Chapter 195

SUBDIVISION AND LAND DEVELOPMENT

ARTICLE I
Short Title, Purpose, and Jurisdiction

§ 195-1. Short title.
§ 195-2. Purpose.
§ 195-3. Authority and jurisdiction.
§ 195-4. Interpretation.
§ 195-5. County review.
§ 195-6. Municipal liability.

ARTICLE II
Terminology

§ 195-7. Word usage.
§ 195-8. Definitions.

ARTICLE III
Application Procedures and Plat Requirements

§ 195-9. Preapplication procedures.
§ 195-10. Sketch plan.
§ 195-11. Preliminary plan procedures.
§ 195-12. Preliminary plan requirements.
§ 195-13. Final plan procedures.
§ 195-14. Final plan requirements.
§ 195-15. Resubdivision procedure.
§ 195-16. Additions to existing lots.

ARTICLE IV
Design Standards

§ 195-17. Application of standards.
§ 195-18. General site standards.
§ 195-19. Street and highway standards.
§ 195-20. Off-street parking.
§ 195-21. Access drives.
§ 195-22. Blocks.
§ 195-23. Lots.
§ 195-24. Easements.
§ 195-25. Environmental assessment study standards.

ARTICLE V
Improvement and Construction Requirements

§ 195-26. Monuments and markers.
§ 195-27. Streets.
§ 195-28. Curbs and gutters.
§ 195-29. Sidewalks.
§ 195-30. Sewer and water supply systems.
§ 195-31. Fire hydrants.
§ 195-32. Stormwater drainage and stormwater management.
§ 195-33. Erosion and sedimentation.
§ 195-34. Floodplain.
§ 195-35. Underground utility lines.
§ 195-36. Petroleum lines.
§ 195-37. Natural gas lines.
§ 195-38. Dedication of land, or payment of fees.
§ 195-39. Water areas.
§ 195-40. Reservations.
§ 195-41. Completion of improvements or guarantee thereof; prerequisite to final plan approval.
§ 195-42. Release from improvement bond.
§ 195-43. Remedies to effect completion.
§ 195-44. Dedication of improvements.
§ 195-45. Landscaping.

ARTICLE VI
Fees

§ 195-46. Fees.
§ 195-47. Resubmission of plans.
§ 195-48. Mobile home park fees.
§ 195-49. Fee Schedule.

ARTICLE VII
Modifications

§ 195-50. General.
§ 195-51. Procedure.

ARTICLE VIII
Administration, Enforcement, and Penalties

§ 195-52. Administration and enforcement.
§ 195-53. Violations and penalties.
§ 195-54. Action for relief by Township.
§ 195-55. Other actions.
§ 195-56. Appeals.
§ 195-57. Severability clause.

ARTICLE IX
Mobile Homes and Mobile Home Parks

§ 195-58. Provisions included.
§ 195-59. Definitions.
§ 195-60. Permits for mobile home park construction, alteration or extension.
§ 195-61. Registration and licensing for mobile home park operation.
§ 195-62. Inspections of mobile home parks.
§ 195-63. Park construction requirements.
§ 195-64. Water supply.
§ 195-65. Sewage disposal.
§ 195-66. Electrical distribution system.
§ 195-67. Service buildings and other community service facilities.
§ 195-68. Refuse handling.
§ 195-69. Insect and rodent control.
§ 195-70. Fuel supply and storage.
§ 195-71. Fire protection.
§ 195-72. Mobile homes.
§ 195-73. Miscellaneous requirements.
§ 195-74. Notices and revocation of license.

ARTICLE X
Enactment and Repeal

§ 195-75. Repeal.
§ 195-76. Enactment.

[HISTORY: Adopted by the Board of Supervisors of Freedom Township 6-13-1991 by Ord. No. 91-1. Amendments noted where applicable.]

ARTICLE I
Short Title, Purpose, and Jurisdiction

§ 195-1. Short title.

This chapter shall be known and may be cited as "The Freedom Township Subdivision and Land Development Ordinance."

§ 195-2. Purpose.

This chapter is enacted for the purpose of assuring suitable sites for building purposes and human habitation and to provide for the harmonious development of the Township of Freedom for the proper coordination of proposed streets, parks, or other facilities for ensuring adequate open space for traffic, recreation, light, and air, and for the proper distribution of population, thereby creating conditions favorable to the health, safety, morals, and general welfare of the citizens of Freedom Township. The approval of any subdivision plan shall be based upon considerations set forth as follows:

A. Recognition of a desirable relationship of the development proposed to the general land form, topographic and geologic character, to natural drainage and surface water runoff, and to the groundwater table.

B. Recognition of a desirable standard of subdivision design, including adequate provision for pedestrian and vehicular traffic, and for suitable building sites for the contemplated land use.

C. Preservation of such natural assets as ponds, streams, shrubs, trees, and watershed areas.

D. Provisions for adequate and safe water supply, sewage disposal, storm drainage and other utilities.

§ 195-3. Authority and jurisdiction.

The authority of the Township Supervisors to adopt this chapter regulating subdivision and land development within Freedom Township is granted by Article V of the Pennsylvania Municipalities Planning Code of July 31, 1968, Act No. 247 as amended by Act 170 of 1988.[1] No subdivision or land development of any lot, tract, or parcel of land shall be made; no streets, sanitary sewers, storm sewers, water mains, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this chapter. No lot in a subdivision may be sold, or transferred, no permit to erect or alter any building upon land in a subdivision or land development may be issued, and no building may be erected in a subdivision or land development unless and until a plan for the subdivision or land development has been approved by the Board of Township Supervisors and recorded, and until the improvements required by the Board of Township Supervisors in connection therewith have either been constructed in strict accordance with the standards and specifications of the Township or guaranteed as provided in this chapter.

§ 195-4. Interpretation.

The provisions of this chapter shall be interpreted to be the minimum requirements to meet the purposes of this chapter. Where the provisions of this chapter conflict or are inconsistent with the provisions of any other ordinance, regulation, or requirement, the more restrictive provisions shall apply.

---

1. **Editor's Note: See 53 P.S. § 10501 et seq.**

§ 195-5. County review.

All applications for subdivision and/or land development approval within Adams County shall be forwarded upon receipt to the Adams County Office of Planning and Development for review and report. Such action shall occur at the preliminary and final plan stages, and the Township shall not take action on said plans until the county report is received or until the expiration of 30 days from the date the plans were forwarded to the county.

§ 195-6. Municipal liability.

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

ARTICLE II
Terminology

§ 195-7. Word usage.

For the purpose of this chapter, the following words and phrases shall have meaning as given in this article.

A. Words in the present tense shall include the future.

B. The singular includes the plural.

C. The word "shall" is mandatory; the word "may" is optional.

D. The word "person" means an individual, corporation, partnership, firm, association, company, or any other similar entity.

§ 195-8. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESS DRIVE — A paved or gravel surface, other than a street, which provides vehicular access from a street or private road to a lot or development.

ACCESSORY STRUCTURE — A subordinate structure incidental to and located on the same lot as the principal structure.

AGRICULTURAL PURPOSE — The use of a tract at least 10 acres in size for the purpose of active cultivation or animal raising as a means of obtaining income.

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

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

APPLICATION FOR DEVELOPMENT — Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development, including but not limited to an application for a building permit or for the approval of a subdivision plat or plan.

BLOCK — An area bounded by streets.

BUILDING SETBACK LINES — A line established by law or agreement, usually parallel to property lines, beyond which a structure may not extend. This does apply to uncovered entrances, platforms, porches, patios, and steps.

CARTWAY — The surface of a street or road available for vehicular traffic.

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.

COUNTY — The County of Adams, Commonwealth of Pennsylvania.

CROSSWALK — A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

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

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 act shall mean the written and graphic materials referred to in this definition.

DWELLING — A building or a portion thereof designed for and used exclusively for residential occupancy.

A. DWELLING UNIT — One or more rooms having cooking and sanitary facilities and access directly outdoors or through a common entrance hall.

B. SINGLE-FAMILY DETACHED UNIT — A residential structure containing only one dwelling unit.

C. CONVERSION UNIT — Existing residential structure which has been modified structurally in such a way as to convert it from one dwelling unit to multiple dwelling units.

D. SEMIDETACHED UNIT — A residential structure containing two single dwelling units having one common wall.

E. ATTACHED, ROW, or TOWNHOUSE UNIT — A residential structure containing three or more dwelling units which are separated from each other by two common walls, except for the end units.

F. MULTIPLE DWELLING or APARTMENT UNIT — A residential structure of two or more stories containing three or more dwelling units. (not row or townhouse units).

G. CONDOMINIUMS — A given set of dwelling units each of which is owned by an individual person or persons in fee simple, and which is assigned a proportionate interest in all common elements, as set forth in the Uniform Condominium Act, Act of the General Assembly of July 2, 1980, P.L. 286, No. 82, Section 1 et seq., as amended and supplemented.[2]

EASEMENT, UTILITY — A right-of-way granted for a limited or specific use.

ENGINEER, TOWNSHIP — The Township Engineer or any consultant designated by the Board of Township Supervisors to review a subdivision or land development plan and perform the duties of Engineer in behalf of the Township.

ENGINEERING SPECIFICATIONS — The engineering specifications of the municipality regulating the installation of any required improvements or for any facility installed by any owner, subject to public use.

EROSION — The removal of surface materials by the action of natural elements.

EXCAVATION — Any act by which earth, sand, gravel, rock, or any other similar material is dug into, cut, carried, uncovered, removed, displaced, relocated, or bulldozed. It shall include the conditions resulting therefrom.

FILL —

A. Any act by which earth, sand, gravel, rock, or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom;

B. The difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade;

C. The material used to make fill.

FLOOD —

A. FLOOD-PRONE AREA — A relatively flat or low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation; or, any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

B. FLOODWAY — The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the 100-year magnitude.

C. 100-YEAR FLOOD — A flood having an average frequency of occurrence on the order of once in 100 years, although the flood may occur in any year.

D. REGULATORY FLOOD ELEVATION — The 100-year flood elevation plus a freeboard safety factor of 1 1/2 feet.

2. **Editor's Note: See 68 Pa.C.S.A. § 3101 et seq.**

GOVERNING BODY — The Board of Supervisors of the Township of Freedom, Adams County, Pennsylvania.

IMPROVEMENTS — Any structure/infrastructure; physical additions; and changes made to a parcel of land.

LAND — The topographic aspects of a given area, as taken as a whole and available for a given use, including but not limited to soil cover, water, natural and/or man-made elements, such as trees or fences.

LAND DEVELOPMENT —

A. The improvements 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 area, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. "Land development" does not include development which involves the addition of an accessory structure, including farm structures, on a lot or lots subordinate to an existing principal structure where the accessory structure is not in excess of:

   (1) Eight thousand square feet if the accessory structure is to be used for agricultural purpose; or

   (2) One thousand square feet if the accessory structure is to be used for other than agricultural purpose. (This does not include accessory structures related to residential use.)

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 conditions), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in the land, shall be deemed to be a landowner for the purpose of this chapter.

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

LOT AREA — The usable area contained within the property lines of a lot excluding any street right-of-way, easement, floodplain or wetland area, stormwater or detention basin, or pond located on the lot.

LOT, REVERSE FRONTAGE — A lot extending between and having frontage on an arterial street and a minor street with vehicular access solely from the latter.

LOT, THROUGH or DOUBLE FRONTAGE — A lot with front and rear street frontage.

MUNICIPALITY — Freedom Township.

PLAN, FINAL — A complete and exact subdivision or land development plan prepared for official recording as required by statute.

PLAN, PRELIMINARY — A tentative subdivision or land development plan, in lesser detail than the final plan, indicating the approximate proposed layouts of a subdivision or land development as a basis for consideration prior to preparation of the final plan.

PLAN, SKETCH — An informal plan, not necessarily to exact scale, indicating existing features of a tract, its surroundings, and the general layout of a proposed subdivision or land development.

PLANNING COMMISSION — The Freedom Township Planning Commission

PUBLIC GROUNDS — Parks, playgrounds, and other public areas and sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities.

PUBLIC NOTICE — Notice published once a week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time, place, and date of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

RESUBDIVISION — Any replatting or resubdivision of land limited to change in lot lines on an approved final plan or recorded plan.

RIGHT-OF-WAY, STREET — A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designed as a street, highway, thoroughfare, parkway, road, avenue, boulevard, land, alley, or however designated.

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 of the surface of the land.

SEDIMENTATION — The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."

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.

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

STREET — A right-of-way or portion thereof dedicated or intended for general public, vehicular, and/or pedestrian use.

STREETS —

A. ARTERIAL STREET — A major street or highway with fast or heavy traffic volumes of considerable continuity and used primarily as a traffic artery for intercommunications among large areas.

B. COLLECTOR STREET — A major street or highway which carries traffic from minor streets to arterial streets, including the principal entrance streets of a residential development and street for circulation within such a development.

C. MINOR STREET — A street used primarily for access to abutting properties.

D. CUL-DE-SAC — A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

E. MARGINAL ACCESS STREET — A minor street which is parallel and adjacent to limited access highways or arterial streets and which provides access to abutting properties and protection from traffic.

STRUCTURE — Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, factories, sheds, cabins, mobile homes, and other similar items, including as a part thereof roofs, porches, patios, steps, etc.

SUBDIVIDER — The owner or authorized agent of the owner of a lot, tract, or parcel of land to be subdivided for sale or development under the terms of this chapter.

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

SUBSTANTIALLY COMPLETED — Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to § 195-41) 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.

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

TOWNSHIP — Freedom Township, Adams County, PA.

UNDEVELOPED LAND — Any lot, tract, or parcel of land which has not been graded, or in any other manner improved or prepared, for subdivision, land development, or the construction of a building.

WATERCOURSE — A stream of water, river, brook, creek, or a channel of a perceptible extent, with definite periodically flowing water.

WETLANDS — Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including

swamps, marshes, bogs, and similar areas. The term includes, but is not limited to, wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan, the United States Fish and Wildlife National Wetland Inventory and a wetland area designated by a river basin commission.

ARTICLE III
Application Procedures and Plat Requirements

§ 195-9. Preapplication procedures.

A. Copies of this chapter shall be available for use by any person seeking information concerning land development and/or subdivision standards and procedures in effect within the Township. Copies to be retained by the applicant shall be available upon payment of a fee as set forth in the Fee Schedule currently in force in the Township. Any prospective developer or subdivider may meet with the Township Planning Commission to discuss and review tentative plans and/or any provisions of this chapter.

B. Prior to the final plan submission, the prospective developer must have complied with the planning requirements of the Pennsylvania Sewage Facilities Act[3] as administered by the Pennsylvania Department of Environmental Protection. It is suggested that the prospective developer consult the Township Sewage Enforcement Officer or the Adams County Office of the Pennsylvania Department of Environmental Protection as to the requirements of that Act.

C. Prospective developers shall consult the County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development. Land that is subject to flooding shall not be platted for residential occupancy or for any other use that may endanger health, life, or property. Such land within a subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional flooding and shall not produce unsatisfactory living conditions.

§ 195-10. Sketch plan.

A. Prior to the submission of a preliminary plan, developers are encouraged, but not required, to submit a sketch plan to the Township Planning Commission. This will enable the Planning Commission to review the proposal for factors that may affect the development.

B. A sketch plan should contain at least the following information:

(1) Location map.

3. **Editor's Note: See 35 P.S. § 750.1 et seq.**

(2) General information concerning any community facilities and/or any other significant man-made or natural features that will affect the proposal.

(3) A property map at a legible scale showing the specific parcel of land or site involved.

(4) A sketch of the proposed development drawn at a scale no smaller than one inch equaling 100 feet showing the proposed layout of streets and lots, and other features of the subdivision.

(5) Since a sketch plan is informal and voluntary, no official action shall be required to be taken on a sketch plan. Any responses or approvals are informative or advisory only and the Township shall not be deemed to have approved anything by failure to give written notice of any conditions or reasons for any denials.

§ 195-11. Preliminary plan procedures.

In proposed developments that will abut an existing public right-of-way, the submission of a preliminary plan may be waived. However, all other applicable requirements and specifications shall remain the same.

A. Submission of the preliminary plan.

(1) Preliminary plans and all required accompanying documentation shall be submitted by a developer or his authorized representative to the Township Secretary or such other official as may be designated by the Supervisors within 10 business days in advance of a regularly scheduled Planning Commission meeting.

(2) Submission shall consist of the following:

(a) Five copies of the appropriate application form available from the Township.

(b) Eight blue-line or black-line paper prints of the preliminary plan showing all the information required in § 195-12.

(c) One Mylar copy for the Township Office.

(d) Five copies of all other required documentation.

(e) A filing fee as established in Article VI of this chapter.

B. Distribution of preliminary plan for review and comment. Copies of the preliminary plan and accompanying documentation shall be immediately distributed by the Township Secretary as follows:

(1) One copy of the application, plan, and accompanying documentation to the Township Engineer.

(2) One copy of the application, plan, and accompanying documentation to the Township Sewage Enforcement Officer.

(3) One copy of the application, plan, and accompanying documentation to the Adams County Office of Planning and Development.

(4) One copy of the Soil Erosion and Sediment Control Plan to the County Conservation District Office.

(5) One copy of the plan to the District Office of the Pennsylvania Department of Transportation when a proposed subdivision abuts or is traversed by a state road.

(6) The remaining copies of the application, plan, and accompanying documentation to the Township Planning Commission.

C. Action on preliminary plan by the planning commission.

(1) Action on a preliminary plan shall be taken by the Township Planning Commission not later than 60 days following receipt of a complete submission by the Township. However, no final decision or action shall be taken by the Township Planning Commission until the reports are received from the Adams County Office of Planning and Development and other individuals and agencies to whom the plan was sent for review and comment, or until the expiration of 30 days from the date the plans were forwarded to such individuals and agencies.

(2) All actions on the plan by the Township Planning Commission shall be taken at a public meeting, whether it be a regularly scheduled or special meeting. If the plan is to be considered at a special meeting, the developer shall be so notified.

(3) The decision of the Township Planning Commission concerning the plan shall be in writing. If a plan is not approved, or approved subject to certain conditions, the written decisions shall specify the defects and describe the requirements which have not been met, citing in each instance the applicable provisions of this chapter. Copies of the decision shall be sent to the Board of Supervisors and the Township Engineer.

D. Action on preliminary plan by the Board of Supervisors.

(1) Following receipt of the written decision from the Township Planning Commission, the Board of Supervisors shall consider the preliminary plan at their next regularly scheduled or special meeting. If the plan is to be considered at a special meeting, the developer shall be so notified, and in addition, the Board of Supervisors may also schedule a public hearing pursuant to public notice, before taking any action on the plan.

(2) Action on a preliminary plan shall be taken by the Board of Supervisors and communicated to the developer not later than 90 days following the date of the regular meeting of the Planning Commission next following the date the application is filed. Should the next regular meeting occur more than 30 days following the filing of the application, said ninety-day period shall be measured from the 30th day following the day the application was filed. In its review, the Board of Supervisors shall consider the reports and recommendations of the Township Planning Commission and the various other individuals to whom the plan was sent for review and comment. As a result of their review, the Board of

Supervisors may require or recommend such changes and modifications as they shall deem necessary or advisable in the public interest.

(3) The decision of the Board of Supervisors concerning the plan shall be in writing and shall be communicated to the developer not later than 15 days following the meeting at which the decision is made. If a plan is not approved, or approved subject to certain conditions, the written decision shall specify the defects and describe the requirements which have not been met, citing in each instance the applicable provisions of this chapter. Copies of the decision shall be sent to the Township Planning Commission.

(4) Failure of the Board of Supervisors to render a decision and communicate it to the developer within the time and in the manner required by this chapter shall be deemed an approval of the plan in terms as presented unless the developer has agreed to an extension of time.

(5) Approval of the preliminary plan shall not constitute approval of the final plan for any purpose or reason, but shall constitute conditional approval of the proposed development as to its general character and layout.

(6) When a preliminary plan has been approved or approved subject to certain conditions acceptable to the developer, no subsequent change or amendment in this or any other applicable ordinances shall be applied to affect adversely the right of the developer to commence and to complete any aspect of the approved development within five years from such approval. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of preliminary approval. In the case of any doubt as to the terms of a preliminary 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 plan for such approval was duly submitted to the Township.

§ 195-12. Preliminary plan requirements.

The preliminary plan submission shall be prepared by a registered surveyor or engineer and be drawn on reproducible stable transparency, using black ink, for all data including approval signatures.

A. Scale.

(1) Tracts of one acre or less shall be drawn at a scale of no less than one inch equals 50 feet.

(2) Tracts of one to 10 acres shall be drawn at a scale of no less than one inch equals 100 feet.

(3) Tracts in excess of 10 acres shall be drawn at a scale of no less than one inch equals 200 feet.

(4) Tracts to be used for commercial, industrial, or high density housing development shall be drawn at a scale of no less than one inch equals 50 feet.

B. Information required. The preliminary plan shall show:

(1) Name of the proposed subdivision, and of the municipality in which it is located.

(2) Name and address of subdivider.

(3) Name, address, license number, and seal of the professional engineer or registered surveyor who prepared the drawings.

(4) Date of original submission and of each subsequent revised submission.

(5) True or magnetic North point.

(6) Graphic scale.

(7) Written scale.

(8) Certification by the professional engineer or surveyor that the plan is accurate and correct, and has been prepared in accordance with the Professional Engineers Registration Law.[4]

(9) A key map, for the purpose of locating the property being subdivided, drawn at a scale of one inch equals 1,000 feet and showing the relation of the property to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within 1,000 feet of any part of the property. In addition, a title, scale, and North point shall be indicated.

(10) The total tract boundary lines of the area being subdivided with distances accurate to 0.100 of a foot and bearings to 1/4 of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one foot in 10,000 feet; provided, however, that the boundary(s) adjoining additional unplatted land of the subdivider (for example, between separately submitted final plan sections) are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated along with a statement of the total area of the property being subdivided. In addition, the surveyor shall certify to the accuracy of the survey, the drawn plan, and the placement of the monuments.

(11) A plot drawn to a legible scale showing the entire existing tract boundary and the location of the lots being subdivided from said tract.

(12) Boundaries of adjacent properties and recorded name and deed references. When adjacent properties are part of a recorded plat, only the lot number and subdivision name need be shown.

(13) Contour lines at vertical intervals of at least two feet for land with average natural slope of 4% or less, and at intervals of at least five feet for land with average slope exceeding 4%.

(14) Location and elevation of the datum to which contour elevations refer; where practicable, datum used shall be an established bench mark. Datum shall be

4. **Editor's Note: See 63 P.S. § 148 et seq.**

referenced to a USGS bench mark when public sewer or public water is proposed, and/or the development is in excess of 10 lots.

(15) The name (or number) and cartway width and lines of all proposed and existing public streets and the name and location of all other roads within the property.

(16) If the subdivision proposes a new street intersection with a state legislative route, the intersection occupancy permit number(s) shall be indicated for all such intersections.

(17) Location of existing streets and alleys adjoining the tract including name, width, width of cartway, and sidewalks.

(18) The location (and elevation, if established) of all existing and proposed street monuments.

(19) Location of existing and proposed rights-of-way and easements.

(20) Lot numbers and statement of the total number of lots and parcels.

(21) Lot lines with approximate dimensions.

(22) The building setback lines for each lot, or other site.

(23) For developments where on-site sewage disposal systems will be used, the location where the soils evaluation test was conducted for each lot.

(24) A statement of the intended use of all nonresidential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision and, if recorded, including the book and page number.

(25) Location and size of existing and proposed utility structures and/or transmission lines including water, gas, electric, petroleum, etc., and all easements or rights-of-way connected with such structures and/or lines.

(26) The location of any existing bodies of water or watercourses, tree masses, buildings, or structures (including the location of wells and on-site sewage facilities for such buildings or structures), public facilities and any other man-made or natural features within or near the proposed structure.

(27) Location, size, and invert elevation of all existing and proposed sanitary sewers (including any and all proposed and/or existing capped sewer lines), and location of all manholes, inlets, and culverts. This data may be submitted as a separate plan.

(28) Location, size, and invert elevation of all existing and proposed storm sewers (and other drainage facilities), with the size and material of each indicated, and any proposed connections with existing facilities.

(29) Location of drainage structures, including marshes, ponds, streams, or similar conditions.

(30) Location of parks, playgrounds, and other area to be dedicated or reserved for public use, with any conditions governing such use.

(31) Where the development lies partially or completely in any flood-prone area, or where the development borders on any flood-prone area, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall identify accurately the boundaries of the flood-prone area.

(32) The plan shall accurately show the location of all wetland.

(33) The plan should show the location of planted screens in buffer yards and parking lots. **[Added 8-9-2000 by Ord. No. 8-9-2000]**

C. Supplementary data required. The preliminary plan shall be accompanied by the following supplementary data where applicable:

(1) A plan revision module for land development as required by the Pennsylvania Department of Environmental Protection.

(2) A plan for the control of erosion and sedimentation for review by the County Conservation District Office as required by the Pennsylvania Clean Streams Act.[5]

(3) Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Protection and the Pennsylvania Department of Transportation.

(4) Typical street cross section drawings for all proposed streets.

(5) Tentative profiles along the center line of the cartway (pavement) or along the top of the curb for both sides of each proposed street shown on the preliminary plan. Such profiles shall show natural and finished grades.

(6) The applicant shall, if requested by the Township, submit a feasibility report concerning the availability and adequacy of sewer and water facilities in or near a proposed land development. Said report shall be prepared by a registered professional engineer and be submitted in conjunction with the preliminary plan.

(7) Where deemed necessary by the Township, the applicant shall also submit a storm drainage plan and storm drainage calculations.

(8) Where the preliminary plan covers only a part of the entire land holdings, a sketch of the future street system of the unsubmitted part shall be submitted. The street system of the unsubmitted part will be considered in light of adjustments and connections with future streets in the part not submitted.

(9) Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum (or petroleum products) transmission line located within the tract, the application shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land

5. **Editor's Note: See 35 P.S. § 691.1 et seq.**

and the minimum building set back and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.

(10) Where a proposed street or access drive enters any public street or highway, no plan shall be approved which is likely to create substantial traffic hazards endangering the public safety. Safety requirements which may be imposed in such a review shall include traffic control devices, acceleration or deceleration lanes, traffic and lane markings and signs. The developer shall be responsible for the cost of any turning lanes, traffic study which may be required, and the construction of any such traffic control devices, acceleration or deceleration lanes, traffic and lane markings, and signs which may be required. The traffic study shall be prepared by an engineer approved by the Township.

(11) Where deemed necessary by the Township, the applicant shall also submit an environmental assessment in accordance with § 195-25 herein. **[Added 8-9-2000 by Ord. No. 8-9-2000]**

(12) Where deemed necessary by the Township, the applicant shall also submit a landscape plan in accordance with § 195-45B, herein. **[Added 8-9-2000 by Ord. No. 8-9-2000]**

§ 195-13. Final plan procedures.

Submission of a final plan for approval by the Township shall occur not more than five years following the date of approval of the preliminary plan. Failure to submit the final plan within this period of time shall make the approval of the preliminary plan null and void unless an extension of time has been granted by the Township. Except for any modifications or changes required by the Township, the final plan shall conform basically to the approved preliminary plan. Where significant modifications or changes, other than those required by the Township, are made to an approved preliminary plan, the plan shall be submitted again as a preliminary plan.

A. Submission of the final plan.

(1) Final plans and all required accompanying documentation shall be submitted by a developer or his authorized representative to the Township Secretary or such other official as may be designated by the Supervisors within 10 business days in advance of a regularly scheduled Township Planning Commission Meeting.

(2) Submission shall consist of the following:

(a) Five completed copies of the appropriate application form available from the Township.

(b) Eight blue-line or black-line paper prints of the final plan showing all the information required in § 195-14.

(c) One Mylar copy for the Township Office.

(d) Five copies of all other required documentation.

(e) A filing fee as established in Article VI of this chapter.

B. Distribution of final plan for review and comment. Copies of the final plan and accompanying documentation shall be immediately distributed by the Township Secretary as follows:

(1) One copy of the application, plan, and accompanying documentation to the Township Engineer.

(2) One copy of the application, plan, and accompanying documentation to the Township Sewage Enforcement Officer.

(3) One copy of the application, plan, and accompanying documentation to the Adams County Office of Planning and Development.

(4) One copy of the plan to the County Conservation District Office.

(5) One copy of the plan to the District Office of the Pennsylvania Department of Transportation when a proposed subdivision abuts or is traversed by a state road.

(6) The remaining copies of the application, plan, and accompanying documentation to the Township Planning Commission.

C. Action on final plan by the planning commission. Action on the final plan shall be taken in the same manner as for preliminary plans. In addition, if a final plan is approved, the Township Planning Commission Chairman and Secretary shall sign the record plan and all prints and forward all but one print to the Board of Supervisors along with a copy of their written decision.

D. Action on final plan by the Board of Supervisors.

(1) Following receipt of the written decision from the Township Planning Commission, the Board of Supervisors shall consider the plan at its next regularly scheduled or special meeting. If the plan is to be considered at a special meeting, the developer shall be so notified, and in addition, the Board of Supervisors may also schedule a public hearing before taking any action on the plan.

(2) Action on a final plan shall be taken by the Board of Supervisors and communicated to the developer not later than 90 days following the date for the regular meeting of the Township Planning Commission next following the date the application is filed. Should the next regular meeting occur more than 30 days following the filing of the application, said ninety-day period shall be measured from the 30th day following the day the application was filed. In their review, the Board of Supervisors shall consider the reports and recommendations of the Township Planning Commission and the various other individuals to whom the plan was sent for review and comment. As a result of their review, the Board of Supervisors may require or recommend such changes and modifications as they shall deem necessary or advisable in the public interest.

(3) The decision of the Board of Supervisors concerning the plan shall be in writing and shall be communicated to the developer not later than 15 days following the meeting at which the decision is made. If a plan is not approved, or approved subject to certain conditions, the written decision shall specify the defects and describe the requirements which have not been met, citing in each instance the

applicable provisions of this chapter. Copies of the decision shall be sent to the Township Planning Commission.

(4) Failure of the Board of Supervisors to render a decision and communicate it to the developer within the time and in the manner required by this chapter shall be deemed an approval of the plan in terms as presented unless the developer has agreed to an extension of time.

(5) Before any final plan is approved, the developer shall comply with all provisions of § 195-41 of this chapter regarding completion of improvements or guarantee thereof.

E. Recording of plan.

(1) Upon approval of a final plan by the Township, the developer shall record the record plan in the office of the Adams County Recorder of Deeds within 90 days. No plan shall be recorded unless it has been officially approved by the Township.

(2) If the plan is not recorded within 90 days, the approval by the Township shall be null and void unless an extension of time is granted by the Board of Supervisors upon request from the developer.

(3) After the plan has been recorded, a copy of the Recorder's certificate shall be submitted to the Board of Supervisors.

(4) No land in a development shall be sold or transferred prior to recording of the Record Plan.

F. Limitations of final plan approval. The approval of the final plan by the Township shall be deemed an acceptance of the plan and shall authorize the Recorder of Deeds to record the same, but shall not impose any duty upon the Township concerning maintenance or improvements of any streets, highways, alleys, or other portions of the same until said Township shall have accepted same by dedication for public use.

§ 195-14. Final plan requirements.

A. The final plan submission shall be prepared by a registered engineer or surveyor and be drawn on reproducible stable transparency, using black ink, for all data including approval signatures.

(1) Scale.

(a) Tracts of one acre or less shall be drawn at a scale of no less than one inch equals 50 feet.

(b) Tracts of one to 10 acres shall be drawn at a scale of no less than one inch equals 100 feet.

(c) Tracts in excess of 10 acres shall be drawn at a scale of no less than one inch equals 200 feet.

(d) Tracts to be used for commercial, industrial, or high density housing developments shall be drawn at a scale of no less than one inch equals 50 feet.

(2) Finished size of drawings for final plan submission shall be 18 inches by 24 inches. Drawings done at a scale requiring a sheet larger than 18 inches by 24 inches may be reduced to that size providing all lines and lettering are clear and legible after reduction.

(3) If the final plan requires more than one sheet, a key diagram showing the relative location of the several sections shall be drawn on each sheet.

B. Information required. The final plan shall show:

(1) Name of proposed subdivision, and of the municipality in which it is located.

(2) Name and address of subdivider.

(3) Name, address, license number, and seal of the professional engineer or registered surveyor who prepared the drawings.

(4) Date of original submission and of each subsequent revised submission.

(5) True or magnetic North point.

(6) Graphic scale.

(7) Written scale.

(8) Certification by the professional engineer or surveyor that the plan is accurate and correct, and has been prepared in accordance with the Professional Engineers' Registration Law.[6]

(9) A key map, for the purpose of locating the property being subdivided, drawn at a scale of one inch equals 1,000 feet and showing the relation of the property to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within 1,000 feet of any part of the property. In addition, a title, scale, and North point shall be indicated.

(10) The total tract boundary lines of the area being subdivided with distances accurate to 1/100 of a foot and bearings to 1/4 of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one foot in 10,000 feet; provided, however, that the boundary(s) adjoining additional unplatted land of the subdivider (for example, between separately submitted final plan sections) are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan, and the placement of the monuments.

6. **Editor's Note: See 63 P.S. § 148 et seq.**

(11) A plot drawn to a legible scale showing the entire existing tract boundary and the location of the lots being subdivided from said tract.

(12) Boundaries of adjacent properties and recorded name and deed reference. When adjacent properties are part of a recorded plat only the lot number and subdivision name need be shown.

(13) Contour lines at vertical intervals of at least two feet for land with average natural slope of 4% or less, and at intervals of at least five feet for land with average slope exceeding 4%.

(14) Location and elevation of the datum to which contour elevations refer; where practicable, datum used shall be an established bench mark. Datum shall be referenced to a USGS bench mark when public sewer or public water is proposed, and/or the development is in excess of 10 lots.

(15) The name (or number) and cartway width and lines of all proposed and existing public streets and the name and location of all other roads within the property.

(16) The following data for the cartway edges (curblines) and right-of-way lines of all recorded (except those which are to be vacated) and/or proposed streets, and for the right-of-way lines of all existing streets, within the property:

(a) The length (in feet and hundredths of a foot) of all straight lines and of the radius and the arc (or chord) of all curved lines (including curved lot lines).

(b) The width (in feet) of the cartway, right-of-way, and if required, of the ultimate right-of-way, and (in degrees, minutes, and quarters of a minute) of the delta angle of all curved lines, including curved lot lines.

(c) All straight lot lines, defined (in feet and hundredths of a foot) by distances, and (in degrees, minutes, and quarters of a minute) either by magnetic bearings or by angles of deflection from other lot and street lines.

(17) If a subdivision proposes a new street intersection with a state legislative route, the intersection occupancy permit number(s) shall be indicated for all such intersections.

(18) Location of existing streets and alleys adjoining the tract including the name, width, width of cartway, and sidewalks.

(19) The location (and elevation, if established) of all existing and proposed street monuments.

(20) Location of existing and proposed rights-of-way and easements.

(21) Lot numbers and a statement of the total number of lots and parcels.

(22) Lot lines with approximate dimensions.

(23) The building setback lines for each lot, or other sites.

(24) For developments where on-site sewage disposal systems will be used, the location where the soils evaluation test was conducted for each lot.

(25) A statement of the intended use of all nonresidential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivisions and, if recorded, including the book and page number.

(26) Location and size of existing and proposed utility structures and/or transmission lines including water, gas, electric, petroleum, etc., and all easements or rights-of-way connected with such structures and/or lines.

(27) The location of any existing bodies of water or watercourses, tree masses, buildings or structures (including the location of wells and on-site sewage facilities for such buildings or structures), public facilities and any other man-made or natural features within or near the proposed subdivision.

(28) A certification of ownership, acknowledgement of a plan, and offer of dedication shall be lettered on the plan and shall be duly acknowledged and signed by the owner(s) of the company.

(29) An approval block for the use of the Township Supervisors and the Adams County Office of Planning and Development.

(30) A block to be used for inserting the date, agreed upon by the Township Supervisors and the developer, by which all improvements shall be complete, shall be lettered on the plan. Such date shall not be more than two years from the date of the final plan approval.

(31) The accurate location of all wetland.

C. Supplementary data required. Unless previously submitted, the final plan shall be accompanied by the following supplementary data where applicable:

(1) Typical street cross section drawing(s) for all proposed streets. Cross section drawing(s) may be shown either on the final plan or on the profile sheets.

(2) Profile sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:

(a) Existing (natural) profile along both cartway edges or along the center line of each street.

(b) Proposed finished grade of the center line, or proposed finished grade at the top of both curbs or proposed finished grade at both cartway (pavement) edges.

(c) The length of all vertical curves.

(d) Existing and proposed sanitary sewer mains and manholes.

(e) Existing and proposed storm mains, inlets, manholes, and culverts.

(3) Whenever a subdivider proposes to establish a street which is not offered for public use, he shall be subject to the requirements of § 195-27B and shall submit such plans, agreements, and documents as may be required by the Township under the provisions of that section.

(4) An agreement that the applicant will install all underground utilities before paving streets or constructing sidewalks.

(5) Final designs of any bridge or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Protection and the Pennsylvania Department of Transportation.

(6) Where the final plan covers only a part of the entire landholdings, a sketch of the future street system of the unsubmitted part shall be furnished. The street system of the submitted part will be considered in light of adjustments and connections with future streets in the part not submitted.

(7) Water and sewer feasibility reports as may be required including any updated information which may have become available since the submission of the preliminary plan.

(8) A plan for the control of erosion and sedimentation for review by the County Conservation District Office as required by the Pennsylvania Clean Streams Act.[7]

(9) Where deemed necessary by the Township, a storm drainage plan and storm drainage calculations.

(10) Where deemed necessary by the Township, a map showing the location of the proposed development with respect to the Township's flood-prone areas, including information on the regulatory flood elevation, the boundaries of the flood-prone areas, proposed lots and sites, fills, flood or erosion protection facilities, and areas subject to special restrictions. In addition, where the proposed development lies partially or completely in any flood-prone area, or borders on any flood-prone area, such map shall also show the location and elevation of proposed roads, public utilities, and building sites.

(11) A planning module as required by the Pennsylvania Department of Environmental Protection.

(12) Such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title of the land being subdivided.

(13) Any other certificates, affidavits, endorsements or dedications, etc., that may be required by the Planning Commission or Board of Supervisors.

(14) When a proposed plan has been submitted to the County Conservation District Office for their review and recommendations, a plan and/or other documentation to show what has been, or will be done in response to their recommendations must be included.

(15) An affidavit to the effect that all affected municipalities have been notified of any alteration and/or relocation of any watercourse.

---

7. **Editor's Note: See 35 P.S. § 691.1 et seq.**

(16) Documented proof that when an agency of the Commonwealth of Pennsylvania holds interest or jurisdiction in the plan or any phase of the plan, the approval of the agency has been secured.

(17) If 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 Township that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by municipal corporation, authority or utility. The applicant shall provide the Township with a copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or a cooperative agreement to serve the area in question, as acceptable evidence that the above requirements has been met.

(18) No plat which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be final approved unless the plat 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,"[8] before driveway access to a state highway is permitted, or that a Township occupancy permit is required from the Township if the entrance is from a Township street.

§ 195-15. Resubdivision procedure.

Any replatting or resubdivision, including changes to a recorded plan, shall be considered as a new application and shall comply with all requirements of this chapter.

§ 195-16. Additions to existing lots.

A parcel of land may be added to an existing recorded lot for the sole purpose of increasing the lot size, provided that:

A. The parcel to be added must be contiguous to the existing lot.

B. The addition must maintain the overall straightness of lot lines.

C. The plan prepared for the addition of this parcel shall follow the procedures outlined in this chapter.

D. The applicant shall file in the miscellaneous docket in the Recorder of Deeds Office of Adams County a memorandum that the subject property shall be considered one single tract for subdivision purposes and that this said tract shall not be subdivided by the applicant or applicants or their heirs or assigns in the future without resubmission for subdivision purposes.

8. **Editor's Note: See 74 Pa.C.S.A. § 8301 et seq.**

ARTICLE IV

Design Standards

§ 195-17. Application of standards.

The following standards shall be applied by the Township Planning Commission, Adams County Office of Planning and Development, and the Township Supervisors in evaluating plans submitted for review and/or approval. It is intended that these standards be considered the minimum requirements and may be modified as necessary to protect the health, safety, and general welfare of the public.

§ 195-18. General site standards.

The following requirements and guiding principles for subdivisions and land developments shall be observed with respect to factors affecting the suitability of the site for such development.

A. The land development plan shall conform to the municipal Comprehensive Plan and Official Map or to such parts thereof, as shall have been officially prepared and adopted by the municipality in which the development is situated.

B. A land development must be coordinated with existing land development in the neighborhood so the entire area may be developed harmoniously.

C. Land proposed for land development shall not be developed or changed by grading, excavating, or by the removal or destruction of the natural topsoil, trees, or other vegetative cover unless provisions for minimizing erosion and sedimentation are provided as required by the erosion control regulations of the Pennsylvania Department of Environmental Protection.

D. In a development where the average slope exceeds 15%, the Township may require modification to these regulations.

E. In all developments, every precaution shall be taken to preserve all natural and historic features determined to be worthy of preservation by the Township. Examples of such features would include, but not be limited to, large trees, watercourses, historic areas and structures, scenic view, etc. To insure the protection of such features, the Township may require the following additional information to be submitted:

   (1) A grading plan showing the existing and proposed ground elevations relative to the features.

   (2) The accurate location of the features to be protected.

   (3) An explanation of the precautions to be taken by the developer to protect such features.

F. Any plans for the alteration of a watercourse shall be incorporated into the design plan and subject to approval by the Township, or where deemed necessary, the U.S. Army Corps of Engineers, and/or the Pennsylvania Department of Environmental Protection.

G. Land subject to hazards of life, health, or property as may arise from fire, disease, excessive noise, odor, falling aircraft, or considered uninhabitable for other reasons may not be developed unless the hazards have been removed or the plans show adequate safeguards against them.

H. In all developments where wetland exists the location of all wetland shall be accurately shown on the plan.

§ 195-19. Street and highway standards.

A. General. All streets proposed to be constructed within the Township shall conform to the following general design requirements:

(1) Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage, and suitable building sites. Finished elevation of proposed streets shall not be more than one foot below the regulatory flood elevation.

(2) Residential streets shall be so laid out as to discourage through traffic; however, proposed streets shall be planned with regard to the existing street system, topographical conditions, public convenience in terms of fire protection and pedestrian traffic, probable volumes of traffic, existing and proposed use of land on abutting properties and future extensions of the street system.

(3) When a subdivision abuts or contains an existing or proposed primary or secondary highway, the Township may require a marginal access street, reverse frontage, or other treatment which will provide protection for abutting properties, reduction of the number of intersections and separation of local from through traffic.

(4) No street shall terminate into a dead end. Any street dead ended for access to adjoining property or because of authorized staged construction shall be provided with a temporary all-weather turnaround, and the use of such turnaround shall be guaranteed to the public until such time as the street is continued.

(5) Private streets (streets not offered for dedication to public use), are prohibited unless they meet the design and improvements standards of this chapter.

(6) The proposed street system shall extend existing or recorded streets at the same width but in no case at less than the required minimum width.

B. Street widths. Minimum street right-of-way and cartway widths shall be as follows:

Street Type	Right-of-Way (feet)	Cartway (feet)
Arterial streets	As determined by the Township after consultation with the Pennsylvania Department of Transportation.	
Collector streets	60	36 curb to curb

Street Type	Right-of-Way (feet)	Cartway (feet)
Minor streets with average lot frontage of:		
100 feet or more	50	32 curb to curb
Less than 100 feet	50	34 curb to curb
Alley or service drive	25	20

(1) Provision for additional street width (right-of-way, cartway, or both) may be required when determined to be necessary by the Township in specific cases for:

(a) Public safety and convenience.

(b) Parking in commercial and industrial areas and in areas of high-density development.

(c) Widening of existing streets where the width or alignment does not meet the requirements of the preceding subsections.

(d) Where topographic conditions require excessive cuts and fills.

C. Street grades.

(1) The grades of streets shall not be less than the minimum nor more than the maximum requirements listed below:

Street Type	Minimum Grade	Maximum Grade
Arterial street	As determined by the Township after consultation with the Pennsylvania Department of Transportation.	
Collector and minor streets and alleys	1.00%	7% for collector 10% for minor and alleys

(2) Vertical curves shall be used in changes of grade when the difference exceeds 1% and shall be designed for maximum visibility.

(3) On permission of the Township, minor street grade under special topographic condition may exceed 10% for distances less than 100 feet, provided the grade does not in any case exceed 15%.

(4) A street must be designed so as to provide for the discharge of surface water from its right-of-way. The slope of the crown on a street shall not be less than 1/4 of an inch per foot and not more than 1/3 of an inch per foot. Adequate facilities must be provided at low points along the street and other points necessary to intercept runoff.

D. Curves.

(1) Where connecting street lines deflect from each other at any one point the line must be connected with a true, circular curve. The minimum radius of the center line for the curve must be as follows:

Street Type	Minimum Radius (feet)
Collector street	300
Minor street	150

(2) Straight portions of the street must be tangent to the beginning or end of curves. Except for minor streets, there must be a tangent of at least 100 feet between reverse curves.

E. Sight distance and clear sight triangle.

(1) Proper sight distance shall be provided with respect to both horizontal and vertical road alignments. The sight distance shall conform to the requirements of the Pennsylvania Code, Title 67, Transportation, Department of Transportation, Chapter 441, or as amended.

(2) There shall be provided and maintained at all intersections a clear sight triangle with a line of sight between points 100 feet from the intersection of the street center lines. No building or other obstruction over 3 1/2 feet in height, that would obscure the vision of a motorist shall be permitted within these areas.

F. Cul-de-sac streets. Cul-de-sac streets designed to be so permanently shall not exceed 500 feet in length, and shall be provided with a paved turnaround having a minimum diameter of 100 feet and legal right-of-way of 120 feet in diameter, except in nonresidential areas, where cul-de-sac streets may exceed 500 feet in length when, under special circumstances, the Township deems such additional length necessary.

G. Intersections.

(1) No intersection shall involve the junction of more than two streets.

(2) Within 100 feet of an intersection streets shall be at right angles. The Township may, under special circumstances where an angle of less than 90° will not create a traffic hazard, permit an intersection of less then 90°, but in no instance, however, shall streets intersect at an angle of less than 75°.

(3) Intersections shall be approached on all sides by leveling areas. Where the grades exceed 7%, such leveling areas shall have a minimum length of 100 feet (measured from the intersection of the center lines) within which no grade shall exceed a maximum of 4%.

(4) All streets intersecting a state road (US, PA, or SR) shall be subject to the approval of the Pennsylvania Department of Transportation. The developer shall furnish evidence of such approval in the form of a PennDOT highway occupancy permit or other written form.

(5) Design of curb or edge of pavements must take into account such factors as types of turning vehicles, likely speeds of traffic, angle of turn, etc., but in no instance shall the radius of the curb edge of pavement be less than the following:

Intersection Type	Curve Radius (feet)
Minor with minor street	15
Minor with collector	25
Collector with collector	35

(6) Minor and collector streets shall not intersect arterial streets on the same side at less than 800-foot intervals and shall be in alignment with any existing or proposed streets intersecting from the opposite side. If two streets that intersect another from opposite sides cannot be aligned, then a distance of at least 150 feet shall be provided between the two intersecting center lines.

H. Slope of bank along streets. The slope of banks along streets measured perpendicular to the street center line shall be no steeper than the following:

(1) One foot of vertical measurement for three feet of horizontal measurement for fills.

(2) One foot of vertical measurement or two feet of horizontal measurement for cuts.

I. Partial and half streets. The dedication of half streets at the perimeter of new developments is prohibited, except to complete existing half streets.

J. Names of streets.

(1) Names of new streets shall not duplicate or approximate existing or platted street names or approximate such names by the use of suffixes such as "lane", "way", "drive", "court", or "avenue". In approving the names, consideration shall be given to existing or platted street names within the postal delivery district served by the local post office, and emergency service areas served by local fire companies. New streets shall bear the same name or number of any continuation or alignment with an existing street.

(2) All new street names must be approved by the Adams County Office of Planning and Development to insure proper coordination with the countywide house numbering system. Route numbers must be approved by the Township.

K. Reserve strips. Controlling access to streets by reserve strips is prohibited except where their control is definitely placed under control approved by the Township. A reserve strip is a parcel of ground in separate ownership separating a street from other adjacent properties, or from another street.

L. Alleys. Alleys shall be prohibited in single family residential developments, but may be included in townhouse, multiple-family, commercial, and industrial developments.

§ 195-20. Off-street parking.

A. Standards. Off-street vehicular parking facilities shall be provided in accordance with the following standards:

(1) Off-street parking facilities may be located in any required side, front, or rear yard, but in no case shall it be located within 25 feet of any street right-of-way for commercial, industrial, or multifamily use.

(2) All commercial, industrial, and multidwelling off-street parking areas shall be paved and shall be properly graded and drained to dispose of all surface water.

(3) Commercial and industrial parking areas shall be arranged and marked for the orderly and safe movement, loading, parking, and storage of vehicles.

(4) All commercial and industrial parking, loading/unloading, or pedestrian areas shall be provided with adequate lighting as per the Pennsylvania Department of Labor and Industry or the Pennsylvania Department of Transportation regulations, as applicable. In addition, because of the intensity of use, vehicular traffic patterns produced or safety factors involved, the following uses shall provide lighting for the total area to the lot in such a manner that there are no dark areas:

(a) Gasoline stations.

(b) Convenience stores.

(c) Pornographic or adult stores.

(d) Swimming pools to which the public is admitted for a fee.

(e) Satellite ATMs providing only twenty-four-hour automated facilities.

(5) Any lighting used to illuminate any residential, commercial, or industrial parking area shall be so arranged as to reflect the light away from any adjoining premises and public rights-of-way.

B. Loading and unloading space.

(1) All commercial and industrial establishments shall provide loading and unloading and commercial vehicle storage space adequate for their needs. This required space will be provided in addition to established requirements for patron and employee parking.

(2) The minimum size loading space shall be 50 feet in depth, 12 feet in width, with an overhead clearance of 14 feet.

C. Table of parking space by use.

(1) Each off-street parking area shall be no less then 10 feet in width and 20 feet in length and where access to such area is from a public street, adequate turnaround space shall be provided behind the right-of-way line. For perpendicular parking a minimum of 25 feet clear area is required behind all parking spaces.

(2) Off-street parking for commercial, home occupation, cottage industries, multifamily, and industrial uses shall be permitted within any side or rear yard

area, but in no case shall parking be permitted within 25 feet of the street right-of-way line.

(3) The number of spaces to be provided shall be governed by the following:

(a) Office, retail businesses and service establishments: one space for each 300 square feet of floor area.

(b) Restaurants, taverns, night clubs, theaters, and auditoriums: one space for every 2.5 seats, plus one space per employee per shift.

(c) Professional office or clinics: five spaces for each professional person, unless the applicant can satisfactorily demonstrate a need for fewer spaces, but in no case fewer than five total spaces. Nonprofessional offices shall have 1.5 spaces for each employee per shift.

(d) Motels and hotels: one space for each sleeping room and one for each employee per shift.

(e) Social halls, clubs, and lodges: one space for each two units of total capacity.

(f) Bowling alleys: four spaces for each alley, plus one space per employee per shift plus one space for every three gallery seats.

(g) Residential dwellings: according to type of dwelling, as per § 195-23G(2) of this chapter.

(h) Funeral homes: 10 spaces for each room where services are held.

(i) Rooming houses and dormitories: one space for each two beds.

(j) Wholesale establishments, warehouses, manufacturing plants and laboratories: one space for each employees per shift.

(k) Churches: one space for every 3.5 seats.

(l) Schools.

[1] Schools - appurtenant to a church: no spaces in addition to church parking, provided it can be demonstrated that church parking can be used.

[2] Not appurtenant to a church - one space for each staff member or employee unless students will require parking, in which case the number of spaces required will be by recommendation of the Township Engineer.

(m) Barbershops and beauty shops: two spaces for each service chair and one space for each employee per shift.

§ 195-21. Access drives.

A. Residential (except multiple dwelling and condominiums). Access drives to any public street or highway in a residential area shall be governed by the following:

(1) Within 10 feet of a street right-of-way line, an access drive may not exceed 20 feet in width.

(2) The number of access drives may not exceed two per lot.

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

(a) Within five feet of a property line except for common access for two dwellings.

(b) Within 50 feet of the right-of-way line of an intersecting street when entrance is from an arterial street.

(c) Within 35 feet of the right-of-way line of an intersecting street when entrance is from a collector street.

(d) Within 25 feet of the right-of-way line of an intersecting street when entrance is from a minor street.

(e) Within 15 feet of a fire hydrant.

(4) An access drive shall be provided with a clear sight triangle as described in § 195-19E(2) of this chapter. The drive may not exceed a slope of 5% within 25 feet of the street right-of-way lines. Where a drive enters a bank through a cut, the shoulders of the cut may not exceed 50% in slope within 25 feet of the point the drive intersects the street right-of-way.

(5) Sight distance shall be in accordance with § 195-19E(1) of this chapter.

B. Commercial, industrial, multifamily and condominiums. Access drives to any public street or highway in the case of a commercial, industrial, multiple-family, or condominium development:

(1) All accessways to any public street or highway shall be located at least 150 feet from any intersection involving an arterial or collector street and 100 feet from the intersection of minor streets. Such measurement shall be made from the intersection of the street center lines. Where practicable, exits shall be located on minor, rather than major, streets or highways.

(2) No design shall be approved which is likely to create substantial traffic hazards endangering the public safety. Safety requirements which may be imposed in such a review shall include traffic control devices, acceleration or deceleration lanes, traffic and lane markings and signs. The developer shall be responsible for the cost of any turning lanes, traffic study which may be required, and the construction of any such traffic control devices, acceleration or deceleration lanes, traffic and lane markings, and signs which may be required. The traffic study shall be prepared by an engineer approved by the Township.

(3) All access to and occupancy of any public highway either state or Township shall meet the provisions of the Pennsylvania Code Title 67, Transportation, Department of Transportation Chapter 441, or as amended.

(4) Prior to the approval of the final plan, a highway occupancy permit must be secured from the Pennsylvania Department of Transportation if access is from a state highway or from the Township if access is from a Township road. A detailed construction plan, including a storm drainage study and drainage facilities which may be required for said access, must be submitted with the final plan.

(5) The access must be constructed to the street right-of-way as per requirements of § 195-27A(2) of this chapter. **[Amended 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-03]**

(6) No access drive shall be within five feet of a property line or 15 feet of a fire hydrant.

(7) An access drive shall be provided with a clear sight triangle as described in § 195-19E(2) of this chapter. The drive may not exceed a slope of 5% within 25 feet of the street right-of-way lines. Where a drive enters a bank through a cut, the shoulders of the cut may not exceed 50% in slope within 25 feet of the point the drive intersects the street right-of-way.

C. Private access.

(1) Parcels of land existing as of the effective date of this chapter which have their access by means of private roads or private rights-of-way shall not be permitted to be subdivided, unless the subdivision can in all respects comply with the terms of this chapter.

(2) Where any accessway is to be private, proof of agreement as to responsibility for maintenance of that accessway shall be presented to the Township Supervisors prior to final plan approval.

§ 195-22. Blocks.

A. General. The length, width and shape of blocks shall be determined with due regard for:

(1) The provision of adequate sites for buildings of the type proposed.

(2) Topography.

(3) Any other codes, plans, and ordinances.

(4) Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with major streets.

B. Block length. The length of blocks shall not exceed 1,600 feet or be less than 800 feet.

C. Pedestrian crosswalks. Where blocks exceed 1,000 feet in length, pedestrian rights-of-way of not less than 12 feet in width shall be provided where needed for adequate

pedestrian circulation. Paved walks of not less than six feet shall be placed within the right-of-way.

D. Block depth. Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except:

(1) Where reverse frontage lots are required along major streets.

(2) Where prevented by the size, topographical conditions or other inherent conditions of property, in which case the Township may approve a single tier of lots.

E. Commercial and industrial blocks. Blocks in commercial and industrial areas may vary from the elements of design detailed above if required by the nature of the use. In all cases however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation and parking for employees and customers.

§ 195-23. Lots.

A. General.

(1) The size, shape, and orientation of lots shall be appropriate for the type of development use contemplated. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

(2) Where feasible, lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.

(3) Generally, the depth of lots shall be not less than one nor more than 2 1/2 times their width.

(4) Where the lots in a subdivision are large enough for resubdivision or where a portion of the tract is not developed, suitable access to these areas shall be provided.

(5) Depth and width of parcels intended for nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, set backs, landscaping, etc.

(6) If, after subdividing, there exist remnants of land they shall either be incorporated into existing or proposed lots, or legally dedicated to public use, if acceptable to the Township.

(7) No lot shall be created in any manner whatsoever which does not meet the minimum requirements of this chapter.

(8) Where dictated by topography, location, sewage disposal requirements, or other such conditions, the Township may require that the minimum lot size be increased.

B. Lot frontage.

(1) All lots shall front on a dedicated public street (existing or proposed), or upon a fully improved private street constructed to Township specifications as set forth in this chapter. Lots fronting upon unimproved private streets or not fronting upon a street shall not be approved.

(2) Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography, orientation, or location.

(3) All residential reverse frontage lots shall have a planting screen easement of at least 20 feet in width along the major street, across which there shall be no right of access.

C. Lot soils evaluation tests.

(1) Soil percolation tests shall be performed for each lot of a proposed subdivision wherein buildings at the time of construction will not be connected to a live public sewage disposal system. Each lot must be found satisfactory for on-site sewage disposal prior to approval of the final plan.

(2) The soils tests called for above shall be performed in accordance with the regulations of the Pennsylvania Department of Environmental Protection. The Township Sewage Enforcement Officer will observe the tests and certify the results.

(3) A land planning module for any new subdivision or land development shall be prepared by the developer and approved by the Township and the Pennsylvania Department of Environmental Protection prior to approval of the final plan.

(4) Where soil tests indicate the lot has marginal soils, additional soil tests must be conducted and a site found suitable for a replacement on-site sewage system. This site must be shown on the subdivision or land development plan and no development is permitted within this area. Marginal soils are soils having a limiting zone of 25 inches or less from the surface; soils where percolation tests have failed; or soils having slope limitations.

D. Lot sizes on slopes. The minimum lot area herein established shall be increased in accordance with the Township's requirements, based on reports from the Pennsylvania Department of Environmental Protection and the Natural Resources Conservation Service indicating that, because of slope, surface runoff or subsurface drainage of septic tank effluents are likely to result in hazardous conditions.

E. Unique lots.

(1) In the case of wedge-shaped lots, no lot shall be less than 50 feet in width measured along the arc at the front street right-of-way line.

(2) Flag lots or panhandle lots or lots having a narrow strip of property for the sole purpose of providing access to a public road from a lot which would not otherwise front on a public road are prohibited unless no other reasonable method of providing access is available. In no case should this be used as a method of avoiding construction of a street. Minimum width of the panhandle including frontage shall be 50 feet.

(3) Corner residential lots shall have enough extra width to permit appropriate setbacks from both streets.

F. Building setback and yard measurement.

(1) Building setbacks shall be measured from the right-of-way lines.

(2) In cases where the rear and sides of a structure are not clearly defined it will be presumed that the rear of the structure is directly opposite the front entrance of the structure and setback lines will be established accordingly.

(3) Building setback lines shall not be less than:

(a) Twenty-five feet from the right-of-way line on minor streets.

(b) Thirty feet from the right-of-way line on collector streets.

(c) Fifty feet from the right-of-way line on arterial streets and roads.

(d) Fifteen feet from a side lot line.

(e) Twenty-five feet from a rear lot line.

(4) Additional setbacks shall be required for certain types of development as stipulated in § 195-23G.

(5) Additional side and rear yard setbacks shall be required for proposed buildings or structures that are four or more stories in height.

G. Lot dimensions and minimum requirements for residential, commercial, and industrial development.

(1) Measurement.

(a) All lot areas shall be calculated from the street right-of-way line and shall exclude the area of any easement located on the lot, and all land located within the floodplain area, detention basins or ponds and wetland areas.

(b) All setback lines shall be measured from the street right-of-way line and shall have appropriate setback from all such right-of-way lines as set forth in § 195-23F(1) of this chapter.

(c) All lot widths shall be measured at the front setback line.

(2) Residential developments.

(a) Single family detached unit:

	Private Water and Sewer	Private Water, Public Sewer	Private Water, Proposed Public Sewer +	Public Water and Sewer
Area/unit in square feet	43,560 (1 acre)	20,000	20,000*	15,000
Minimum width in feet	140	100	100	100
Soil tests required	Yes	no	yes	no
Maximum lot coverage	35%	35%	35%	35%

* Where on-site sewer facilities are to be elevated sand mounds, minimum lot area shall be 43,560 square feet.

\+ Proposed public sewer — Either dry laid sewer line or financial security provided to assure that public sewer will be installed within two years.

Two off-street parking spaces will be provided for each dwelling unit.

(b) Conversion unit:

[1] Requirements for total lot area, width, coverage, and sewage facilities shall be the same as the requirements for the type of unit which is being created.

[2] Two off-street parking spaces shall be provided on the same lot for each dwelling unit created.

(c) Semidetached unit:

	Private Water and Sewer	Private Water, Public Sewer	Private Water, Proposed Public Sewer +	Public Water and Sewer
Area/unit in square feet	40,000	20,000	20,000*	12,500
Minimum width in feet	130	100	100	90
Soil tests required	yes	no	yes	no
Maximum lot coverage	35%	40%	35%	40%

* Where on-site sewer facilities are to be elevated sandmounds, the minimum lot area shall be 43,560 square feet.

\+ Proposed public sewer — Either dry laid sewer line or financial security provided to assure that public sewer will be installed within two years.

Two off-street parking spaces shall be provided for each dwelling unit.

(d) Attached, row, or townhouse units;

[1] Area per unit: 3,000 square feet.

[2] Minimum width: 20 feet for each unit.

[3] Maximum lot coverage: 50%.

[4] The maximum number of dwelling units in a group of row dwellings shall be five.

[5] No buildings shall exceed 120 feet in length.

[6] Two off-street parking spaces shall be provided to the rear of each unit. An access drive having a minimum width of 20 feet shall provide access to the parking area. The access drive shall be constructed in accordance with § 195-27A(1) of this chapter. The access drive shall be maintained by a homeowners' association consisting of all lot owners whose property abuts said drive.

[7] Water and sewer facilities shall be public systems. No individual or community on-site systems shall be approved for attached, row, or townhouse units.

[8] The minimum side yard shall be 20 feet for buildings containing four units; 25 feet for buildings containing five units.

[9] Recreation areas shall be provided according to the following provisions:

[a] For subdivision up to 10 units, a minimum total area of 1,000 square feet shall be designated and reserved by the developer.

[b] For subdivisions of more than 10 but fewer than 50 units, a minimum of 100 square feet per unit shall be designated and reserved by the developer in addition to the 1,000 square feet for first 10 units.

[c] For subdivisions over 50 units, the developer shall provide for recreation areas as negotiated with the Township.

[d] Deeds for each unit shall reflect that the owners of the townhouse are responsible for maintaining recreation areas.

[e] The area shall be provided adjacent to the housing units.

[f] The area shall be suitably landscaped.

[g] The area shall not be considered for future development.

(e) Multiple dwelling or apartment units:

[1] Min. total lot area: 30,000 square feet plus 3,000 square feet for each unit in excess of three.

[2] Minimum width: 125 feet.

[3] Maximum lot coverage: 50%.

[4] Water and sewer facilities shall be public systems or approved private sewage treatment system. No individual or community on-site system shall be approved for multiple dwelling or apartment units with the following exceptions:

[a] The maximum number of dwelling units is three or less.

[b] The lot size has a minimum lot area of 80,000 square feet for two units or 120,000 square feet for three units.

[c] The minimum lot width is 180 feet for two units or 220 feet for three units.

[d] An alternate site must be approved and reserved for a replacement septic system.

[e] Only one apartment building is permitted on the lot.

[5] The minimum distance between principal buildings shall be equal to two times the height of the highest building. In no case shall this

distance be less than 60 feet. All building setback lines shall be one time the height of the highest building, and in no case shall this distance be less than required under § 195-23F.

[6] If maintenance equipment storage areas are provided, they shall be provided with buffer zones.

[7] Two off-street parking spaces shall be provided for each dwelling unit. In addition, for every two dwelling units of this type proposed, there shall be provided one additional off-street parking space. No off-street parking shall be permitted in front of units. All parking areas must be 20 feet from the structure.

[8] Minimum building setback lines for any building containing only two multiple dwelling units shall be the same as for single family residences.

[9] No building shall exceed 120 feet in length.

[10] Recreation areas shall be provided for multiple dwelling and apartment units according to the same requirements as for attached, row, or townhouse units.

(f) Condominiums.

[1] Minimum total lot area: 30,000 square feet plus 3,000 square feet for each unit in excess of three.

[2] Minimum width: 125 feet.

[3] Maximum lot coverage: 50%.

[4] Water and sewer facilities shall be public systems. No individual or community on-site systems shall be approved for condominiums.

[5] Prior to completion of construction and occupation by unit owners, the owner and/or developer shall present to the Recorder of Deeds, Adams County:

[a] A declaration; and

[b] A declaration plan to be recorded in compliance with the "Unit Condominium Act" of July 2, 1980, P.L. 286 No. 82, Section 1, as amended and supplemented. All condominiums shall be submitted to the provisions of the Uniform Condominium Act.[9]

[6] The minimum distance between principal buildings shall be equal to two times the height of the highest building. In no case shall this distance be less than 60 feet. All building setback lines shall be one time the height of the highest building, and in no case shall this distance be less than required under § 195-23F.

9. **Editor's Note: See 68 Pa.C.S.A § 3101 et seq.**

[7] If maintenance equipment storage areas are provided, they shall be provided with buffer zones.

[8] Two off-street parking spaces shall be provided for each dwelling unit. In addition, for every two dwelling units of this type proposed, there shall be provided one additional off-street parking space. No off-street parking shall be permitted in front of units. All parking areas must be 20 feet from the structure.

[9] Minimum building setback lines for any building containing only two dwelling units shall be the same as for single family residences.

[10] No building shall exceed 120 feet in length.

[11] Recreation areas shall be provided for multiple dwelling and apartment units according to the same requirements as for attached, row, or townhouse units.

(3) Commercial developments.

(a) Lots of two acres or less:

[1] Minimum lot area 43,560 square feet (one acre).

[2] Minimum lot width 140 feet.

[3] Maximum total impervious coverage shall be no more than 65%. Buildings shall occupy no more than 40% of the total lot area.

[4] Building setback lines shall be governed by the following:

[a] Twenty-five feet from the right-of-way line on minor streets.

[b] Thirty feet from the right-of-way line on collector streets.

[c] Fifty feet from the right-of-way on arterial streets and roads.

[5] Side yards shall be 15 feet.

[6] Rear yards shall be 25 feet.

(b) Lots of more than two acres — of developed area:

[1] Minimum width: 200 feet.

[2] Maximum total impervious coverage shall be no more than 65%. Buildings shall occupy no more than 40% of the total lot area.

[3] The building setback line shall be 100 feet from the right-of-way line of any street.

[4] Side yards shall be 25 feet.

[5] Rear yard shall be 50 feet.

(c) Development of land for commercial purposes shall be governed by the following:

[1] Any part or portion of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas, shall be planted with an all-season ground cover and shall be landscaped with trees and shrubs in accordance with an overall landscape plan and shall be in keeping with the natural surroundings. On properties adjacent to or contiguous with residential areas, landscaping shall include a planted or constructed visual barrier so placed as to effectively screen the loading or service areas.

[2] Water and sewer systems shall meet the requirements of the Pennsylvania Department of Environmental Protection.

[3] If an on-site septic system is to be used, an alternate site must be approved and reserved for a replacement system.

[4] Parking areas shall be designed in accordance with § 195-20 of this chapter.

[5] Storm drainage facilities shall be designed in accordance with § 195-32 of this chapter.

[6] No plan shall be approved which does not conform to appropriate federal, state, regional, and local standards relative to water and air pollution, particle emission, noise, electrical disturbances, waste disposal, light, glare, heat, vibration, radioactivity, and outdoor storage of materials, or involves any other activity generating a nuisance.

[7] All outdoor storage area shall be enclosed with a barrier no less then six feet in height, capable of being locked or otherwise secured against intrusion.

[8] All access driveways shall be designed and constructed in accordance with § 195-21B of this chapter. In no case shall the access drive be less then 16 feet in width.

[9] The design of all structures shall include a provision for the storage of refuse inside the building(s) or within an area enclosed by walls or opaque fencing outside the building designed to be architecturally compatible with the primary building. Such walls or fencing shall be designed to shield the refuse area from the direct view of any adjacent property or street and must be at least six feet in height.

(4) Industrial developments.

(a) Lots of two acres or less:

[1] Minimum total lot area: 43,560 square feet (one acre).

[2] Minimum lot width: 140 feet.

[3] Maximum total impervious coverage shall be 65%. Buildings shall occupy no more than 40% of the total lot area.

[4] The building setback line shall be 50 feet from the right-of-way line of any street.

[5] The side yards shall be 25 feet.

[6] The rear yard shall be 25 feet.

(b) Lots of more than two acres of developed area:

[1] Minimum width: 200 feet.

[2] Maximum total impervious coverage shall be 65%. Buildings shall occupy no more than 40% of the total lot area.

[3] The building setback line shall be 100 feet from the right-of-way line of any street.

[4] Side and rear setback lines shall be 75 feet from an adjoining nonindustrial property and 50 feet from an adjoining industrial property.

(c) Land development for industrial purposes shall be governed by the following:

[1] Water and sewer systems shall meet the requirements of the Pennsylvania Department of Environmental Protection.

[2] If an on-site septic system is to be used, an alternate site must be approved and reserved for a replacement system.

[3] Storm drainage facilities shall be designed in accordance with § 195-32 of this chapter.

[4] Any part or portion of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas, shall be planted with an all-season ground cover and shall be landscaped with trees and shrubs in accordance with an overall landscape plan and shall be in keeping with the natural surroundings. On properties adjacent to or contiguous with nonindustrial areas, landscaping shall include a planted or constructed visual barrier at least 20 feet in depth. The visual barrier must be contained within the prescribed set back area. The Township reserves the right to designate the type and scale of planting and screening to be used.

[5] Parking areas shall be designed in accordance with § 195-20 of this chapter.

[6] No design shall be approved which does not conform to appropriate federal, state, regional, and local standards relative to water and air pollution, particle emission, noise, electrical disturbances, waste disposal, light, glare, heat, vibration, radioactivity, and outdoor storage of materials.

[a] Fire and explosive hazards as governed by the Department of Labor and Industry and the laws of the Commonwealth of Pennsylvania.

[b] Liquid and solid wastes as governed by the Pennsylvania Department of Environmental Protection.

[c] Smoke as governed by the Pennsylvania Air Pollution Control Commission.

[d] Other forms of air pollution as governed by the United States Environmental Protection Agency.

[7] All outdoor storage area shall be enclosed with a barrier no less then six feet in height, capable of being locked or otherwise secured against intrusion.

[8] The design of all structures shall include a provision for the storage of refuse inside the building(s) or within an area enclosed by walls or opaque fencing outside the building designed to be architecturally compatible with the primary building. Such walls or fencing shall be designed to shield the refuse area from the direct view of any adjacent property or street and must be at least six feet in height.

[9] All storage or refuse areas must conform to the required building setback requirements.

[10] All access driveways shall be designed and constructed in accordance with § 195-21B of this chapter. In no case shall the access drive be less then 16 feet in width.

§ 195-24. Easements.

A. The minimum width of easements for underground and overhead public utilities shall be 20 feet.

B. Whenever possible, easements for public utilities shall be centered on side and/or rear lot lines.

C. Electric and telephone facilities shall be installed underground unless conditions require otherwise.

D. Drainage easements shall be such adequate width as to serve the purpose for which they are intended. Such easements shall preserve the unimpeded flow of natural drainage or provide for the construction of drainage facilities. In no case shall they be less than 20 feet.

§ 195-25. Environmental assessment study standards. [Added 8-9-2000 by Ord. No. 8-9-2000]

Environmental assessment studies shall include statements for each of the following topics:

A. Steep slopes. All plans involving lands that possess slopes exceeding 20% shall require the preparation of a statement which includes the following minimum considerations:

(1) A topographic map of the site which highlights those areas that possess slopes exceeding 20%. Also reflected on this map should be all existing and proposed site improvements.

(2) A detailed description of the methods proposed to do the following:

(a) Protect and stabilize areas that have a high potential for soil erosion.

(b) Prevent the construction of structures and other site improvements on areas with slopes exceeding 20%, or a description of the specific design and construction techniques used to assure structural safety and minimize harm to the environment associated with development on steep slopes.

(c) Minimize grading throughout the site.

(d) Protect and preserve any valuable natural wildlife and/or plant habitats that coincide with the steep-slope areas of the site.

(e) Protect water quality on and around the site from the adverse effects of the proposed use.

(f) Protect any steep slopes on adjoining properties.

B. Wetlands and threatened/endangered species/habitats. An assessment of wetlands and threatened or endangered species habitats shall be completed to determine presence on the site and mitigation methods.

(1) Perform wetlands delineation in accordance with methodologies outlined in the "Federal Manual for Identifying and Delineating Wetlands." A report summarizing the findings of the delineation shall be attached to the preliminary plan.

(2) A search of the Pennsylvania Natural Diversity Inventory to identify any threatened or endangered species and their habitats or lack thereof on or near the site. If such species or areas are identified, a statement of proposed measures to protect the species or areas shall be included. This statement shall be supplemented by correspondence from appropriate state or federal agencies regarding the adequacy of the proposed protective measures.

(3) A detailed description of the measures proposed to avoid, minimize or mitigate the following:

(a) Avoid the disturbance of any wetland and/or other important wildlife habitats during and following construction on the site.

(b) Mitigate the loss of existing wetlands and habitats.

(c) Replace and/or create additional land areas that will be characterized by similar environmental traits as the site's important wetlands and habitats.

C. Riparian corridors and stream banks restoration. All plans impacting riparian corridors shall include a site plan identifying areas for restoration and replanting of riparian habitat to reestablish wildlife migration corridors and linkages between fragmented habitat. The environmental assessment shall include:

(1) A detailed description of the methods proposed, such as vegetated buffer strips, to mitigate impacts to riparian corridors and other significant habitat as a result of stormwater runoff from developed areas and construction activities.

(2) A detailed description of the methods proposed for riparian habitat restoration.

D. Water quality and demand. A description of the site's existing hydrogeologic and surface water characteristics, both quantity and quality, shall be provided in addition to the projected impact and demands of the project on these characteristics. The following additional information shall be provided:

(1) In areas where protection of surface or groundwater quality is of critical concern due to soil type, near-surface groundwater, or similar factors, a description of methods to minimize or avoid potential adverse impacts to surface water or groundwater resources during and after construction.

(2) If applicable, a description of methods to be used to store pesticides, herbicides and fertilizers and a letter from the appropriate Adams County agency indicating that proposed methods are in conformance with all established state and county regulations for the storage of hazardous materials.

E. Cultural resources. Those plans involving properties of, or ones adjacent to, a site listed with the National Register of Historic Places and/or a site listed on the Pennsylvania Register of Historic Places shall require the preparation of a statement which includes the following minimum considerations:

(1) A description of the site's historic features and their historic significance at the local, state and national level:

(2) A letter from the Historical Society of Adams County commenting on the proposed development's impact on the historic sites contained on or around the site. This letter should also contain any additional design and/or use recommendations that would further protect nearby historic resources.

F. Socioeconomic and public service impacts. In order for the Township to meet future demands for public services, the assessment shall include a description of the following:

(1) Estimate of the increase in population to be generated by the development.

(2) Estimate of the increase in the number of school-age children (four to 18) to be generated by the development.

ARTICLE V

Improvement and Construction Requirements

§ 195-26. Monuments and markers.

Monuments and markers shall be placed so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They shall be set so that the top of the monument or marker is level with the finished grade of the surrounding ground. Monuments shall be marked on top with a copper or brass plate or dowel set in the concrete.

A. Monuments.

(1) Monuments shall be set:

(a) At the intersections of all right-of-way lines.

(b) At the intersection of lines forming angles in the boundaries of the development.

(c) At such intermediate points as may be required by the engineer.

(2) Monuments shall be six inches square or four inches in diameter, 30 inches long and made of concrete, stone, or be setting a four-inch cast-iron or steel pipe filled with concrete.

B. Markers.

(1) Markers shall be set:

(a) At all lot corners except those monumented.

(b) Prior to the time the lot is offered for sale.

(2) Markers shall be 3/4 of an inch square or 3/4 of an inch in diameter, and 15 inches long. Markers shall be made of iron pipes or steel bars.

C. Removal. Any monuments or markers that are removed shall be replaced by a registered engineer or surveyor at the expense of the person removing them.

§ 195-27. Streets.

Streets shall be surfaced to the grades and dimensions drawn on the plans, profiles, and cross sections submitted by the developer and approved by the Township. All streets shall be constructed in accordance with the Pennsylvania Department of Transportation and Township specifications. Before paving the street surface, the developer shall install the required utilities and provide, where necessary, adequate stormwater drainage for the streets, as acceptable to the Township. Following a review of the development plan and consultation with the developer and the governing body of the municipality in which the development is located, the Township shall determine the type of development and the specifications for the base and wearing surface of the streets in accordance with the following:

A. Urban or suburban developments. **[Amended 8-9-2000 by Ord. No. 8-9-2000]**

(1) Streets and alleys shall be surfaced to the grades and dimensions drawn on the plans, profiles, and cross sections submitted by the developer and approved by the Township. All streets shall be constructed in accordance with the Pennsylvania Department of Transportation specifications and to specifications adopted by Freedom Township, either by ordinance or resolution.

(2) Before paving the street surface, the developer shall install the required utilities and provide, where necessary, adequate stormwater drainage for the streets, as approved and acceptable to the Township. The Township Engineer and/or Inspector must be given an opportunity to inspect such installations prior to the street being paved.

(3) Arterial streets. For the construction of arterial streets, the developer shall consult with the Township and be governed by the Pennsylvania Department of Transportation specifications for the method of construction to be used. The Township shall decide if a collector or arterial street is required as a direct result of the construction of the development, in which case the developer shall be responsible for the costs of such street there of in accordance with law.

B. Private streets.

(1) All private streets shall be constructed in accordance with § 195-27 or bonded in accordance with § 195-41 of this chapter prior to approval of the final plan.

(2) Whenever a developer proposes to establish a street which is not offered for dedication to public use, the Township will require the developer to submit, and also to record with the plan, a copy of an agreement made with the Township on behalf of his heirs and assigns, and signed by the Township Solicitor, and which shall establish the conditions under which the street may later be offered for dedication, and shall stipulate among other things:

(a) That the street shall conform to the Township specifications or that the owners of the abutting lots shall include with the offer of dedication sufficient money, as estimated by the Township Engineer, to restore the street to conformance with the Township specifications.

(b) That an offer to dedicate the street shall be made only for the street as a whole.

(c) That the method of assessing repair costs be as stipulated.

(d) That agreement by the owners of more than 50% of the front footage thereon shall be binding on the owners of the remaining lots.

C. Streetlights. In any proposed development involving 10 or more lots or dwelling units with an average lot size or area per dwelling unit of 15,000 square feet or less, a streetlight meeting Township requirements shall be installed at one corner of every intersection. The Township shall also require the developer to install individual property lights in the ratio of one to each lot. The light shall be controlled by a dusk to dawn sensor. The light shall have the capability of 60 to 100 watts and be installed five feet from the street right-of-way line. The lights shall be owned and maintained by the

property owners. This requirement shall become a restriction in the deed of each lot created by this subdivision.

D. Street signs. Street name signs shall be placed at one corner of every intersection. The design must be according to Township requirements.[10]

§ 195-28. Curbs and gutters.

A. Curbs shall be installed on both sides of any proposed street included in a proposed subdivision. Curbs may also be required on existing streets where curbs are necessary to control the flow of surface water and regulate traffic.

B. Curbs shall be provided in all parking compounds located within multifamily, commercial, and industrial developments.

C. All curbs shall be twenty-four-inch vertical curbs and constructed of cement concrete. The construction of vertical curbs shall conform to the requirements of Section 630, Plain Cement Concrete Curb, Type A, of the Pennsylvania Department of Transportation Specifications 1987, or as amended. At the discretion of the Supervisors, rolled curb and gutter-type curbs may be constructed using a curbing machine.

D. Curb cut ramps shall be provided for the physically handicapped as required by Section 228 of the 1973 Highway Safety Act of the Commonwealth of Pennsylvania.

§ 195-29. Sidewalks.

In any proposed subdivision or land development with an average lot size or area per dwelling unit of 15,000 square feet or less, or where any subdivision is immediately adjacent to or within 1,000 feet of any existing or recorded subdivision having sidewalks, sidewalks shall be installed on each side of the street in accordance with Township requirements. The Township may also require installation of sidewalks in any subdivision or land development where the evidence indicates that sidewalks are necessary for the public safety.

A. Sidewalks shall be within the right-of-way of the street and shall extend in width from the right-of-way line toward the curbline.

B. Sidewalks shall be at least four feet wide. In the vicinity of shopping centers, schools, recreation areas and other such facilities, sidewalks shall be at least five feet wide and located within the street right-of-way.

C. All sidewalks shall be constructed of Type 1 Class A concrete.

D. Sidewalks shall be of a uniform depth of four inches, except where crossed by driveways, where the depth shall be six inches for residential driveways and eight inches for commercial driveways. The width of the sidewalk shall be the width specified in the ordinance.

E. Contraction joints shall be spaced no more than five feet apart.

---

10. **Editor's Note: Original Subsection E, Street trees, which immediately followed this subsection, was repealed 8-9-2000 by Ord. No. 8-9-2000.**

F. Sidewalks shall have a minimum of four inches of crushed stone beneath them.

G. The forms used shall be of metal. All forms shall be smooth, straight, and free from warp.

§ 195-30. Sewer and water supply systems.

All sanitary sewer and water supply systems located in any designated floodplain district shall be floodproofed up to the regulatory flood elevation.

A. Private and on-site sewer systems.

(1) All properties shall be connected to a public sanitary sewer system, if possible.

(2) Where a public sanitary sewer system is not accessible, but is proposed for extension within five years to the development or to within 1,000 feet of the development, the developer shall install sewer lines, including lateral connections, to provide adequate service to each lot when connection with the public system is made. The sewer lines shall be capped at the street right-of-way line. When capped sewers are provided, on-site disposal facilities shall also be provided. If the available engineering and design information for the proposed public system is insufficient to insure the proper installation of capped sewer lines, the developer shall, at the Township's discretion, provide for the eventual installation by creating an escrow account in an amount sufficient to provide for the eventual construction of said sewer lines. The sewer line shall be installed and inspected in accordance with Township specifications.

(3) If no public system is either proposed within five years or within 1,000 feet of the development, the Township Supervisors may require that a study be prepared to determine the feasibility of constructing a private sewer system or treatment facility, or connecting to an existing private or public system over 1,000 feet away.

(4) Upon completion of any sanitary sewer system installation, the plan for the system as built shall be filed with the Township.

(5) Where none of the above alternatives are possible or feasible, an individual sewage disposal system consisting of a septic tank and absorption field or other approved sewage disposal system shall be provided for each lot at the time improvements are erected or installed thereon. All such individual sewage disposal systems shall be constructed in accordance with the Pennsylvania Department of Environmental Protection regulations. No community on-site septic systems will be permitted.

B. Private and on-site water systems.

(1) Where a water main supply system is within 1,000 feet of, or where plans approved by the Township provide for the installation of such public water facilities, the developer shall provide the development with a complete water main supply system to be connected to the existing or proposed water main supply system in accordance with the Township's requirements. If the available

engineering and design information for the proposed public system is insufficient to insure the proper installation of such water main supply system, the developer shall, at the Township's discretion, provide for the eventual installation by creating an escrow account in an amount sufficient to provide for the eventual construction of the system.

(2) If connection to a public water supply system is not possible, a report on the feasibility of constructing a separate water supply system may be required by the Township, and a report shall be submitted setting forth the findings. The report shall include, among other factors, a hydrogeologic study of groundwater occurrence and movement, aquifer characteristics, available drawdown, well efficiency, groundwater recharge, existing wells, water demands, quality of water, etc.

(3) The plans for installation of a private water supply system shall be prepared by the land developer, and approved by the Pennsylvania Department of Environmental Protection. Upon completion of any water supply system, the plan for the system as built shall be filed with the Township.

(4) Where none of the above alternatives are possible or feasible, an individual water supply system shall be installed.

(a) The water supply yield shall be adequate for the type of development proposed.

(b) The installation of such systems shall not endanger or decrease groundwater supplies of adjacent properties.

(c) Any such individual system shall meet any applicable Pennsylvania Department of Environmental Protection regulations.

C. Association or other organizations for operating and maintaining of the private systems.

(1) When private sewage treatment systems and/or water supply systems are installed by the developer, an association or other organization must be established by the developer to operate and maintain the systems.

(2) Any and all legal documents involved in establishing this association or other organization must be submitted and approved by Freedom Township prior to approval of the final plan.

§ 195-31. Fire hydrants. [Amended 8-9-2000 by Ord. No. 8-9-2000]

A. Fire hydrants shall be provided as part of any public or private water supply system.

B. Fire hydrants shall be designed and installed:

(1) With couplings which are compatible with and approved by the Fire Department servicing the development; and

(2) In accordance with specifications as set forth by the National Fire Prevention Association; and

(3) At intervals of not more than 600 feet, unless otherwise specified by the Middle Department Association of Fire Underwriters.

§ 195-32. Stormwater drainage and stormwater management. [Amended 8-9-2000 by Ord. No. 2000-08-09; 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-02]

See Chapter 184, Stormwater Management.

§ 195-33. Erosion and sedimentation.

All development applications which involve grading or excavation shall conform to the requirements of the rules and regulations of the Pennsylvania Department of Environmental Protection pertaining to erosion and sedimentation. It shall be the responsibility of the applicant to secure approval of the Department of Environmental Protection. Approval of plans by the Township shall not be construed as approval under such regulations.

§ 195-34. Floodplain.

A. The Floodplain Corridor shall be defined and established as the area of inundation which functions as a storage or holding area for flood water to a width required for a 100-year flood, as delineated in one of the following reports:

(1) A hydrologic report prepared by an individual registered in the Commonwealth of Pennsylvania to perform such duties.

(2) A hydrologic report prepared by an agency of the U.S. government.

B. In case of any dispute concerning the boundaries of a Floodplain Corridor, the Township shall determine the ultimate location.

C. Whenever a Floodplain Corridor is located within or along a proposed land development, the plan shall include the location of the Floodplain Corridor with a plan note that:

(1) The floodway shall be kept free of structures, fill, and other encroachments.

(2) Any structures located within the floodway fringe shall be floodproofed to the limits of the Floodplain Corridor.

D. All floodplain lands shall be excluded in the minimum lot area calculations. Additionally, the floodplain and/or floodway area shall be identified by elevation or by approximate distance from the center line of the stream channel. Floodplain and floodway lines need not be identified by distances and bearings.

E. No subdivision and/or land development, or part thereof, shall be approved if the proposed development and/or improvements will, individually or collectively, increase the 100-year flood elevation more than one foot at any point.

F. If the Township determines that only a part of a proposed subdivision can be safely developed, the Township shall limit development to that part and shall require that development proceed consistent with this determination.

§ 195-35. Underground utility lines.

Electric, telephone, and all other utility facilities shall be installed underground and shall be floodproofed up to the regulatory flood elevation. The developer shall be required to obtain a letter from the appropriate utility company confirming that the developer has entered into an agreement to provide for an underground electric and telephone system in accordance with the Pennsylvania Public Utility Commission Investigation Docket No. 99, as amended, or has obtained a waiver from said Pennsylvania Public Utility Commission to allow overhead electric and telephone lines.

§ 195-36. Petroleum lines.

When any petroleum or petroleum products transmission line traverses a land development, the developer shall confer with the applicable transmission or distributing company to determine the minimum distance which shall be required between each dwelling unit and the center line of such petroleum or petroleum products transmission line.

§ 195-37. Natural gas lines.

The minimum distance from a natural gas line to a dwelling unit shall be as required by the applicable transmission or distributing company, or as shall be required by the Department of Transportation under the Natural Gas Pipeline Safety Act of 1968, as amended,[11] whichever is greater.

§ 195-38. Dedication of land, or payment of fees. [Amended 12-12-2018 by Ord. No. 2018-03]

A. Purpose. The purpose of this section is to implement the Freedom Township Recreation Plan of 2018, as specifically enabled by Section 503(11) of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.[12]

B. General requirement. This section applies to residential subdivision and/or land development proposals that would result in the development of three or more dwelling units, cumulatively, on a property following the effective date of § 195-38. The provisions of § 195-38 shall not apply to any plan application, whether preliminary or final, pending at the time of enactment of § 195-38.

C. Land dedication. Applicants subject to the requirements of this section shall dedicate to the Township land suitable for park and recreation use. The amount of land to be dedicated shall be 0.024 acres for every dwelling unit, as may be amended by resolution of the Board of Supervisors from time to time. Land to be dedicated shall be identified on the preliminary plan and final plan submission where both preliminary plan and final plan submission is required. Where only final plan submission is required, the land to be dedicated shall be depicted on the final plan submission.

---

11. Editor's Note: The Natural Gas Pipeline Safety Act of 1968 has been repealed; see now 49 U.S.C. § 60101 et seq.

12. Editor's Note: See 53 P.S. § 10503(11).

D. Quality of land to be dedicated. The land to be dedicated to the Township for parks and recreation purposes shall be suitable for the provision of parks and recreation facilities. The dedicated land shall comply with the following requirements.

(1) The dedicated land shall not be located within any floodway.

(2) No more than 10% of the dedicated land may include designated wetlands or hydric soils.

(3) No more than 20% of the dedicated land may include slopes exceeding 8%.

(4) The dedicated land shall not include any existing or proposed infrastructure facilities, including, but not limited to, stormwater management facilities, pump stations, utility or transmission line rights-of-way, or roads.

(5) The dedicated land shall not include any area with confirmed or suspected environmental hazards, or other areas that may pose a health or safety concern.

(6) The dedicated land shall not include land that contributes to any required setback, buffer, or other protection area that may be required by this chapter or any other Township ordinance.

(7) The dedicated land shall meet the lot requirements of § 195-23 of this chapter. However, the dedication of land oriented in a flag or panhandle lot configuration shall not be authorized.

(8) The dedicated land shall be located in a manner that furthers goals and objectives found in applicable state, county, regional, and adjoining municipal parks and open space planning, specifically to encourage the development of a regional parks, recreation, and open space network.

E. Quantity of land to be dedicated. Any land to be dedicated to the Township for parks and recreation purposes shall be a minimum of one acre in size, not including any designated wetlands, hydric soils, or slopes exceeding 8%.

F. Improvement of land to be dedicated. Where parks and recreation land dedication is proposed, the land to be dedicated shall be improved in accordance with the following.

(1) Recreational facilities.

(a) Recreation facilities shall address recreation facility deficits as identified in the Freedom Township Recreation Plan, as adopted or amended. The applicant shall provide recreation facilities in accordance with the following table.

Dwelling Units	Total Number of Recreation Facilities
24 or fewer	1
25 to 49	2
50 to 75	3
76 to 99	4

Dwelling Units	Total Number of Recreation Facilities
100 to 199	5
200 to 299	6
300 to 399	7
400 or more	8, plus 1 additional facility for every 150 additional dwelling units beyond 400.

(b) Recreation facilities shall include, but are not limited to, trails, playground areas, basketball courts, volleyball courts, tennis courts, softball and/or baseball fields, soccer and/or football fields, and pavilions. The mix of recreation facilities shall be determined and approved by the Township Supervisors.

(2) Recreation facilities shall be provided with safe and convenient access by pedestrian, bicycle, and automobile modes of transportation. The site shall be provided with appropriate means to allow for maintenance and/or emergency vehicle access. Where new recreation facilities are located adjacent to existing recreation facilities or other sites where the provision of recreation or open space facilities is likely in the future, a system of pedestrian/bicycle trails shall be provided to allow safe and convenient movement from one site to another.

(3) Recreation facilities shall not be divided by either public or private streets.

(4) Recreation facilities shall be suitably landscaped either by retaining existing vegetation and wooded areas and/or by a landscaping plan designed to enhance the facilities through the installation of plantings which are consistent with the purposes of this section.

(5) Recreation facilities shall be conveniently accessible to the general public to improve the utility of the facilities and to promote use of the facilities by the residents. The recreation facilities shall also be located in a manner that respects the privacy needs of those existing or future residents who adjoin the site.

(6) The construction of required recreation facilities shall be bonded in accordance with applicable posting of financial security requirements of this chapter.

G. Payment of recreation fee in lieu of land dedication. In lieu of dedicating park and recreation land to the Township, an applicant may choose to pay a recreation fee to the Township. The amount of the recreation fee shall be $1,809.19 for every dwelling unit, as may be amended by resolution of the Board of Supervisors from time to time. The payment of recreation fees in lieu of land dedication shall meet the following requirements.

(1) The Township shall administer the collected fees in accordance with the requirements set forth in Section 503(11) of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.[13]

(2) The applicant shall pay the required recreation fees prior to the approval and signature by the Township Supervisors of the final plan. Where a residential subdivision or land development plan is approved in phases, the applicant shall pay the required recreation fees prior to the approval and signature of each phase.

H. Combination of land dedication and payment of recreation fees. Nothing herein shall prevent an applicant from proposing a combination of park and recreation land dedication and payment of recreation fees to satisfy the requirements of this section. Where proposed, the combination of land dedication and payment of recreation fees shall meet the following requirements.

(1) The combination of land dedication and payment of recreation fees shall result in an equivalent amount of park and recreation land provided for Township residents when compared to the amount of park and recreation land provided by the utilization of either the land dedication or the payment of recreation fees provision.

(2) The amount of land to be dedicated shall continue to be of sufficient size to provide for necessary parks and recreation facilities or shall be combined with land already dedicated to the Township for parks and recreation use on an adjoining parcel.

(3) The Township Supervisors shall determine, at their discretion, whether a proposed combination of land dedication and payment of recreation fees shall be approved.

§ 195-39. Water areas.

In a development abutting a lake, river, or other significant water body, the Board of Supervisors, upon consultation with the Planning Commission, may request the dedication or reservation of:

A. Any title to the water body the developer may possess beyond the wharf or dock line for public use.

B. Up to 20% of the land abutting the shore for public use.

C. When two or more lots abut a private pond or body of water, and all or part of the pond is to be part of the lot, a homeowners' association must be responsible for the maintenance of the pond.

13. Editor's Note: See 53 P.S. § 10503(11).

§ 195-40. Reservations.

On sites reserved for eventual public acquisition, no building development is permitted during the period of reservation. Said period of time not to extend more than 12 months without consent of the developer. Such reservations shall be noted on the final plan.

§ 195-41. Completion of improvements or guarantee thereof; prerequisite to final plan approval.

A. No plan shall be finally approved unless the streets shown on such plan have been approved to a mud-free or otherwise permanently passable condition, or improved as may be required by this chapter, and any walkways, curbs, gutters, streetlights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains and other improvements as may be required by this chapter have been installed in accordance herewith. In lieu of the completion of any improvements required as a condition for the final approval of a plan, the Supervisors shall require, for deposit with the Township, financial security acceptable to the Supervisors in an amount sufficient to cover the costs of such 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.

B. Without limitation as to other types of financial security which the Township may approve, 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 purposes of this subsection. 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. 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. In the case where the development is projected over a period of years, the Supervisors may authorize submission of final plans by section or phase of the development subject to such requirements or guarantees as it finds essential for the protection of any final approved section of the development.

C. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration or 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 the subsection.

D. The amount of financial security required shall be based upon an estimate of the cost of the completion of the required improvements, submitted by an applicant or developer

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

E. In the event a corporate bond or other financial security has been offered in lieu of completion of improvements for final plan approval, the developer shall construct and maintain a passable roadway, along with any other improvements required for lots which are occupied prior to acceptance of the roadway and/or other improvements by the Township. Such maintenance shall continue for the entire bonded period.

F. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting the 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 bidding procedure.

§ 195-42. Release from improvement bond.

A. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Supervisors in writing, by certified mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Supervisors shall, within 10 days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer, shall, thereupon, file a report, in writing, with the 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 by the Supervisors; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection. The Supervisors shall notify the developer, in writing by certified or registered mail of the action of the Supervisors with relation thereto. If any portion of the said improvement shall not be approved or shall be rejected by the Supervisors, the developer shall proceed to complete the same and upon completion, the same procedure of notification, as outlined in this chapter, shall be followed.

B. As the work of installing required improvements proceeds, the developer who has posted the financial security may request the governing body to release or authorize the release from time to time such portions of the financial security necessary for payment

to the contractor or contractors performing the work. Any such request 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 or other designated inspector 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 Township shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer or inspector fairly representing the value of the improvements completed. The Township may, prior to final release at the time of completion of said improvements and certification by its engineer or inspector, require the retention of 10% of the estimated cost of said improvements.

C. Where the Board of Supervisors accepts the dedication of all or some of the required improvements following completion, the Supervisors may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan and in any related agreements 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 above with regard to installation of said improvements and the amount of the financial security shall not exceed 15% of the actual cost if installation of said improvements.

D. The Township may prescribe that the applicant shall reimburse the Township for the reasonable and necessary expenses incurred for the inspection of all subdivision and land development improvements. Such reimbursement shall be based upon a schedule established by Township resolution.

§ 195-43. Remedies to effect completion.

In the event that any improvements which are required have not been installed as provided in this chapter or in accord with the approved final plan, the Township is hereby granted the power to enforce any corporate bond or other security by appropriate legal and equitable remedies. If 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 such security, the Township may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Township purpose.

§ 195-44. Dedication of improvements.

A. Upon installation by the developer and subsequent inspection by the Township Engineer, the developer shall take final steps to dedicate the improvements and have them accepted by the Township. The recording of the final plan, following approval by the Board of Supervisors, has the effect of an irrevocable offer to dedicate all streets and other public ways and areas to public use. The offer, however, does not impose any duty on the Township concerning maintenance of improvements until the proper

authorities of the Township have made actual acceptance, either by ordinance or resolution.

B. The developer must maintain the streets and/or other improvements for a period of 18 months to be eligible for dedication to the Township or, in the alternative, the developer must provide a maintenance bond for at least 18 months as further provided in § 195-42 of this chapter.

§ 195-45. Landscaping. [Added 8-9-2000 by Ord. No. 8-9-2000]

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

DECIDUOUS PLANT — A woody perennial which loses its foliage at the end of each growing season.

DENSE SCREEN — A series of vegetative plantings which provides essentially an opaque screen.

DRIPLINE — An imaginary ground line around a tree that defines the limits of the tree canopy.

FOUNDATION AREA — The ground area immediately adjacent to a building on all sides thereof. Foundation areas extend a minimum of four feet in all directions from the foundation of the building.

GROUND COVER — A low perennial, may be flowering, (excluding annuals and turf grasses) with a mature height of between three and 18 inches.

ISLAND — In parking area design, a raised planting area, either terminal or landscape divider strip, usually curbed, and placed to guide traffic, separate lanes, limit paving (impervious surface), preserve existing vegetation, and provide space for landscaping which helps to screen and shade parking lots for the purpose of minimizing heat gain.

LANDSCAPE PLAN — The preparation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features, such as plantings, ground, and water forms, circulation, walks, and other structural features.

LANDSCAPING — Defined as any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as rock, stone, bark chips, or shavings; and structural features, including but not limited to fountains, reflecting pools, outdoor artwork, screen walls, fences, or benches.

PARKING AREA — That area within an off-street parking lot which includes any paved surface within 10 feet of a parking space.

PLANTING UNIT (PU) — A unit of measure used to determine the quantity of plantings required in a residential, commercial, industrial, or other development project. For the purposes of this chapter, one planting unit (PU) equals one major deciduous tree, two minor deciduous trees, or two evergreen trees, and five shrubs.

REGISTERED LANDSCAPE ARCHITECT — A person who holds a license to practice landscape architecture as defined in and in accordance with state law.

SCREENING — A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation or a combination thereof.

SHRUB — A multistemmed woody plant differing from a tree by its low stature and habit in branching from the base.

TREE PROTECTION ZONE — The area around a tree corresponding to the dripline of the tree canopy or 10 feet in all directions from the trunk.

TREE, CANOPY — Any self-supporting woody plant with one well-defined trunk and a distinct and definite formed crown which attains a height of at least 30 feet at maturity.

TREE, EVERGREEN — Any self-supporting woody plant with one well-defined trunk, a conical shape and needle-like or scale-like foliage retained year-round which attains a height of at least 25 feet at maturity.

TREE, MAJOR DECIDUOUS — A canopy tree with a minimum mature height of 30 feet and a minimum caliper at the time of planting of two inches.

TREE, MINOR DECIDUOUS — A small tree or large shrub with a mature height of between 10 feet and 25 feet and a minimum caliper (for trees) at the time of planting of one inch.

B. Landscape plans.

(1) Purpose. It is the purpose of this section to establish minimum standards for the provision, installation and maintenance of landscape plantings in order to protect the health, safety and welfare of the community. Furthermore, it is the intent of this section to:

(a) Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment, including but not limited to the improvement of air quality, the maintenance of areas essential for stormwater management and aquifer recharge and reducing air, noise, heat and chemical pollution.

(b) Provide direct and important physical and psychological benefits through the use of landscaping to reduce noise and glare and to soften the harsher aspects of development.

(c) Preserve existing natural vegetation and incorporate native plants and plant communities into landscape design.

(d) Establish procedures and standards for the administration and enforcement of the landscaping requirements of this chapter.

(2) Content. When required by the Freedom Township Board of Supervisors as part of the subdivision and land development process, landscape plans shall:

(a) Be prepared by a registered landscape architect.

(b) Be drawn at a minimum scale of one inch to 30 feet and include appropriate dimensions and distances;

(c) Show the location of existing boundary lines and dimensions of the tract, existing and proposed streets, access drives and parking areas, and proposed land usage.

(d) The location of existing and proposed utility easements on or adjacent to the tract, including the location of overhead power lines.

(e) The location and species of existing trees having a minimum caliper of six inches. Designate trees with a graphic symbol depicting current plant spread.

(f) The location, sizes and type of proposed and preserved landscaping and the size of the proposed landscape area. Botanical nomenclature as well as common names must be included. Ground cover types and shrub masses shown using limits of the planting mass. Designate location of proposed trees with a graphic symbol depicting mature plant spread.

(g) The description of the methods that shall be used to protect existing trees from damage during construction.

(h) Include a table clearly displaying the relevant information necessary for the Board of Supervisors to evaluate compliance with the provisions of this chapter. Such a table shall include gross acreage, acreage of preservation areas, quantity and size of proposed and preserved plant materials and other such information as the Board of Supervisors may require.

C. Requirements for land developments.

(1) Attached residential development. For single-family attached (townhouse) or multifamily residential development projects, or for residential projects including a mixture of dwelling unit types, the following landscaping standards shall be applied:

(2) Quantity of landscaping. A minimum of two planting units shall be required for every proposed dwelling unit.

(a) Street trees. Street trees shall be planted in the development, if deemed appropriate by the Freedom Township Board of Supervisors, and conform to the following specifications.

[1] At least one major deciduous tree shall be planted at a maximum interval of 50 feet along both sides of all streets of the development.

[2] The required street trees shall be planted at least five feet from the sidewalk. No shade trees shall be planted between the sidewalk and the curb unless a minimum planting strip of six feet is provided between the curb and the sidewalk.

[3] Under no circumstances shall any of the following trees be permitted to be planted as street trees: varieties of poplars, varieties of willows, white of silver maple (Acer saccharinum), varieties of Aspen, common black locust, Norway maple or Bradford pear.

(b) Credit for existing vegetation. For multifamily residential development projects, or those projects which include a mixture of dwelling unit types, credit for up to 50% of the minimum landscaping quantity requirements may be given for retaining existing major deciduous trees on the site, provided that the following conditions apply:

[1] The major deciduous trees are in good health.

[2] The major deciduous trees are located with in 25 feet of a least one dwelling unit.

[3] The applicant agrees to replace any major deciduous tree, which contributes to the minimum quantity of landscaping with another major deciduous tree if it should die within two years of the completion of the development.

(3) Detached residential development. For single-family detached or single-family semidetached residential development projects, the following landscaping standards shall be applied:

(a) Quantity of landscaping. A minimum of one planting unit shall be required for every proposed dwelling unit.

(b) Shade trees. Street trees shall be provided, if deemed appropriate by the Freedom Township Board of Supervisors, in accordance with the standards specified in § 195-45C(2)(a), herein.

(4) Nonresidential development.

(a) Quantity of landscaping. A minimum of one planting unit shall be required for every proposed dwelling unit.

[1] A minimum of one planting unit shall be provided for each 20 linear feet of center line along adjacent and interior roads.

[2] A minimum of two planting units shall be provided for every 100 square feet, or fraction thereof, of building coverage.

[3] Shade trees. Street trees shall be provided, if deemed appropriate, by the Freedom Township Board of Supervisors, in accordance with the standards specified in § 195-45C(2)(a), herein.

(b) Credit for existing vegetation. Credit for up to 50% of the minimum landscaping quantity requirements may be given for retaining major deciduous trees on the site, provided that the following conditions apply:

[1] The major deciduous trees are in good health.

[2] The major deciduous trees are located within 25 feet of the nonresidential use.

[3] The applicant agrees to replace any major deciduous tree which contributes to the minimum quantity of landscaping with another

major deciduous tree if it should die within two years of the completion of the development.

(5) Parking lots. Parking lots shall be designed to conform with the following requirements and comply with the standards as specified in § 230-66D of Chapter 230, Zoning.

(a) Landscaping within the parking area of all off-street parking lots containing 25 or greater parking spaces shall be required and shall comply with the following:

[1] Terminal landscaped islands shall be provided at both ends of all rows of parking spaces. Terminal landscaped islands shall be designed to protect parked vehicles, to help define the traffic circulation pattern of the parking lot and to provide landscaping area.

[2] Each terminal landscaped island shall measure not less than five feet in width and 15 feet in length.

[3] A landscaped divider strip between abutting rows of parking shall be installed. Landscaped divider strips shall be designed to help define the traffic circulation pattern, to provide visual breaks within the parking area and to help separate pedestrian and vehicular traffic. Landscaped divider strips shall be a minimum of five feet in width.

[4] To mitigate the effects of heat buildup on asphalt parking lot surfaces, 50 feet of the lot must be shaded by tree canopy within 15 years or provide one tree and four shrubs for every twenty-five-foot interval within the landscaped islands. A minimum tree height of eight feet is required for all major deciduous trees.

[5] Curbing or wheel stops shall be provided around all landscaped islands and to prevent vehicular encroachment.

(b) Common residential parking lots with fewer than 20 spaces shall comply with the following landscaping standards:

[1] Provide 20 square feet of landscape area per parking space.

[2] A minimum of one canopy tree shall be planted for every twenty-foot interval of landscape area.

(c) Landscaping around the perimeter of the parking area shall be required which meets the following:

[1] Perimeter landscaped areas shall be provided around the perimeter of all parking areas, except where the one side of the parking area is bounded by a principal structure.

[2] The minimum width of the perimeter landscaping area around a parking area shall be 10 feet, measured outward from the edge of the parking lot.

[3] At least one major or two minor deciduous trees shall be planted for every twenty-foot interval within the perimeter landscaping area.

[4] The remaining area of the perimeter-landscaping strip shall be landscaped with appropriate ground cover, shrubs or grass.

(6) Screening in buffer yards. For all lots required to contain screening in buffer yards for the purpose of limiting visibility from adjacent tracts and lessen glare and noise, the following landscaping standards shall apply.

(a) New plantings shall be arranged to provide maximum protection to adjacent properties and avoid damage to existing plant material.

(b) The use of native species is encouraged.

(c) Minimum plant size, given either in height from the ground or in caliper measured one foot from the ground, and the minimum quantity of plant material required for every linear foot of required buffer as measured along the developed tract boundary shall be as follows:

[1] Canopy trees. One two-inch-caliper canopy tree for every 40 linear feet of required buffer, or use reforestation option.

[2] Reforestation option: Three one-inch-caliper canopy trees for every 40 linear feet of required buffer.

[3] Evergreen trees. One six-to-eight-feet-high evergreen tree for every 15 linear feet of required buffer.

[4] Flowering trees. One six-foot-high flowering tree for every 25 linear feet of required buffer.

[5] Shrubs. One eighteen- to twenty-one-inch container-sized shrub for every six linear feet of required buffer.

(d) Existing plants within the buffer area exceeding the minimum sizes shall be credited to the buffer requirements.

(e) All plantings shall be installed according to accepted horticulture standards. The following plant species are to be avoided due to their invasive and/or noxious nature: Norway Maples (Acer platanoides), purple loosestrife (Lythrum salicaria), bamboo (Phylostachys aubea), Japanese honeysuckle (Lonicer japonica), multiflora rose (Rosa multiflora) and tree of Heaven (Alanthus altissima).

(f) The proposed screening concept shall be shown on a landscape plan at time of submission of the final land development plan. The planting scheme (size, type and location of landscaping) shall be shown on the landscape plan for review by the Township.

D. Installation standards.

(1) The landscape contractor shall furnish and install and/or dig, ball, burlap or transplant all plant materials listed on the landscape plan. Bare root is not permitted for any tree.

(2) All plants shall be nursery grown. Plants taken from cold storage shall not be acceptable.

(3) A professional horticulturist/nurseryman shall be consulted to determine proper time to move and install plant material so that stress to the plant is minimized. Planting of deciduous material may occur during winter months, provided that there is no frost in the ground and frost-free topsoil planting mixtures are used.

(4) The landscape contractor shall excavate all plant pits, hedge trenches and/or shrub beds as follows:

(a) All pits shall be generally circular in outline, with vertical sides. Tree pits shall be deep enough to allow 1/8 of the ball to be above the existing grade. Tree pits must be a minimum of 10 inches larger on every side than the ball of the tree.

(b) If areas are designated as shrub beds or hedge trenches, they shall be cultivated to at least 18 inches in depth. Areas designated for ground cover shall be cultivated to at least 12 inches in depth.

(5) After cultivation, all plantings shall be mulched with a minimum three-inch layer of organic mulch or another similar material, approved by the Township Supervisors, over the area of the planting.

E. Maintenance requirements.

(1) General. The owner of land subject to this chapter shall be responsible for the maintenance of landscaping in good condition so as to present a healthy, neat and orderly landscape area.

(2) Pruning. All pruning should be accomplished according to good horticultural standards. Plants shall be pruned only as necessary to promote healthy plant growth. Unless approval is provided by the Board of Supervisors, plants shall be allowed to attain their normal size and shall not be severely pruned in order to permanently maintain growth at a reduced height.

(3) Mowing. Grass shall be mowed as required to encourage deep root growth.

(4) Edging, All roadway, curb and sidewalk components included in such landscape plans shall be edged in order to prevent encroachment from adjacent landscaped areas.

(5) Watering.

(a) General. All watering of planted areas shall be managed so as to:

[1] Maintain healthy flora;

[2] Make plant material more drought tolerant;

[3] Avoid excessive turf growth;

[4] Minimize fungus growth;

[5] Stimulate deep root growth;

[6] Minimize leaching of fertilizer; and

[7] Minimize cold damage.

(b) Promote vegetation growth. Watering of vegetation should always be in a sufficient amount to thoroughly soak the root ball of the plant and surrounding area, thereby promoting deep root growth and drought tolerance.

(6) Safety. All sight triangles shall remain clear, and any plant which could endanger safety such as unstable limbs shall be removed and the plant material replaced. It shall be the responsibility of the property owner to endure all plantings and architectural elements are maintained to provide a safe environment.

(7) Landscape guarantees. All landscaping required by this chapter shall conform to the following guarantees:

(a) The installation of required landscaping, in accordance with the approved landscape plan, shall be guaranteed in accordance with the requirements of § 195-41 of this chapter.

(b) In addition, any required vegetative element, which dies within 18 months of planting, shall be replaced by the developer. Any vegetative element which, within 18 months of planting or replanting, is deemed, in the opinion of the Building Permit Officer, not to have survived or to have grown in a manner uncharacteristic of its type shall be replaced. Substitutions for certain species of plants may be made only when approved by the Board of Supervisors.

ARTICLE VI
Fees

§ 195-46. Fees. [Amended 5-13-1993 by Ord. No. 93-1]

The following fees shall be paid by the subdivider or developer to the Township.

A. Filing fee. A filing fee as established by the Board of Supervisors by resolution will be paid at the time the preliminary application is submitted for approval.

B. Review fee.

(1) An engineering and/or professional consultants fees in the amount estimated by the Township Engineer and/or professional consultants on the basis of the preliminary plan to cover such costs, including but not limited to the following:

(a) Reviewing the plan for conformance to the provisions of the codes and ordinances of the Township.

(b) Site inspection for conformance to submitted subdivision or land development plan.

(c) Preparing cost estimates of required improvements.

(2) Such fees shall be sufficient to cover the costs of all necessary engineering and/or professional consultants reviews. Failure to pay such fees after notification of the costs and within 85 days of plan submission shall constitute grounds for denial of preliminary plan approval.

(3) The developer shall be reimbursed if the actual cost is under the estimated cost. The developer shall be required to pay any additional amounts required because of unforeseen circumstances after any such amounts have been authorized by Township Supervisors.

(4) Review fees may include reasonable and necessary charges by the Township's professional consultants and/or engineer for review and report thereon to the Township. Such review fees shall be based upon a schedule established by ordinance or resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the municipal engineer or consultant 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.

(a) In the event the applicant disputes the amount of any such review fees, the applicant shall, within 100 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. **[Amended 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-03]**

(b) 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 set forth in § 195-46C below.

C. Inspection fees. The applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.

(1) In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within 100 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. **[Amended 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-03]**

(2) If the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, the provisions outlined in Section 510G(2) through (7) of the Municipalities Planning Code [53 P.S. § 10510(g)(2) through (7)] should be followed. **[Amended 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-03]**

(3) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

(4) In the event that the Township and applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Township is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five years.

(5) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by $1,000 or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay one-half of the fee of the appointed professional engineer.

§ 195-47. Resubmission of plans.

Where plans are resubmitted following disapproval by the Township, no fee shall be charged for resubmission, provided the rereview involves changes only to those items for which the plan was originally disapproved.

§ 195-48. Mobile home park fees.

The fees for a mobile home park permit, the transfer of mobile home park permits, and fees for removal of the mobile home shall be determined by resolution.

§ 195-49. Fee Schedule.

The Township shall adopt by resolution a Township Subdivision and Land Development Fee Schedule. The Township shall not be required to review any plan unless the fees as provided

in the Fee Schedule are first paid to the Township. Nothing shall prevent the Township, by resolution, from enacting or adopting fees necessary for the enforcement, review, and inspections required pursuant to this chapter even though the same are not specifically listed in this article.

ARTICLE VII
Modifications

§ 195-50. General.

Upon cause shown by an applicant, the Board of Supervisors may grant a modification of the requirements of one or more provisions of this chapter in instances where the literal enforcement thereof would exact undue hardship because of the peculiar conditions pertaining to the land in question; provided, however, that such modification will not be contrary to the public interest and that the purpose and intent of this chapter will be observed.

§ 195-51. Procedure.

A. Any request for a modification shall be in writing and shall accompany and be part of the application for subdivision or land development.

B. 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 this chapter involved, the exact variance therefrom which is requested and an indication regarding the minimum modification which is necessary to achieve the desired result.

C. The Board of Supervisors may, at their discretion, submit their request for modification to the Freedom Township Planning Commission for their advisory comments. All requests for modifications shall be acted upon by the Board of Supervisors at the time that they act on the submitted plan. Said modification shall have effect only when approved by the Board of Supervisors.

D. A written record of all actions taken by the Board of Supervisors on requests for modifications shall be kept on file in the Township offices.

ARTICLE VIII
Administration, Enforcement, and Penalties

§ 195-52. Administration and enforcement.

A. The Board of Supervisors shall have the duty and authority for the administration and general enforcement of the provision of this chapter, as specified or implied herein. Officials of the Township having regulatory duties and authorities connected with, or pertinent to, the subdivision, use or development of land shall have the duties and authorities for the controlling enforcement of the provisions of this chapter, as specified or implied herein or in other ordinances of the Township.

B. Permits required by the Township for the erection or alteration of buildings, the installation of sewers or sewage disposal systems, or for other appurtenant improvements to, or use of, the land, shall not be issued by any Township official until he has ascertained that the site for such building, alteration, improvement, or use is located in a development approved and publicly recorded in accordance with the provisions of this chapter. Also, such permits shall be issued only after it has been determined that the site for such building, alteration, improvement, or use conforms to the site description as indicated by the approved and recorded final plan or other land description acceptable in accordance with the provisions of this chapter, and that it is in compliance with all applicable provision of this chapter.

C. The Township Building Permit Officer shall require that applications for building permits contain all the information necessary for him to ascertain that, and he shall not issue any building permit until he determines that, the site and plan for the proposed building, alteration, or other improvement is acceptable in accordance with the provisions of this chapter. The Township Sewage Enforcement Officer shall require that applications for sewage disposal system permits contain all the information for him to ascertain that, and he shall not issue any sewage disposal permits until he determines that, the site for the proposed system is acceptable in accordance with the provisions of this chapter.

§ 195-53. Violations and penalties.

A. Any person, partnership, or corporation who or which being owner or agent of the owner of any lot, tract, or parcel of land, shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes, or for the common use of occupants of buildings abutting thereon, or who sells, transfers, or agrees, or enters into an agreement to sell any land in a subdivision or land development whether by reference to, or by other use of, a plat of such subdivision or land development or otherwise, or erect any building thereon, unless and until a final plan has been prepared in full compliance with the provisions of this chapter and of the regulations adopted hereunder and has been recorded as provided herein, shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than $500 plus all court costs, including reasonable attorney's fees incurred by the municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation hereof.

B. The description of such lot or parcel by metes and bounds in instrument of transfer, or other document used in the process of selling or transferring, shall not exempt the seller or transferor from such penalties, or from the remedies herein provided. The Township may also enjoin such transfer or sale or agreement by action for injunction brought in any court or equity jurisdiction, in addition to the penalty herein provided.

§ 195-54. Action for relief by Township.

A. The Board of Supervisors may obtain a writ of injunction against the owner or agency who attempts the improper sale or conveyance of land to set aside and invalidate any conveyances of land made prior to final plan approval of any development.

B. 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 of 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 form the remedies herein provided.

C. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this chapter. This authority to deny such permit or approval shall apply to any of the following applicants:

(1) The owner of record at the time of such violation.

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

(3) The current owner or 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 the violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

§ 195-55. Other actions.

Nothing herein shall prevent the Board of Supervisors from taking such other action necessary to prevent or remedy any violation.

§ 195-56. Appeals.

The decision of the Board of Supervisors with respect to the approval or plans may be appealed to any court by any party or any officer or agent of the developer. Such appeal shall be filed not later than 30 days following the date of the decision from which the appeal is taken.

§ 195-57. Severability clause.

If any provisions of this chapter shall be determined to be invalid or unconstitutional by a recognized court of the commonwealth, such determination shall not affect the legality of the remaining provisions of this chapter.

ARTICLE IX
Mobile Homes and Mobile Home Parks

§ 195-58. Provisions included.

This article contains provisions setting forth minimum standards for the design, construction, alteration, extension, and maintenance of mobile home parks and related utilities and facilities. Included also are regulations for the erection of mobile homes. Finally, also, provisions are included authorizing the issuance of permits for construction, alteration, and/or extension of mobile home parks, the licensing of those who operate mobile home parks, the inspection of mobile home parks by authorized Township Officials, and the fixing of penalties for any violation of any provision of this article.

§ 195-59. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE — Any subordinate structure incidental to and located on the same lot as the principal structure. For this article of the chapter, "accessory structure" would also include any addition or enlargement of a mobile home including the construction of any porch to said mobile home.

LICENSE — Written annual approval, in whatever form, as issued by the Township, authorizing a person to operate and maintain a mobile home park.

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, (single-wide) or in two double-wide 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 LOT — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

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

PERSON — Any individual, firm, trust, partnership, public or private association or corporation, or other entity.

RECREATIONAL VEHICLE — A vehicle which is designed for human occupancy under transient circumstances, such as camping, travel, or other recreation, sometimes variously known as a "travel trailer" or a "camping trailer."

SERVICE OR RECREATIONAL BUILDING — A structure housing operational offices, recreational, park maintenance and other facilities built to conform to required local standards.

§ 195-60. Permits for mobile home park construction, alteration or extension.

A. Permits required. It shall be unlawful for any person to construct, alter, or extend any mobile home park within the limits of Freedom Township unless a valid permit has been issued by the Township in the name of such person for the specific construction, alteration, or extension proposed.

B. Application to the Township. All applications for permits shall be made by the owner of the mobile home park or his authorized representative to the Township in accordance with its rules and regulations concerning mobile home parks. Such applications shall be accompanied by a plan drawn at a scale not smaller than one inch equals 50 feet and containing the following information, along with other information required under Article III of this chapter:

(1) Name of mobile home park.

(2) Name and address of owner of record and/or applicant.

(3) Name of engineer, surveyor or other qualified person preparing plan.

(4) North arrow, scale, and date of plan preparation.

(5) Location map.

(6) Site data:

(a) Number of mobile home lots.

(b) Total number of acres.

(c) Number of lots per acre.

(d) Number of off-street parking spaces.

(7) Topography showing existing and proposed contours at intervals of two or five feet, depending on the slope of the land.

(8) The location of any existing bodies of water or watercourses, floodplain areas, tree masses, building or structures, public facilities, and any other man-made or natural features within or near the proposed mobile home park area.

(9) A storm drainage plan, and storm drainage calculations. (See § 195-32 of this chapter.)

(10) Existing and proposed property, lot and boundary lines including building, setback lines, and information concerning lot dimensions, lot areas, and the

location of all utilities, and designation if lot is for single-wide or double-wide mobile homes.

(11) Location and dimensions of all mobile home stands.

(12) The location of all existing and proposed streets with information concerning pavement widths, types of paving and street names.

(13) Typical cross section of all streets.

(14) Street center line profiles.

(15) Location of all off-street parking areas.

(16) Location and dimension of all pedestrian walkways and sidewalks.

(17) Location of proposed recreation areas.

(18) Location of all plantings and landscaping.

(19) Location, dimensions, and proposed use of all service and accessory structures.

(20) Location and type of waste containers.

(21) Location of all fire extinguishers.

(22) Engineer's or surveyor's seal with certification that survey and plan are correct.

(23) Block for approval by Planning Commission.

(24) Block for approval by the Board of Supervisors.

(25) Block for review of the Adams County Planning Agency.

C. Review of plans and issuance of permit.

(1) Upon receipt of the application, the plans shall be reviewed in accordance with provisions of Article III of this chapter.

(2) If approved, the Chairman and Secretary of the Board of Supervisors shall sign the plan and issue a permit. If the application and plan are disapproved, the Board of Supervisors shall notify the developer or owner, in writing, including a statement of reason for their decision.

D. Fees. Each application for a permit shall be accompanied by a check, payable to the Township, in an amount equal to the fee required for the inspection of mobile home parks as set forth in the fee schedule currently in force in the Township. Such fee shall be required whether or not the application is approved.

§ 195-61. Registration and licensing for mobile home park operation.

A. License required. It shall be unlawful for any person to operate any mobile home park within the limit of the Township unless he holds a license issued annually by the Township.

B. Renewal licenses. Annual licenses shall be issued by the Township Supervisors upon the furnishing of proof by the applicant that his park meets the standards prescribed by this article.

C. Application to Township for license. Applications for initial or renewal licenses to operate a mobile home park shall be made, in writing, to the Township Supervisors using a form furnished by the Township. All such applications shall be accompanied by a check, payable to the Township, in an amount equal to the fee required for license to operate a mobile home park as set forth in the Fee Schedule currently in force in the Township. All such applications shall contain any change in the information submitted since the original license was issued or latest renewal was issued. The Township may also require additional payment in an amount sufficient to cover any engineering fees incurred as a result of the licensing process.

D. Transfer of ownership. Every person holding a license shall file a written notice to the Township Supervisors within 10 days after having sold, transferred, given away, or otherwise disposed of interest in or control of any mobile home park. Proof of such transfer shall be furnished to the Township Supervisors accompanied by a fee as set forth in the Fee Schedule currently in force in the Township.

E. Suspension. Whenever, upon inspection of any mobile home park, it is determined that conditions or practices exist which are in violation of any provisions of this article, or of any regulations adopted pursuant thereto, the Township Supervisors shall give written notice to the person to whom the license was issued advising him that unless such conditions or practices are corrected within a reasonable period of time specified in the notice, the license to operate in the Township shall be suspended. At the end of such period, such mobile home park shall be inspected and if such conditions or practices have not been corrected, and the licensee has not requested a hearing, the Township supervisors shall suspend the license and give notice, in writing, of such suspension to the person to whom the license is issued.

F. Compliance of existing mobile home parks.

(1) Mobile home parks in existence at the date of adoption of this article may be continued so long as they otherwise remain lawful.

(2) Existing mobile home parks shall be required to submit an existing plot plan, drawn to scale, when applying for a mobile home park license as required under § 195-60B of this chapter.

(3) Any subsequent new construction, alteration, or extension of an existing mobile home park shall comply with the provisions of the chapter.

(4) Any existing mobile home park which, in the opinion of the Board of Supervisors, creates a fire hazard or health hazard shall be required to comply with this article within a reasonable period of time as determined by the Board of Supervisors.

§ 195-62. Inspections of mobile home parks.

The Township Supervisors or other authorized Township representative may inspect a mobile home park periodically to determine compliance with this article. As a result of such inspection, the Township Supervisors may give notice for any violation of this article.

§ 195-63. Park construction requirements.

A. Site location. The location of all mobile home parks shall comply with the following minimum requirements:

(1) Free from adverse influence by swamps, marshes, garbage or rubbish disposal areas, or other potential breeding places for insects or rodents.

(2) Not subject to flooding.

(3) Not subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, heat, odor, glare, etc.

B. Site drainage.

(1) The ground surface in all parts of a park shall be graded and equipped to drain surface water in a safe, efficient manner. Where necessary, storm sewers, culverts, and related facilities shall be provided to permit the unimpeded flow of natural watercourses and to insure the adequate drainage of all locations within the park.

(2) A drainage plan shall be prepared and submitted for review and approval by the Township prior to the granting of a permit for any mobile home park. Said plan shall conform to the provisions of § 195-32 of this chapter.

(3) All stormwater facilities shall be kept completely separate from any sanitary waste facilities.

C. Soil and ground cover requirements.

(1) Ground surfaces in all parts of every park shall be paved or planted with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

(2) All paving and/or planting should be designed in accordance with the stormwater drainage plan.

(3) Park grounds shall be maintained free of vegetative growth which is poisonous or which may harbor rodents, insects or other pests.

D. Park areas for nonresidential uses.

(1) No part of any park shall be used for nonresidential purposes, except such uses that are required for recreation, direct servicing, management, or maintenance of the park and its residents.

(2) Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home lot and connected to utilities.

E. Setbacks, buffer strips and screening.

(1) Mobile homes in parks shall be located at least 70 feet from the center line of any abutting existing or proposed public minor street, 80 feet from the center line of any abutting existing or proposed public collector street, and 100 feet from the center line of any arterial street.

(2) There shall be a minimum distance of 30 feet between an individual mobile home, including accessory structures attached thereto, and adjoining pavement of a park street, or common parking area or other common areas and structures.

(3) Mobile homes shall be located at least 25 feet from any park property line and at least 15 feet from any side or rear mobile home lot line.

(4) Mobile home parks located adjacent to any industrial, commercial, or residential land use shall be designed to provide an area for screen planting (trees, shrubs) along the property boundary line separating the park from such adjacent use.

(5) The corners of each mobile home lot shall be marked in accordance with the dimensions shown on the plan. All mobile homes shall be located on the lot to conform to the required setback distances from lot lines.

F. Placement of mobile homes.

(1) Mobile homes, including any additions or accessory structures attached thereto, shall be separated from each other and from other buildings and structures by at least 30 feet on all sides.

(2) All mobile homes shall be properly placed upon and securely fastened to a frost-free foundation or footer. In no instance shall it be placed upon jack, loose blocks, or other similar arrangements.

(3) An enclosure of compatible design and materials 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. Park street system.

(1) A safe and convenient vehicular access shall be provide from abutting public streets or roads. Such access shall be provided in accordance with the requirements of § 195-21B of this chapter.

(2) The entrance road or area connecting the park with a public street or road shall have a minimum pavement of 36 feet.

(3) A minimum pavement width of 36 feet shall be required on all internal streets.

(4) All streets shall be designed and constructed in accordance with §§ 195-19C, D, E, F, G and H, and 195-27A of this chapter.

(5) All streets within a mobile home park shall be privately owned and maintained.

H. Off-street parking areas.

(1) Two off-street parking spaces shall be provided for each mobile home lot. In addition, for each two mobile home spaces there shall be provided one additional off-street parking space.

(2) Off-street parking spaces shall be a minimum of 10 feet by 20 feet.

(3) Off-street parking spaces shall be no closer then two feet to the pedestrian walk adjacent to the street and no closer then five feet to any mobile home or accessory structure.

(4) All off-street parking spaces shall be paved.

I. Walks.

(1) All mobile home parks shall be provided with pedestrian walks on both side of the street. Such walks shall be at least four feet in width.

(2) All mobile home parks shall be connected to a pedestrian walk with an individual walk at least 2 1/2 feet in width.

(3) All pedestrian walks shall be constructed in accordance with § 195-29 of this chapter.

J. Mobile home lots.

(1) All lots shall abut and be accessible from a park street.

(2) Mobile home lots within the park shall have a minimum area of 6,000 square feet and a minimum width of 55 feet of frontage for a single-wide mobile home or a minimum area of 7,500 square feet and a minimum width of 70 feet for a double-wide mobile home, with a maximum of five units per acre.

(3) Mobile home lots within the park shall be improved to provide a mobile home stand, and the mobile home shall be affixed to a permanent enclosed structure.

(4) An individual lot in a mobile home park shall not be sold separately unless an application for resubdivision is made to the Township in accordance with § 195-15 of this chapter.

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

(1) Shall not be located in areas which are unsuitable or hazardous.

(2) Shall be so located as to provide reasonable access by all park residents.

(3) Shall not include less than 10% of the gross area of the mobile home park.

§ 195-64. Water supply.

A. General.

(1) An adequate supply of safe water of satisfactory quality under adequate pressure shall be provided in all parks, to all mobile homes, service buildings, and other accessory facilities. Where a public water supply system of satisfactory quantity, quality, and pressure is available, connection shall be made thereto and its supply shall be used exclusively.

(2) Where a satisfactory public water supply system is not available, water shall be provided by a private water supply system which has been approved by the Pennsylvania Department of Environmental Protection.

B. Source of supply.

(1) The water supply shall be capable of supplying a minimum of 180 gallons per day per mobile home.

(2) The well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.

(3) No well casings, pumps, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground level nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground.

(4) Water supply treatment, if necessary, shall be in accordance with the requirements of the Pennsylvania Department of Environmental Protection.

C. Water storage facilities. All water storage reservoirs shall be covered, watertight and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers so as to prevent the entrance of contaminated materials. Reservoir overflow pipes shall discharge through an acceptable air gap.

D. Water distribution system.

(1) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations.

(2) The water piping system shall not be connected with non-potable or questionable water supplies and shall be protected against the hazards of backflow or backsiphonage.

(3) The system shall be so designed and maintained as to provide a pressure of not less than 20 pounds per square inch, under normal operating conditions, at all locations requiring potable water supply.

(4) Where a public supply of water is provided, fire hydrants shall be installed as agreed upon by the Board of Supervisors and the agency responsible for supplying water.

E. Individual water-riser pipes and connections.

(1) Individual water-riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.

(2) The water-riser pipe shall have a minimum inside diameter of 3/4 inch and terminate at least four inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the lot.

(3) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipe and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

(4) A shutoff valve below the frost line shall be provided near the water-riser pipe on each mobile home lot. Underground stop and waste valves are prohibited unless their types of manufacture and their method of installation are approved by the Board of Supervisors.

§ 195-65. Sewage disposal.

A. General.

(1) An adequate and a safe sewage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings, and other accessory facilities. Where a public sewage system of adequate capacity is available, connection shall be made thereto and it shall be used exclusively.

(2) Where a satisfactory public sewage system is not available, a private sewage treatment system shall be provided. Such system shall be designed, constructed, and maintained in accordance with the PA Department of Environmental Protection regulations. No on-site septic systems are permitted with the following exception:

(a) The maximum number of mobile home lots is three or less.

(b) The total area of the park is a minimum of 65,000 square feet for two mobile home lots or 97,500 square feet for three mobile home lots.

(c) The minimum width of the park at the front set back line is 165 feet for two mobile home lots or 200 feet for three mobile home lots.

(d) An alternate site must be reserved for a replacement on-site septic system.

(e) In areas of carbonated rock formation the minimum lot size per mobile home site is 60,000 square feet or as required under § 195-23G(2)(a) of this chapter.

B. Individual sewer connections.

(1) Each mobile home stand shall be provided with at least a four-inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the

sewer connection to the mobile home drain outlet will approximate a vertical position.

(2) The sewer connection (see definition) shall have a nominal inside diameter of not less than three inches, and the slope of any portion thereof shall be at least 1/4 inch per foot. All joints shall be watertight.

(3) All materials used for sewer connections shall be semirigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.

(4) Provisions shall be made for plugging the sewer riser pipe when diverted away from the riser. The rim of the riser pipe shall extend at least 1/2 inch above ground elevation.

C. Sewer lines. Sewer and water lines shall be laid in separate trenches with a horizontal distance of at least 10 feet from each other, except that these lines may be laid in the same trench by placing the water pipe on a shelf of undisturbed earth above and to one side of the caulked tight sewer line. All sewer lines shall be constructed of materials approved by the Pennsylvania Department of Environmental Protection and shall have watertight joints.

§ 195-66. Electrical distribution system.

A. General. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances which shall be installed and maintained in accordance with the local electric power company's specifications regulating such systems.

B. Power distribution lines. All power distribution lines shall be installed underground in accordance with the supplier's regulations. All other utilities, such as telephone, community cable television service, etc., shall also be installed underground in accordance with the individual utility's specifications governing such systems.

C. Individual electrical connections. Each mobile home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.

D. Required grounding. All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conducted run with branch circuit conductors or other approved methods of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

§ 195-67. Service buildings and other community service facilities.

A. Applicability. The requirements of this section shall apply to service buildings, recreation buildings, and other community service facilities as follows:

(1) Management office, repair shops, and storage areas.

(2) Laundry facilities.

(3) Indoor recreation areas.

B. Facilities.

(1) Every mobile home park shall have a structure clearly designated as the office of the mobile home park manager.

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

C. Structural requirements for buildings. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed as to prevent entrance or penetration of moisture and weather.

§ 195-68. Refuse handling.

A. The storage, collection, and disposal of refuse in the mobile home park shall be so constructed as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazard or air pollution and shall comply with all applicable Township and state regulations.

B. All refuse shall be stored in flytight, watertight, rodentproof containers, which shall be located not more than 150 feet away from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse. Rubbish shall be collected and disposed of as frequently as may be necessary to insure that the containers shall not overflow.

§ 195-69. Insect and rodent control.

Grounds, buildings, and structures shall be maintained free of insects and rodent harborage and infestation. Extermination methods and other measures to control insect and rodent shall comply with all applicable Township and state regulations.

§ 195-70. Fuel supply and storage.

A. Natural gas system.

(1) Natural gas piping systems when installed in mobile home parks shall be approved by the utility company providing the service.

(2) Each mobile home lot provided with piped gas shall have an approved shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

B. Liquefied petroleum gas systems. Liquefied petroleum gas systems provided for mobile homes, service buildings, or other structures when installed shall be maintained in conformity with any applicable rules and regulations and 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 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 the mobile home shall be buried and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.

(4) 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 specially approved by the Township.

C. Fuel oil supply systems.

(1) All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall be installed and maintained in conformity with applicable rules and regulations.

(2) All storage tanks shall be protected from physical damage.

(3) All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall have shutoff valves located within five inches of storage tanks.

(4) All fuel storage tanks and cylinders shall be securely placed and under no circumstances located less than five feet from any mobile home exit.

§ 195-71. Fire protection.

A. Local regulations. The mobile home park area shall be subject to any local fire protection rules and regulations.

B. Compliance. All methods of fire protection employed shall be in compliance with any applicable state and federal laws.

§ 195-72. Mobile homes.

A. Any mobile home shall meet the specifications for manufacture of mobile homes as set forth in U.S. Standards Institute, Standards for Mobile Homes, US Standards A-119.1-1969, NFPA No. 501B-1968, and any subsequent modification or amendment of such standards.

B. If a mobile home is erected and maintained as a single-family dwelling other than in a mobile home park, the lot size, setback, sewer, and water requirements shall be the same as for a single family home, and in addition, placement and base enclosure requirements shall be same as for mobile homes placed in mobile home parks.

§ 195-73. Miscellaneous requirements.

A. Responsibilities of the park management.

(1) The person to whom a license for a mobile home park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

(2) The park management shall supervise the placement of each mobile home on its mobile home lot, which includes securing its stability and installing all utility connections.

(3) The park management shall give the Township Building Inspector or other authorized Township representative free access within reason to all mobile home lots, service buildings, and other community service facilities for inspection purposes.

(4) The management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park. The management shall notify the appropriate officer in accordance with the state and local taxation laws of the arrival and departure of each mobile home.

B. Removal of mobile homes. No mobile home, whether installed on a single lot or in a mobile home park, shall be removed from the Township without first obtaining a permit from the Township Tax Collector as required by 53 Pa.C.S.A. § 8821(d). Such permit shall be issued upon payment of a fee of $2 and of all taxes levied and assessed on the mobile home to be moved. **[Amended 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-03]**

§ 195-74. Notices and revocation of license.

A. Notices. Whenever the Township Supervisors or other authorized Township representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this article, or of any regulation adopted pursuant thereto, such authority shall give notice of such allege violation to the person to whom the permit, and/or certificate of license was issued, as hereinafter provided. Such notice shall:

(1) Be in writing.

(2) Include a statement of reasons for its 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, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state.

(5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article, or any part thereof, and with the regulations adopted pursuant thereto.

B. Revocation of license. In addition to the provisions and penalties for violations as given in §§ 195-74 and 195-75 of this article, the Township may give reasonable notice for

the remedying of violations and if such violations are not remedied within the prescribed period of time, the Township may declare the license revoked.[14]

ARTICLE X
Enactment and Repeal

§ 195-75. Repeal.

All ordinances or parts of ordinances in conflict herewith be and the same are repealed.

§ 195-76. Enactment. [Amended 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-03]

This chapter shall become effective on June 13, 1991, and shall remain in force until modified, amended, and/or rescinded by the Board of Supervisors of Freedom Township, Adams County, Pennsylvania. Ordained and enacted this 13th day of June, 1991.

14. Editor's Note: Original Sec. 917, Penalties, which immediately followed this section, was repealed 2-9-2022 by Ord. No. 2022-02; 2-9-2022 by Ord. No. 2022-03.