D for signalized intersections and below E for nonsignalized intersections shall be considered deficient, and specific recommendations for the elimination of these problems be listed. This listing of recommended improvements shall include, but not be limited to, the following elements: internal circulation design, site access location and design, external roadway and intersection design and improvements, traffic signal installation and operation, including signal timing, and transit design improvements. All physical roadway improvements shall be shown on the preliminary plan. Existing and/or future public transportation service shall also be addressed. A listing of all actions to be undertaken to increase present public transportation usage and improve service, if applicable, shall be included. An analysis based on the guidelines contained in studies by the Cumberland County Planning Department shall be undertaken to indicate whether or not future public transportation service should be provided to the development. The listing of recommended improvements for both roadway and transit shall include, for each improvement, the party responsible for the improvement, the cost and funding of the improvement, and the completion date for the improvement.

- E. **Modified Study.** Whenever a study is required solely because of the findings of the Planning Commission or Board of Supervisors as provided in Subsection B.3. above, or if the Board of Supervisors shall conclude that certain of the required information, analyses or conclusions are unnecessary for an identification of the traffic problems or finding solutions therefor, the Board of Supervisors shall delineate the scope and contents of the study so as to include only those matters it deems appropriate to aid in the identification and solutions of the problems envisaged.

Section 1012. Grading.

- A. In order to provide more suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:
 - 1. Grading Plans
 - a. A Grading Plan shall be required for each subdivision and land development plan at both the Preliminary and Final Plan submittal.
 - b. Grading Plans shall be required to show proposed grading for each individual lot within all subdivisions and land developments.
 - c. Final Grading Plans shall be used by individual lot owners for lot plans to be submitted with individual building permit applications.
- B. All lots, tracts, or parcels shall be graded to provide proper drainage away from buildings and prevent any surface runoff from ponding.
- C. All land within a development shall be graded to drain and prevent any surface runoff from ponding, except where other arrangements are approved by the Board of Supervisors.
- D. All drainage provisions shall be designed to adequately handle the surface runoff and carry it to the nearest suitable outlet, such as a curbed street, storm drain, or natural watercourse.
- E. Where drainage swales are used to divert surface waters away from buildings, they shall be paved, sodded or planted and shall be of such slope, shape and size as to conform to the requirements of the Township.
- F. Concentration of surface water runoff shall only be permitted in swales or watercourses that lead to a natural watercourse or drainage structure.
- G. Grading will not be done in such a way so as to divert water onto the property of another landowner without the expressed consent of the Township and the affected landowner.
- H. During grading operations, necessary measures for dust control will be exercised.
- I. Topsoil shall be preserved and redistributed as cover and shall be expeditiously planted with perennial grasses or ground cover.

- J. Tree guards during construction and grading, and limitations as to cuts and fills, both temporary and permanent, near trees shall be provided as necessary to give reasonable assurance of their continued healthy growth.
- K. Grading equipment will not be allowed to cross live streams. Provision will be made for the installation of culverts or bridges. Emergency crossings may be permitted through permission of PA DEP.
- L. Excavations and fills.
 - 1. Cut and fill slopes shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing, except as approved by the Township Engineer when handled under special conditions.
 - 2. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.
 - 3. Cut and fills shall not endanger adjoining property.
 - 4. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
 - 5. Fill shall not encroach on natural watercourses or construction channels, without all necessary permits from the Department of Environmental Protection, Cumberland County Conservation District, and other local, state, and federal authorities.
 - 6. Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
- M. Grading plans.
 - 1. All preliminary subdivision and land development plans shall include a preliminary grading plan that will provide sufficient information to determine the location of stormwater management facilities, roadway grading, and overall site changes.
 - 2. All final subdivision and land development plans that require earthmoving activities shall submit a final grading plan that provides sufficient information to determine the exact location of stormwater management facilities, roadway grading, and overall site changes to the Township for review and approval. The grading plan shall be recorded with the final plan at the Cumberland County Recorder of Deeds' office and cannot be altered, revised, or changed without revising the final subdivision or land development plan and obtaining the necessary approvals from Lower Frankford Township.
 - a. A note shall be placed on the final subdivision or land development indicating that the property owner cannot change the grading of the property, as depicted on the approved grading plan, without approval by the Township.

- b. When applicable, all earth disturbance activities shall receive appropriate approvals and permits from Lower Frankford Township, Cumberland County Conservation District, the Department of Environmental Protection, and other applicable local, state, and federal authorities.

Section 1013. Landscaping.

- A. Purpose. The intent of these landscaping requirements is to promote practical and attractive development within Lower Frankford Township by:
 - 1. Minimizing erosion and sedimentation, and stimulating groundwater recharge.
 - 2. Minimizing glare and heat on proposed hard surfaces, and reducing noise pollution.
 - 3. Stimulating air purification and oxygen regeneration.
 - 4. Maintaining existing, healthy vegetation.
 - 5. Providing harmonious development on properties adjacent to incongruous zoning districts or uses by providing minimum landscaping requirements.
- B. Scope and requirements. A landscape plan shall be required for any single tract proposed to be used for multifamily dwellings, commercial or industrial development. In addition to all other applicable requirements, the following is required for submission:
 - 1. Any part or portion of a site which does not have an allowable impervious surface shall be planted and maintained with landscaping.
 - 2. Any part or portion of a site which is not used for buildings, other structures or impervious surfaces shall be landscaped according to an overall plan, prepared and approved as part of the land development or subdivision plan. A replacement program for nonsurviving plants shall be included.
 - 3. The locations, dimensions and spacing of required plantings shall be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as wind, moisture and sunlight.
 - 4. The type(s) of plantings shall be limited or carefully selected for locations where they will not be disturbed or contribute to conditions hazardous to the public safety. Such locations deemed to be hazardous include, but shall not be limited to, public rights-of-way; underground and aboveground utility easements; and sight triangle areas required for unobstructed views at street intersections.
 - 5. No bushes or shrubs exceeding 30 inches in height, or of such lesser height which due to ground elevations would obstruct the vision of motorists, shall be permitted adjacent to access drives within 10 feet of the street right-of-way line.

- C. Trees shall be prohibited within the public right-of-way.
- D. Existing trees shall be protected to prevent unnecessary destruction.
 - 1. At least 15% of the number of existing trees having a minimum trunk caliper of twelve inches at a height of four feet six inches above the ground shall be maintained or replaced immediately following construction. Replacement trees shall be a minimum trunk caliper of 2.5 inches at a height of four feet six inches above finished grade.
 - 2. Existing trees as described below shall not be removed without the express approval of the Board of Township Supervisors, after proof of good and necessitous cause for removal:
 - a. All trees having a diameter of 30 inches or greater at a height of four feet six inches above the ground, or any tree identified as a national, state or county champion tree by the Pennsylvania Forestry Association, designated as "outstanding tree."
 - b. Trees, shrubs or plants identified on the list of rare, threatened and endangered species of the United States Fish and Wildlife Service, designated as "rare, threatened and endangered species."
 - c. Trees that are part of a historic site or associated with a historic structure, designated as "trees of historic significance."
- E. Where on-lot sewage disposal systems are proposed, trees shall not be placed over the top of the area where the proposed septic tank and drain field are to be constructed.
- F. All shrubbery and plants shall have a normal habitat or growth, and shall be sound, healthy, vigorous and free of disease, insects, insect eggs and larvae.
- G. All trees required by ordinance shall have a minimum trunk diameter of 2.5 inches at a height of four feet six inches above finished grade.
- H. All plantings shall be performed in conformance with good nursery and landscape practices and to other standards that are established by the Township.
- I. Requirements for the measurement, branching, grading, quality, and burlapping of all shrubbery shall follow the code of standards recommended by the American Association of Nurserymen, Inc., in the American Standard Nursery Stock, ANSIZ60, 1-1973, as amended.
- J. Windbreaks. The use of planting rows to serve as windbreaks to control the drifting of snow across public and private thoroughfares as well as for general comfort is recommended.
- K. Only grass lawn shall be permitted to be installed and maintained in the area between the curb and sidewalk. The lawn in this area should be maintained and/or mowed to a height not exceeding eight inches.
- L. No trees shall be permitted within any utility or drainage easements.

Section 1014. Stormwater Management.

A Stormwater Management Plan (SWM Plan) shall be provided for each subdivision and land development plan in accordance with the Stormwater Management Ordinance. All plans must comply with the provisions of the Stormwater Management Ordinance, as amended.

Section 1015. Open Space and Recreation Requirements.

The dedication of land for recreational purposes, or the payment of fees in lieu thereof shall be provided in accordance with the Recreational Land Dedication and Fees Ordinance, Ordinance No. 2010-02, as amended.

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ARTICLE XI

MOBILE HOME PARK REGULATIONS

Section 1100. Mobile Home Parks - Procedure.

No person, firm or corporation shall construct, maintain or operate a mobile home park within the Township without obtaining a Mobile Home Park Permit from Lower Frankford Township. The procedures for reviewing mobile home park plans shall be the same as for subdivision and land development projects in accordance with the provisions of this ordinance. Unless specified in this article, the design standards and improvement requirements for mobile home parks shall be the same as for subdivision and land development projects in accordance with the provisions of this chapter. Construction shall meet any and all Federal, State and Local regulations and building codes, including, but not limited to, the Pennsylvania Department of Community and Economic Development and the U.S. Department of Housing and Urban Development.

Section 1101. Mobile Home Parks - Plan Requirements.

Prior to the issuance of a Mobile Home 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:

- A. The location and use of proposed buildings or structure improvements.
- B. The location and design of all uses not requiring structures such as recreation areas and landscaping.

Section 1102. Renewable Mobile Home Park Permits and Registers.

- A. The Board of Supervisors may grant a Mobile Home 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 mobile home 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.

- B. Any person holding a permit shall give notice in writing to the Township or other applicable Pennsylvania Department, within ten (10) days after having sold, transferred or otherwise disposed of interest in or control of any mobile home park. Such notice shall include the name and address of the person succeeding to the interest in or control of such mobile home park and

shall be accompanied by a permit transfer fee.

- C. 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.
- D. It shall be incumbent upon the proprietor of a mobile home park to keep a register and to report therein the name of person or head of family occupying each mobile home, showing the address within the mobile home 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 mobile home, and the names of all persons living in said mobile home. An updated copy of said register shall be delivered by the proprietor of the mobile home park to the Township Secretary twice a year, on May 1 and October 1.
- E. The permit shall be conspicuously posted in the office or on the premises of the mobile home park at all times.

Section 1103. Inspection of Mobile Home Parks.

- A. 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 mobile home park and of the general public, may be performed.
- B. 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 mobile home 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 mobile home park.
- C. 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 affect compliance with the provisions contained herein and regulations issued hereunder.
- D. 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. Mobile Home Parks - Lot Requirements and Mobile Home Standards.

- A. Individual mobile home lots located in a mobile home park shall contain at least seven thousand five hundred (7,500) square feet of lot area and shall not be less than sixty (60) feet wide at the building setback line exclusive of easements or rights-of-way.
- B. All mobile home lots shall be given street numbers and all park streets shall be given names.
- C. Each mobile home site shall be provided with a concrete foundation or stand for the placement and tie down of the mobile home, thereby securing against uplift, sliding, rotation and overturning. Construction shall meet any and all Federal, State and Local regulations and building codes, including, but not limited to, the Pennsylvania Department of Community and Economic Development and the U.S. Department of Housing and Urban Development.

Section 1105. Yard and Setback Requirements.

- A. All mobile homes shall be located at least forty (40) feet from any public street right-of-way which abuts a mobile home park boundary and at least fifty (50) feet from any other boundary of the park.
- B. There shall be a minimum distance of twenty-five (25) feet between an individual mobile home and adjoining pavement of a park street or common parking area or other common areas.
- C. All mobile homes and patios on a mobile home 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. Mobile Home Park Street System.

- A. **Park Access.** Each Mobile Home 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.
- B. **Lot Access.** All Mobile Home Parks shall be provided with safe and convenient paved access

streets to and from each and every mobile home lot. Alignment and gradient shall be properly adapted to topography.

- C. **Streets.** All streets within any Mobile Home Park shall be designed and improved as local streets in accordance with Township specifications.
- D. **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.

- A. Off-street parking areas shall be provided in all Mobile Home 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 mobile home lot.
- B. 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.
- C. Auxiliary Parking Lots.
 - 1. There shall be a minimum of one (1) auxiliary parking space for each mobile home stand or foundation, located within three hundred (300) feet of the mobile home 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.

- A. **Water Supply.**
 - 1. All mobile home 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 Protection.
 - 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 Protection.
 - 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 mobile home park shall be connected by pipes to all mobile homes, 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. 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 Protection.
6. Individual water-riser pipes and connections shall be provided and shall be located within the confined area of each mobile home stand or foundation 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 or foundation; surface drainage shall be diverted from the location of the riser pipe.

B. 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 Protection 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 mobile home shall be provided with a sanitary sewer riser pipe located within the confined area of the mobile home stand or foundation, 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 mobile home does not occupy a stand or foundation. 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.

C. Electrical Distribution. All Mobile Home 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.

D. 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.

E. Liquefied Petroleum Gas System. Liquefied 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 mobile home and shall be maintained in effective operating condition.
3. All LPG piping outside of the mobile homes 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 mobile homes.
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, mobile home or any other structure unless such installations are specifically approved by the Township.

F. Fuel Oil Supply System.

1. All fuel oil supply systems provided in mobile homes, 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 mobile home stand or foundation.
3. All fuel oil supply systems shall have shut-off valves located within five (5) inches from the mobile home stand or foundation 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.

- A. All Mobile Home 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. Mobile home 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 mobile home park, considering its natural features, size, land use intensity, and potential population.
- B. 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.

- 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.

- A. **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 mobile home lots, the park streets and all community facilities provided for park residents. Sudden change in alignment and gradient shall be avoided.
- B. **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 Publication 408 specifications.
- C. **Individual Walks.** All mobile home lots shall be connected to common walks, 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.

- A. One (1) fire alarm box shall be provided for each mobile home 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.
- B. Provision shall be made by the park operator to have garbage and waste collected at least once every week.
- C. Each mobile home lot may be provided with a concrete slab for use as a patio or for a foundation for any expansion of the mobile home. If provided, the concrete slab shall be constructed on a stable surface and be located so as to adjoin and be parallel to the mobile home. It shall not be larger than three hundred (300) square feet in area.
- D. The primary entrance to each mobile home 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 mobile home. 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.
- E. Individual tenants at the mobile home park may construct attached enclosures or covered patios to individual mobile homes, provided that such enclosure does not exceed the slab area noted in 1111 C. and is confined to same.
- F. An enclosure of compatible design and material shall be erected around the entire base of each

mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

- G. All means of ingress, egress, walkways, streets and parking lots shall be adequately lighted.

Section 1112. General Regulations.

- A. 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 Protection.
- B. The person to whom a license for a mobile home 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.
- C. The park management shall supervise the placement of each mobile home on the mobile home stand or foundation which includes securing its stability and installing all utility connections.
- D. No part of any mobile home park shall be used for a non-residential purpose except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.
- E. When applicable, 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 mobile home owner within ninety (90) days after placement of the mobile home.
- F. No provision contained herein shall be deemed as prohibiting the sale or rental, for residential use, of a mobile home, provided such mobile home is located on a mobile home stand or foundation and is connected to the pertinent utilities.

ARTICLE XII

MOBILEHOMES NOT LOCATED IN A MOBILEHOME PARK

Section 1200. General.

Any mobile home not located in a mobile home 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. Construction shall meet any and all Federal, State and Local regulations and building codes, including, but not limited to, the Pennsylvania Department of Community and Economic Development and the U.S. Department of Housing and Urban Development.

Section 1201. Mobile Home Foundation.

- A. Each mobile home site shall be provided with a concrete foundation or stand for the placement and tie down of the mobile home, thereby securing against uplift, sliding, rotation and overturning. Construction shall meet any and all Federal, State and Local regulations and building codes, including, but not limited to, the Pennsylvania Department of Community and Economic Development and the U.S. Department of Housing and Urban Development.

Section 1202. Landings.

The primary entrance to each mobile home 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 mobile home. 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.

- A. **Riser Pipes.** Sanitary sewer and water riser pipes shall be provided and shall be located within the confined area of the mobile home stand or foundation 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 or foundation surface. Both riser pipes shall be capped when a mobile home does not occupy the stand or foundation. Surface drainage shall be diverted from the location of the riser pipes.
- B. **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 mobile home stand or foundation. All supply systems shall have shut-off valves located within five (5) inches from the mobile home stand or foundation surface.

Section 1204. Skirting.

When applicable, fire-resistant skirting shall be provided for the entire perimeter of the base 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 mobile home owner within ninety (90) days after placement of the mobile home.

ARTICLE XIII

CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS

Section 1300. Campgrounds and Recreational Vehicle Parks

A. Applicability

1. The design standards and required improvements set forth in this section will be applied by the Planning Commission and the Board of Supervisors in evaluating applications for campgrounds that are in single ownership and provide camp sites on a maximum twelve-month lease, or rental basis only. Camp sites are permitted in approved campgrounds only. Campgrounds proposed for sale or lease exceeding a twelve-month period shall meet all standards and requirements of a single-family residence, residential subdivision.
2. Campsites shall be used only for camping purposes and not as a residence. No improvement or recreational vehicle designed for long-term residency or occupancy shall be erected or placed on any campsite. All recreational vehicles in the RV Park shall be maintained to meet Pennsylvania Department of Transportation vehicle/trailer registration requirements and in a road worthy, transportable condition at all times.

B. Design Standards

1. The minimum tract size for a campground or recreational vehicle park shall be at least five (5) contiguous acres.
2. Each campsite shall be at least three thousand (3,000) square feet in size and shall be a minimum width of forty feet (40'), exclusive of the internal road system.
3. Setback Requirements
 - a. Individual camping spaces shall be so dimensioned, improved and arranged so that when any space is occupied, no portion of the recreational vehicle unit (including awnings and accessory attachments) shall be within ten (10) feet of any portion of any other unit or any other building. A five (5) foot side and rear setback line shall be provided on all camping sites.
 - b. Individual camping spaces or structures intended for occupancy for sleeping purposes shall not be located within fifteen (15) feet of the right-of-way line of an internal street or road or public street.
4. Recreational vehicle park and campground roads shall be designed for the safe and convenient movement of recreational vehicles minimizing disturbance of the natural environment. The internal street system, although privately owned and maintained shall be designed and constructed as follows:
 - a. A fifty-foot (50') right-of-way shall be provided.

- b. The minimum width of a one-way cartway shall be at least fourteen feet (14'), and a two-way cartway shall be at least twenty-four feet (24').
 - c. The cartway shall be constructed with shale at a minimum depth of six inches (6") and top-coated with 2A modified stone at a minimum depth of two inches (2"). On-road parking shall not be permitted.
 - d. Access to campsites shall be from the internal street system. Ingress or egress from any campsite directly to or from a public street is prohibited.
 - e. Streets shall be graded to provide positive drainage from the road surface. Drains and culverts shall be provided as necessary to maintain proper drainage.
 - f. Streets shall have a maximum grade of twelve (12) percent.
- 5. At least two (2) off-street parking spaces shall be provided for each site. At least one (1) such off-street parking space shall be provided at each campsite.
 - 6. No parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street.
 - 7. A minimum of twenty percent (20%) of the gross area of the campground shall be devoted to active and passive recreational facilities. Responsibility for maintenance of the recreation area shall be with the landowner.
 - 8. During operation, every campground shall have an office in which shall be located the person responsible for operation of the campground.
 - 9. Proposed sewage disposal and water supply facilities shall be designed and constructed in accordance with requirements of the Department of Environmental Protection, United Construction Codes and any utility code in force.
 - 10. No permanent campground structures or buildings or sewage collection or disposal facilities shall be located within any defined one-hundred-year floodplain area.
 - 11. All water supply systems shall conform with the requirements of this chapter and the Department of Environmental Protection.
 - 12. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.
- C. Plan Notes. The following notations shall be placed on the plan:
- 1. Campgrounds and Recreation Vehicle Parks are designed for intermittent recreational use and recreational vehicles used for full-time residential occupancy shall not be permitted.
 - 2. It shall be the responsibility of the Campground and/or Recreational Vehicle Park

owner to maintain all improvements and facilities, including but not limited to areas and facilities designated for internal roads, sewage disposal, water supply, stormwater management, open space, and solid waste collection.

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ARTICLE XIV

IMPROVEMENTS AND CONSTRUCTION ASSURANCES

Section 1400. Guarantee of Required Improvements as Prerequisite to Final Plan Approval.

- A. 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. The developer shall not be required to provide financial security for the cost of any improvements for which financial security is required by and provided to the Pennsylvania Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law."
- B. Contingent approval.
1. When requested by the developer, in order to facilitate financing, the Board of Supervisors 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. The final plan or record plan shall not be signed nor recorded until the financial security agreement is executed and delivered to the Township.
 2. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 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. A request for extension shall be submitted in writing by the developer not more than 90 days following the date of contingent approval. Said request shall specify the reasons for the extension, and the developer shall show good cause for the granting thereof. The Township may require a written agreement of extension conditioned upon such terms as are deemed necessary and reasonable.
- C. 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.

- D. 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.
- E. 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.
- F. 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 financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for 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.
- G. 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 by the Commonwealth of Pennsylvania and certified by such engineer to be a fair and reasonable estimate of such cost. The Board of Supervisors, 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 the 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 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.
- H. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above procedure.
- I. In the case where development is projected over a period of five (5) years, the Board of Supervisors 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.
- J. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors 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 Board

of Supervisors, and the Board of Supervisors shall have 45 days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification, the Board of Supervisors 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 Board of Supervisors fails to act within said 45 day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board of Supervisors may, prior to final release at the time of completion and certification by its engineer, require retention of 10% of the original amount of the posted financial security for the aforesaid improvements.

- K. Where the Board of Supervisors accepts dedication of all or some of the improvements following completion, the Board of Supervisors may require the posting of financial security to secure structural integrity of said dedicated improvements as well as the functioning of said dedicated improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed 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 15% of the actual cost of installation of said dedicated 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.
- M. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat 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. Any ordinance or statute inconsistent herewith is hereby expressly repealed.

Section 1401. Inspection During Construction.

The Board of Supervisors shall authorize and direct the Township Engineer to cooperate with the applicant in arranging for the Engineer's periodic presence at the site of the work and construction of the required facilities and improvements during such phases thereof as in the judgment of the Engineer will enable him to determine whether or not such construction is in general conformity with the final plan and all Township requirements. The Township Engineer is not a resident engineer. The developer's contractor

shall be responsible for such inspections, etc., that are needed to ensure that the constructed improvements are in conformance with the approved plans and specifications.

- A. No underground pipes, structures, subgrades or base courses shall be covered until inspected and approved by the duly authorized official of the Township. Failure in compliance with this regulation shall provide cause for uncovering of such work, at the applicant's expense, to permit the required inspection.
- B. Notice shall be given to the Township at least 48 hours in advance of commencement of any construction operation to provide for required inspection.
- C. In those cases where the Township Engineer deems necessary, the developer, through his contractor, shall retain the services of a certified soils engineer to perform moisture and density testing in order to determine compaction or the extent thereof as related to the requirements of such Township construction and materials specifications as have been or may be adopted by the Board of Supervisors.
- D. The wearing course on all streets proposed to be dedicated to the Township shall not be placed prior to such time as 75% of the lots within the development have been built upon.
- E. Whenever any work or materials are found to be not in compliance with the final plan and/or applicable Township requirements, the Township Engineer or any other duly authorized Township representative, may stop work on the job until such noncompliance or variance is eliminated and any work or materials installed which are not in compliance are made to comply. It shall be unlawful to do or perform any work in violation of such stop order, except as may be necessary to prevent injury or damage to person or property. Such stop order may be revoked by the Board of Supervisors.
- F. Whether or not such construction or work shall have been accomplished in accordance with Township requirements shall be determined by the Township Engineer upon the basis of his on-site inspections during such phases thereof as in his judgment will enable him to make such determination. The Engineer shall submit a written report to the Board of Supervisors in regard thereto.

Section 1402. As-built Plan.

- A. After final plan approval, following the completion of all required improvements and prior to acceptance of the dedication of any improvements by the Township, the applicant shall submit an as-built plan prepared by a professional engineer or professional land surveyor. Said plan shall indicate that the constructed improvements are in conformance with the previously approved drawings and specifications. Said plan shall also note any and all deviations from the previously approved drawings and specifications. A stable film reproducible and two copies of the as-built plan shall be filed with the Township. In addition, the developer shall submit the final as-built plans in a GIS format that is compatible with the Township's or county's GIS platform, and a PDF version.
- B. The as-built plan shall be drawn to the same scale as the final plan, certified to by a professional engineer or surveyor and approved by the Township Engineer. Said plan shall indicate the actual

location, dimensions and/or elevations of all completed improvements, including but not limited to:

1. Concrete monuments.
2. The edge of the cartway and top of the curb for both sides of each street.
3. Sanitary sewer mains, manholes and laterals.
4. Storm sewers, inlets and culverts.
5. Water mains and fire hydrants.
6. Streetlights.
7. Landscaping and screen planting.
8. Permanent sedimentation, erosion control and stormwater management structures.
9. All easements.

Section 1403. Release from Financial Security.

When the developer has completed all of the necessary and appropriate improvements, and has submitted the required as-built plan, 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.

- A. The Board of Supervisors shall, within 10 days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements.
- B. 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 30 days after receipt by the Township Engineer of the aforesaid authorization for inspection by the Board of Supervisors.
- C. 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 nonapproval or rejection.
- D. The Board of Supervisors shall notify the developer, within 15 days of receipt of the Engineer's report, in writing by certified mail or registered mail of the action of the Board of Supervisors with relation thereto.

- E. 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 or other security agreement.
- F. If any portion of the said improvement 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 outlined herein, shall be followed.
- G. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township Engineer.
- H. The developer may request a partial release for completed improvements, the request for which shall be processed as provided above. The Board of Supervisors may elect, at their sole discretion, to permit such partial release of financial security, and any partial release thereof shall not entitle the developer to any further release thereof unless the Township shall agree that all improvements are complete.

Section 1404. Remedies to Effect Completion of Improvements.

In the event that any improvements which may be required have not been installed as provided in the subdivision and land development ordinance or in accordance with the approved final plan, the Board of Supervisors 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 municipal purpose.

Section 1405. Fees for Inspection of Improvements.

The Board of Supervisors shall 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 of the Board of Supervisors upon enactment of this chapter, or as such schedule may be amended. A copy of said fee schedule shall be available for review at the Township Office. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township Engineer or consultants 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 Township when fees are not reimbursed or otherwise imposed on applicants.

Section 1406. Disputes Over Fees.

- A. If the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within 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.

- B. In the event that the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution as set forth below:
1. If within 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 such expenses and make a determination as to the amount thereof which is reasonable and necessary, provided that the professionals resolving such dispute shall be of the same profession or discipline as the consultants whose fees are being disputed.
 2. 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 45 days of the court appointment. The applicant shall be required to pay the entire amount determined in the decision immediately.
 3. In the event that the Township and the applicant cannot agree upon the professional engineer to be appointed within 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.
 4. 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 1/2 of the fee of the appointed professional engineer.

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ARTICLE XV

MODIFICATION OF REQUIREMENTS

Section 1500. Special Conditions.

- A. 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.

Section 1501. Requests for Modification.

- A. 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.
- B. 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.

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ARTICLE XVI

ENFORCEMENT AND REMEDIES

Section 1600. 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 1601. Enforcement Remedies.

- A. Any person, partnership, or corporation who or which has violated the provisions of the Lower Frankford Township Subdivision and Land Development 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 further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- B. 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.
- C. 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 1602. Preventive Remedies.

- A. 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.
- B. 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 this 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.

ARTICLE XVII

EFFECTIVE DATE: ENACTMENT

Section 1700. Effective Date.

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

Section 1701. Enactment.

Enacted and ordained this 6th day of July, 2021.

Section 1702. 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