

**UPPER AUGUSTA
TOWNSHIP**

Northumberland County
Pennsylvania

**SUBDIVISION AND
LAND DEVELOPMENT
ORDINANCE**



SUBDIVISION AND LAND USE REGULATIONS WITH AMENDMENTS

FOR

UPPER AUGUSTA TOWNSHIP

NORTHUMBERLAND COUNTY, PENNSYLVANIA

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ARTICLE I

PURPOSE AND JURISDICTION

SECTION 100 – TITLE

An ordinance establishing rules, regulations, and standards governing the subdivision and development of land within Upper Augusta Township setting forth the procedures to be followed by Upper Augusta Planning Commission and its legislative body in administering these rules, regulations and standards and setting forth the penalties for the violation thereof as established by the Commonwealth of Pennsylvania. This Ordinance may be cited as the “Upper Augusta Township Subdivision and Land Development Ordinance”.

SECTION 110 – JURISDICTION

111 – Grant of Power

Section 501 of the Pennsylvania Municipalities Planning Code (Act 247) provides that Upper Augusta Township may regulate subdivision and land development within its municipality by enacting a subdivision and land development ordinance.

112 – Applicability

This Ordinance requires that all plats of land lying within Upper Augusta Township be submitted for approval to the Upper Augusta Township Supervisors as appropriate. Further, all such plats shall be reviewed by the appropriate Municipal Planning Commission in accordance with procedures set forth in this Ordinance prior to submission to the aforementioned governing body.

113 – Interpretation

The provisions of this Ordinance shall be held to be minimum requirements to meet the purposes stated herein. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall prevail. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance or regulation shall prevail.

114 – County Authority

The Northumberland County Planning Commission is empowered under Section 502 of the Pennsylvania Municipalities Planning Code (Act 247) to review and report upon each subdivision or land development request before local approval and recording, as required by law. The Submission of plats to the Northumberland County Planning Commission for review and report must take place at the preliminary plan stage. Plans may be submitted to all reviewing agencies simultaneously. However, not until after consideration of the County report, will the

Planning Commission and the applicable governing body proceed to preliminary and final action.

SECTION 120 – PURPOSE

It is the general purpose of this Ordinance to regulate the division and development of land, including:

- A. Regulating the flow of traffic in the streets and highways;
- B. Furthering the orderly and appropriate use of land;
- C. Securing safety from fire, panic and other dangers;
- D. Facilitating adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public facilities;
- E. Assuring sites suitable for building purposes and human habitation and providing for the harmonious development of Upper Augusta Township; including review of subdivision or land development proposals to determine whether such proposals will be reasonably safe from flooding in accordance with this ordinance and other ordinances;
- F. Coordinating existing streets with proposed streets, parks or other features of Upper Augusta Township.
- G. Insuring adequate open space for traffic, recreation, light and air;
- H. Providing proper distribution of population; and
- I. Giving effect to the policies and proposals of the Comprehensive Plan.
- J. Stormwater provisions;

SECTION 130 – SANCTIONS

131 – Effect of Ordinance

Hereafter, no person shall sell, agree to sell, transfer or otherwise convey by deed, agreement, lease or other instrument and no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon except in accordance with the provisions of this Ordinance.

132 – Enforcement Remedies

- (a) Any person, partnership, or corporation who or which has violated the provisions of this subdivision and land development ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day the violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day that a violation continues shall constitute a separate violation.
- (b) The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- (c) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

133 – Preventative Remedies

- (a) In addition to other remedies, the Township may institute and maintain appropriate actions in law and equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- (b) 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 the Ordinance. The authority to deny such a permit or approval shall apply to any of the following applicants:
 - (1) The owner of record at the time of such violation.
 - (2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - (3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual knowledge of the violation.

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

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

ARTICLE II

DEFINITIONS

SECTION 200 – INCLUSIONS

As used in these regulations, words expressed in the singular include their plural meanings; and words expressed in the plural include their singular meanings. The word “person” includes a corporation, unincorporated association and a partnership, as well as an individual. The words “building” and “street” are used generally and shall be construed as if followed by the phrase “or part thereof”. The word “may” is permissive; the words “shall” and “will” are mandatory, subject to the provisions of Section 810 hereof.

SECTION 210 – DEFINITIONS

The following words or phrases, when used in these regulations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any word or term not defined herein shall be used with a meaning of standard usage.

211 – Agent

Any person, other than the developer, who, acting for the developer, submits to the Commission and governing body plans for the purpose of obtaining approval thereof.

212 – Alley

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

213 – Arterial Street (See “Street”)

214 – Block

An area bounded by streets.

215 – Building

A structure, or any part of a structure, that is used for the shelter or enclosure of persons, animals or property.

216 – Building Setback Lines

A line within a property defining the required minimum distance between any structure and the adjacent property or street right-of-way.

217 – Cartway

The portion of a street or alley, paved or unpaved, intended for vehicular use.

218 – Chairman

The Chairman of the Upper Augusta Township Planning Commission.

219 – Clear Sight Triangle

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

220 – Collector Street (See “Street”)

221 – Commission

Upper Augusta Township Planning Commission, unless otherwise noted.

222 – County

Northumberland County, Pennsylvania, unless otherwise noted.

223 – Cul-de-sac

A street intersecting another street at one end and terminating at the other in a vehicular turn-around.

224 – Dedication

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

225 – 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.

226 – Double Frontage Lot

A lot with front and rear street frontage.

227 – Drainage Facility

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

228 – Driveway

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

229 – Dwelling Unit

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

230 – Easement

A limited right of use granted in private land for public or quasi-public purposes.

231 – Engineer (Township)

A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Upper Augusta Township Planning Commission or Supervisors.

232 – Farm

Any tract of land 10 acres or larger used for:

1. Growing of crops, including raising, keeping and sale of field, truck or orchard, nursery, greenhouse, and tree crops, etc.
2. Raising and keeping livestock including hooved animals, poultry, caged or stabled animals, etc., with the intent of producing capital gain or profit from use or sale of the livestock or products thereof, etc.
3. Two-family farm units under single, dual or split ownership as defined in the Zoning Ordinance (Section 229.1) are considered as a single farm unit as long as the farm unit maintains its agricultural use.

233 – Future Right-of-Way

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

234 – Governing Body

The Upper Augusta Township Board of Supervisors

235 – Half or Partial Street

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

236 – Improvements

Those physical additions, installations, and changes required to render land suitable for the use proposed.

237 – Interior Walk

A right-of-way easement for pedestrian travel across or within a block.

238 – Land Development

Any of the following activities:

- (1) The improvement of one or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (i) 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
 - (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A division of land

239 – Landowner

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

240 – Lot

- (1) A plot or parcel of land which is or in the future may be offered for sale, conveyance, transfer or improvement as one parcel, regardless of the method or methods by which title was acquired.
- (2) Lot Add-On – A parcel that is created to incorporate with an existing deed. A lot add-on parcel can be exempt from dimensional and access requirements of building lots as set forth in this Ordinance.

241 – Lot Area

The area contained within the property lines of the individual parcels of land as shown on a plan, excluding any area within a street right-of-way but including the area of any easement or future right-of-way.

242 – Lot Line

Any boundary line of a lot.

243 – Lot, Corner

A lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at the points beginning with the lot or at the points of intersection of the side lot lines with the street right-of-way lines intersect at an interior angle of less than 135 degrees.

244 – Marginal Access Street

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

245 – Mobile Home

A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

246 – Mobile Home Court

Any lot, parcel or plot of ground upon which three (3) or more mobile homes occupied for dwelling or sleeping purposes are located for more than thirty (30) days.

247 – Multiple Family Structure

A building providing separate dwelling units for two or more families.

248 – Municipality

That township, borough or city having jurisdiction in the review of a particular subdivision or development plan.

249 – Plan, Final

A complete and exact subdivision or development plan, prepared for official recording, to define property rights and proposed streets and other improvements.

250 – Plan, Preliminary

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

251 – Plan, Record

An exact copy of the approved final plan on map material acceptable to the Northumberland County Recorder of Deeds.

252 – Plan, Sketch

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

253 – Region

The land area encompassed by the various municipalities forming the Susquehanna Regional Planning Commission.

254 – Resubdivision

Any subdivision or transfer of land laid out on a plan approved by the Commission which changes or proposes to change property lines and/or public rights-of-way not in strict accordance with the approved plan. Applies to lots created after 1972.

255 – Reverse Frontage Lot

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

256 – Right-of-Way

Land set aside for use as a street, alley or other means of travel. This shall not apply to easement or right-of-way for a public or private utility such as a pipeline, electric wires, etc.

257 – Secretary

The Secretary of Upper Augusta Township.

258 – Sewage Facility

Any sewer, sewage system, sewage treatment works or parts thereof designed, intended or constructed for the collection, treatment or disposal of liquid waste (including industrial waste).

259 – Sight Distance

The length of street, measured along the centerline, which is continuously visible from any point three (3) feet above the centerline.

260 – Street

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

- A. Arterial Street – Streets serving large volumes of comparatively high speed traffic, including those facilities designated Class 1 or 2 highways by the Pennsylvania Department of Transportation.
- B. Collector Street – Streets which, in addition to giving access to abutting properties, intercept minor streets and provide routes to community facilities and major traffic streets.
- C. Local Streets – Streets primarily used for access to abutting properties and generally serving internally developed areas.
- D. Marginal Access Streets – See Section 239.

261 – Street Line

The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way; provided that, where a future right-of-way for a road or street has been established, then that width shall determine the location of the street line.

262 – Structure

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

263 – Subdivider

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

264 – 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, transfer of ownership or building or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres not involving any new street or easement of access shall be exempted.

- A. Subdivision, Minor – The division or redivision of a lot, tract or parcel of land by any means into two (2) to five (5) lots, tracts, parcels or other divisions of land with the exception of division of land for agricultural purposes into parcels of more than ten (10) acres not involving any new street or easement of access.
- B. Subdivision, Major – The division or redivision of a lot, tract or parcel of land by any means into more than five (5) lots, tracts, parcels or other divisions of land with the exception of division of land for agricultural purposes into parcels of more than ten (10) acres not involving any new street or easement of access.

265 – Undeveloped Land

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

266 – Use

Any activity carried on or intended to be carried on in a building or other structure or on a tract of land.

267 – Water Facility

Any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

268 – Yard

An open space unobstructed from the ground up on the same lot with a structure, extending along a lot line or street line and inward to the structure. The size of a required yard shall be measured as the shortest distance between the structure and a lot line or street line.

ARTICLE III

PROCEDURES

SECTION 300 – GENERAL

The procedure for review of subdivision or land development plans normally includes three stages – sketch, preliminary, and final. These stages are necessary to provide the Planning Commission and governing body adequate opportunity to review each proposal and insure that their recommendations may be included in the final plan. Review is required according to the following table.

<u>Plan Stage</u>	<u>Subdivision</u>		<u>Land Development</u>
	<u>Minor</u>	<u>Major</u>	
Sketch	Optional	Recommended	Required
Preliminary	Optional	Required*	Required*
Final	Required	Required	Required

* Preliminary review may be waived by the Planning Commission if the sketch plan is unusually detailed.

For each stage of review, the review process shall include no more than ninety (90) days from the meeting of the governing body at which complete submission is made.

SECTION 310 – SKETCH PLAN

The Township encourages the submission of a sketch plan for review prior to the formal filing of a preliminary plan. Sketch plans are intended to provide informal discussions between the applicant, developer and Township officials, and shall not constitute formal filings of a subdivision or land development plan.

311 – Purpose

The purpose of the sketch plan stage is to enable the developer to consult early and informally with the Planning Commission before preparation of the preliminary plan and formal application for approval.

During the sketch plan review, the developer can make use of the services of both the County and Municipal Planning Commissions to help him analyze the site and plan for its coordination with the community. Also, both Planning Commissions have an early opportunity to give informal guidance at a stage when potential conflicts can be more easily resolved.

312 – Submission

The developer shall submit eight (8) copies of the sketch plan to the Secretary of the Township at least fifteen (15) days prior to the meeting of the Commission at which the plan is to be considered. The Secretary shall check the submission for completeness. If incomplete, he shall return the submission to the developer indicating deficiencies or, if complete, accept submission and immediately distribute one (1) copy of the plan to the applicable governing body, six (6) copies to the Planning Commission and one (1) file copy. At its first regular meeting following receipt of the complete submission and following the 15 day waiting period, the Planning Commission shall receive and review the developer's submission, discuss the plan with the developer, evaluate the plan, and, together with appropriate comments, direct whether the developer may proceed to the preliminary or final plan stages.

SECTION 320 – PRELIMINARY PLAN

321 – Purpose

The purpose of the preliminary plan is to require formal conditional approval of plans in order to minimize changes and revisions before final plans are submitted.

322 – Submission

The developer shall submit fourteen (14) copies of the preliminary plan and data, three (3) copies of the application (Appendix "E") and the required fee and deposit to the Secretary. The Secretary shall check the submission for completeness. If incomplete, he shall return the submission to the developer within five (5) working days, indicating deficiencies or, if complete, accept the submission and immediately distribute seven (7) copies of the plan to the Planning Commission, two (2) copies of the plan and one (1) copy of the application to the applicable governing body, two (2) copies each of the plan and application to the County Planning Commission, one (1) copy of the plan to the township Engineer, and one (1) copy of the plan to any applicable municipal authority, retaining one (1) copy of the plan and application.

323 – Fees

A filing fee and a deposit shall accompany the preliminary plan. No application shall be accepted by the Secretary or acted upon unless payment is made to the Township according to the schedule of fees set and posted by the Township Supervisors for each of the following categories:

Minor Subdivision
Major Subdivision
Land Development

The deposit is established to reimburse the Commission for all reasonable engineering, legal or planning expenses incurred by the Commission or municipality in connection with the subdivision or development. As the deposit is expended, the developer shall make further deposits upon notice by the Secretary that the total deposit shall equal the original amount.

Upon approval of the final plan, the Secretary shall refund to the applicant any deposit remaining.

324 – Procedures

- A. The County Planning Commission and the Engineer review the preliminary plan and submit reports to the Municipal Planning Commission within thirty (30) days of submission by the Secretary.
- B. After the Township Secretary's completeness review, at its first regular meeting following acceptance of the complete preliminary plan submission by the governing body, the Planning Commission shall review the developer's submission, discuss the plan with the developer and consider the reports of the County Planning Commission and Township Engineer.
- C. Following the review of the preliminary plan with the developer, the Planning Commission shall evaluate the plan in regard to the general purposes and specific provisions of this Ordinance and act thereon as submitted or modified; and, if approved, the Planning Commission shall express its approval and state the conditions of such approval, if any, or, if disapproved, shall express its disapproval and its reasons therefore. The action of the Planning Commission shall be noted on three (3) copies of the preliminary plan, and the Commission's recommended conditions shall be attached thereto. The Planning Commission shall immediately forward both copies to the governing body for action.
- D. At its first regular meeting following the Planning Commission's meeting at which action is taken on a plan, the governing body shall (1) review the developer's submission, together with the reports of the Municipal Planning Commission, the Engineer and the County Planning Commission; (2) express its conditional approval, stating the conditions of such approval, stating the reasons therefore; and (3) within five (5) days following the decision, inform the developer in writing.

- E. The action of the governing body shall be noted on three (3) copies of the plan. One (1) copy of the notated plan shall be forwarded to the developer and the remaining copies retained in the office.
- F. Conditional approval of a preliminary plan of lots shall not constitute approval of the final plan of lots. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plan of lots as a guide to the preparation of the final plan of lots which will be submitted for approval of the Planning Commission and the governing body and for recording.
- G. Failure of the governing body to render a decision and communicate it to the applicant within the allotted Ninety (90) days shall deem an approval of the application in terms as presented, unless the applicant has agreed in writing to an extension of time.

SECTION 330 – FINAL PLAN

331 – Purpose

The purpose of the final plan is to obtain formal approval by the governing body for completed plans and to enter into necessary performance bonds or contracts prior to recording and commencement of work. The final plan shall conform substantially to the preliminary plan as approved; but if desired by the developer, it may constitute only that portion of the approved preliminary plan of lots which he proposes to record and develop at the time.

332 – Submission

Within five (5) years following approval of the preliminary plan, the developer shall submit (1) an original tracing of the final plan, (2) thirteen (13) copies of the final plan, required exhibits and agreements and (3) additional deposit, if required, to the Secretary. The Secretary shall check the submission for completeness. If incomplete, he shall return the submission to the developer within five (5) working days indicating deficiencies or, if complete, accept the submission and immediately distribute seven (7) copies of the plan to the Planning Commission, three (3) copies each of the plan, exhibits and agreements to the governing body, one (1) copy each of the plan, exhibits, and agreements to the Engineer and two (2) copies of the plan, exhibits, and agreements for the file. Official acceptance and commencement of the ninety (90) day review period shall commence at the first regular meeting of the governing body following submission of the plan with the Secretary.

333 – Review and Approval

- A. Upon receipt of a copy of the final plan from the Secretary, the Engineer shall review the engineering considerations and guarantees of the submission and prepare a report of adequacy for the Planning Commission and governing body.
- B. The Planning Commission shall, at its first regular meeting following acceptance of the final plan by the governing body, approve the final plan providing that all conditions made at the time of preliminary plan approval are adequately provided for. If not so provided, the plan shall be disapproved, indicating to the developer the reasons for such disapproval. See Section 324, Paragraph F.
- C. At the second regular meeting of the governing body following submission of the final plan to the Secretary, the governing body shall approve such plan, stating any additional conditions of such approval, or, if disapproved, state the reasons therefore and within ten (10) working days following the decision, inform the developer of such decision in writing.
- D. Every final plan shall carry the signature of the:
 - 1. Owner of the land.
 - 2. Notary Public.
 - 3. Registered engineer or surveyor, plus his seal.
 - 4. Engineer.
 - 5. Chairman or Vice Chairman of the Planning Commission.
 - 6. Township Secretary and the majority of the members of the applicable governing body.

334 – Recording

Upon the approval of a final plan, the developer shall, within ninety (90) days of such final approval, record such plan in the office of the Recorder of Deeds of Northumberland County. The agent or developer shall not submit any plan for recording unless such plan officially notes the approval of the governing body.

The recording of the plan shall not constitute grounds for assessment increases until such time as lots are sold or improvements installed on the land included within the subject plan.

SECTION 340 – SPECIAL PROCEDURES

341 – Minor Subdivisions

Minor subdivision plans are not required to be reviewed until the final plan stage, although developers are encouraged to take advantage of earlier review stages to avoid modifications at the final plan stage. Fees shall be submitted in accordance with Section 323 herein. All submission, review, approval and recording procedures applicable to normal final plans shall be met. Plans and data required by Section 740 herein shall be submitted.

342 – Resubdivision

For any replatting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision, except that lot sizes may be varied on an approved plan after recording, provided that: (1) no lot or tract of land shall be created or sold that is smaller than the site shown on the approved plan, (2) drainage easements or rights-of-way shall not be changed, (3) street alignment and block sizes shall not be changed, (4) the property lines between the backs of the lots shall not be changed, (5) the rear portion of lots shall not be subdivided from the front part, and (6) the character of the area shall be maintained.

ARTICLE IV

REQUIRED IMPROVEMENTS

SECTION 400 – REQUIREMENTS

The following improvements contained in this article shall be constructed at the expense of the subdivider or developer as stipulated in the improvement Agreement (Appendix “C”) and in a manner approved by the Planning Commission and governing body, consistent with sound construction and local practice. If proposed development is in a flood prone area, all improvements shall be designed and constructed as to minimize flood damage within the flood prone area; all public utilities and facilities shall be located and constructed to minimize or eliminate flood damage; adequate drainage shall be provided to reduce exposure to flood hazards. Where specific standards and specifications are required in other sections of this Ordinance, they shall apply.

In all respects in which standards for required improvements are not set forth herein or specified by the Commission hereunder, the applicable standard requirements of the Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection, Northumberland County Conservation District, and other regulatory agencies shall govern; and all work shall be performed in the manner prescribed in the standard specifications for road construction of said Department for the type of construction under consideration.

401 – Specifications

All improvements shall be constructed in accordance with the specifications of the municipality, the Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection, Northumberland County Conservation District and other governmental agencies having jurisdiction.

Where there are no such specifications, improvements shall be constructed using best engineering practice.

SECTION 410 – MONUMENTS AND MARKERS

- A. Monuments shall be of concrete or stone, with a minimum size of six (6) inches by six (6) inches by thirty (30) inches, and marked on top with a copper or brass dowel. Markers shall consist of iron pipe or of iron or steel at least fifteen (15) inches long and not less than three-fourths (3/4) inch in diameter.
- B. Monuments and markers shall be placed so that the scored or marked point shall coincide exactly with the intersection of lines to be marked and shall be set so that the top of the monument or marker is level with the surface of the surrounding ground.

- C. Monuments shall be set:
1. At the intersection of all lines forming angles in the boundary of the subdivision or land development;
 2. At the intersection of all street lines;
 3. At a minimum two (2) monuments must be placed.
- D. Markers shall be set:
1. At the beginning and ending of all curves along street property lines;
 2. At all points where lot lines intersect curves, front or rear;
 3. At all angles in the property lines of lots;
 4. At all other lot corners.

SECTION 420 – STREETS AND SIDEWALKS

421 – Streets

- A. Streets shall be graded to the full width of the right-of-way, surfaced and improved to the grades and dimensions shown on the plans, profiles and cross-sections submitted by the subdivider or developer and approved by the Commission.
1. Pavement base shall be constructed according to the specifications of the Pennsylvania Department of Transportation and Upper Augusta Township.
 2. Pavement wearing surface shall be constructed according to the specifications of the Pennsylvania Department of Transportation and Upper Augusta Township.
 3. In areas where curb is not used, the gutters must be stabilized to avoid erosion.
 4. Repairing of streets – as per PENN DOT specs, publication 70, August 1990 Edition, and Upper Augusta Township.
- B. Where unusual or peculiar conditions prevail with respect to the prospective traffic and/or safety of pedestrians, the governing body may require different standards of improvements than those set forth in the previous paragraphs. Crosswalks may be required when deemed necessary by the governing body. Special attention should be given to the need for access by Fire and Rescue apparatus.

- C. General street design shall be in accordance with Section 510 herein, and grading shall be in accordance with Section 541 herein.

422 – Street Signs

Street name signs shall be placed at all intersections. Their design shall be approved by the Commission and the governing body, and the street names thereon shall be subject to approval in accordance with Sections 511H and 729B-17.

423 – Curbs

- A. Curbs shall be provided along both sides of all streets unless, in the opinion of the governing body with the advice of the Engineer, they are unnecessary. Safety will be a governing factor in all decisions regarding placing of curbs.
- B. Along the existing street on which a subdivision or land development abuts, curbs shall be constructed and the existing paved cartway shall be widened to the curb. The location of curbing along a boundary street shall be determined by the width of the existing or future right-of-way of the street in accordance with Section 510 herein or as established by the governing body.
- C. Curb construction shall be in accordance with current municipal specifications and Section 518.

424 – Sidewalks

A system of sidewalks shall be provided within all housing developments and along both sides of all streets; except when, in the opinion of the governing body, with the advice of the Planning Commission, they are unnecessary for public safety and convenience. Construction shall be in accordance with current municipal specifications and Section 519 herein.

SECTION 430 – OFF-STREET PARKING

- A. Each proposed dwelling unit in a subdivision shall be provided with paved off-street parking space. Such off-street parking space may be provided as an individual garage, carport or driveway located behind the building line or in a parking compound adjacent to or near the dwelling unit it serves. Driveways and parking compounds shall provide one usable paved or stabilized parking space of at least two hundred (200) square feet for each dwelling unit.
- B. Commercial developments within the scope of this Ordinance shall provide not less than three (3) square feet of paved area for off-street parking, inclusive of access lanes, for every one (1) square foot of interior floor area, exclusive of storage areas, unless a municipal zoning ordinance is in effect, at which time the provisions of that ordinance shall take precedence.

SECTION 440 – UTILITIES

441 – Storm Drainage

Complete drainage systems for the entire subdivision or land development area must be provided. All existing drainage features which are to be incorporated in the design shall be so identified. If the final plat is to be presented in sections, a general drainage plan for the entire area shall be presented with the first section and appropriate development stages for the drainage systems for each section presented. All plans shall meet the design requirements of Section 540 herein.

442 – Water Facilities

In all new subdivisions, all lots or parcels must be provided with an adequate means of water supply by one of the following methods.

- A. Where possible, lots or parcels in all new subdivisions shall be connected to a public water supply system. Approval of design and proposed construction shall be obtained from the Water Authority with jurisdiction over aforementioned public water system; new and replacement water supply systems in flood prone areas shall be designed and constructed to minimize or eliminate infiltration of flood waters into the system, all in accordance with Pennsylvania Department of Environmental Protection permit requirements.
- B. Where the Planning Commission and governing body, after consideration of engineering studies, are of the opinion that connection to the public water system is impractical, they shall, with the consent of the Pennsylvania Department of Health and the Pennsylvania Department of Environmental Protection, grant permission, either temporarily or permanently, to make use of other water supply systems approved by the Pennsylvania Department of Health and the Pennsylvania Department of Environmental Protection.
- C. On-Lot Water Supply- In the event that the water supply to a proposed subdivision or land development is proposed via individual wells and where known groundwater problems exist, the Township may require that the developer provide a feasibility study by a licensed professional engineer or hydrogeologist to evaluate the adequacy of water quality and quantity for the proposed development. Prior to subdivision plan approval the developer shall demonstrate that adequate, safe and reliable water supply exists for the proposed development in accordance with the standards of the Safe Water Drinking Act.

Where local, County or regional comprehensive plans indicate to the Planning Commission and governing body that a public water supply system will serve the subdivision within a reasonable time, the installation of mains and house connections, in addition to the installation of temporary water supply systems provided for in Paragraph B above, may be required.

443 – Sewer Facilities

Within an area of the region having a public sewer system which is, in the judgment of the governing body, based on a sewerage feasibility study, reasonably accessible to the subdivision and available for connection thereto, the subdivision shall be provided with a complete sanitary sewer system to be connected to the public sanitary sewer system. New and replacement sanitary sewage systems shall be designed and constructed as to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood water, in accordance with Pennsylvania Department of Environmental Protection's permit requirements. The design and construction of any new and replacement sanitary sewer system shall be the responsibility of the Developer. All designs and construction shall be reviewed and approved by the Sewer Authority with proper jurisdiction.

In all new subdivisions, all lots or parcels which cannot be connected to a public or community sanitary sewage system may be provided within an on-lot sewage disposal system permit prior to the construction of buildings thereon. In order to determine the adequacy of the soil involved to properly absorb subsurface sewage effluent and the minimum lot area required for such installations, soil percolation tests and deep soil probes will be performed and the results reported utilizing Appendix "B". The results of these tests will be reviewed by the Planning Commission, The Local Sewage Enforcement Officer, the Pennsylvania Department of Environmental Protection and Engineer to determine the general suitability of the soil for sufficient primary and alternate on-lot disposal systems.

All sanitary sewer systems proposed shall conform to existing local ordinances or, in the absence thereof, the requirements of the Pennsylvania Code, Title 25, Chapters 71, 72 and 73 or where the provisions of any applicable statute, other ordinance or regulation impose greater restrictions than those of these ordinances, the provisions of such statute ordinances or regulations shall prevail.

Where local, County or regional comprehensive plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Planning Commission shall require the installation and capping of sanitary sewer mains and house connections in addition to the installation of temporary individual on-lot sanitary disposal systems at the developers expense. Review of the design and supervision of installation of all capped sewers, laterals and house connections shall be that of the Sewer Authority with proper jurisdiction. Wherever individual on-lot sanitary sewage disposal systems are proposed, the subdivider or developer shall either install such facilities or require by deed restriction or otherwise, as a condition of the sale of each lot or parcel within such subdivision, that the on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time the principal building is constructed based on suitable percolation and deep soil probe test results. In all other cases, sanitary sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sanitary system unless a non-building waiver is requested.

In any subdivision where individual on lot septic systems are being provided, an individual on lot sewage system shall be required and a replacement area shall be required for each lot being created and the residual tract.

444 – Fire Hydrants

Wherever a public or community water supply system is provided, fire hydrants shall be installed within five hundred (500) feet of all existing and proposed structures, measured along accessible streets (as specified by the Middle Department Association of Fire Underwriters). Dry Hydrants for the purpose of fire suppression may be required by the Planning Commission for Major Subdivisions that are not within an immediate water access area.

SECTION 450 – RECOMMENDED IMPROVEMENTS

451 – Street Trees

Where street tree plantings are required by the governing body, they shall meet the standards contained in Section 552 herein.

452 – Street Lights

When street lights are required by the governing body, the developer shall make the necessary arrangements with the municipality and the public service company involved, taking efficiency into consideration.

453 – Underground Utilities

Underground cables for communication and electrical utilities shall be installed when and where practical as determined by the Engineer using all appropriate information from all appropriate sources, and where required by regulatory agencies.

ARTICLE V

DESIGN STANDARDS

SECTION 500 – APPLICATION

All subdivision and land developments approved by the Planning Commission and governing body must comply with the following standards. The standards outlined herein shall be considered minimum requirements for the promotion of the public health, safety, morals and general welfare.

501 – General Standards

- A. In the design and development of subdivisions and land developments, every possible means to preserve the natural terrain, natural drainage, existing topsoil, trees, historic sites and appropriate community landmarks and assets shall be taken.
- B. Land shall be subdivided or developed only for uses in conformance with the comprehensive plan, zoning ordinance and other ordinances and regulations in effect in other regulatory agencies.
- C. Land subject to hazardous conditions such as open quarries, floods, precipices and a water supply which does not meet United States Public Health Service standards shall not be subdivided or developed until the hazards have been eliminated or unless adequate safeguards against such hazards are provided by the final plan.
- D. All portions of a tract being subdivided or developed shall be taken up in lots, streets, public lands or other proposed uses to that remnants and landlocked areas are not created.
- E. Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.
- F. Subdivisions or land developments shall be designed to avoid the necessity for excessive cut or fill. The design is to balance the site to minimize the amount of cut or fill as to not create an environmental or safety hazard.

SECTION 510 – STREETS

511 – General Requirements

- A. Proposed streets shall conform in all respects to the official map and general development plan of the municipality or such other street plans or parts thereof as have been officially prepared and adopted by the region.

- B. Proposed streets shall further conform to such regional, County or State street and highway plans as have been prepared, adopted, and/or filed as prescribed by law.
- C. Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.
- D. Residential streets, other than collector streets, shall be laid out so as to discourage through traffic; however, the arrangement of streets shall provide for continuation of existing or platted streets and proper access to adjoining undeveloped tracts suitable for future development.
- E. If lots resulting from an earlier subdivision are large enough to permit resubdivision or a portion of the tract is not subdivided, openings for future rights-of-way to permit further development shall be provided as necessary.
- F. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts or when designed as cul-de-sacs.
- G. Stub streets greater than one lot depth in length and joining acreage available for future development shall be provided with a temporary turn-around to the standards required for cul-de-sacs.
- H. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of the existing streets. Street names should generally not be repeated within the region, and all street names shall be subject to the approval of the governing body and the Commission.
- I. Private streets serving more than two single family dwellings or more than five dwelling units in a multiple dwelling project shall be prohibited; unless, in the design and development of such, streets are approved by the governing body and Planning Commission and providing the design and construction standards of this Ordinance and other applicable regulations are met.

512 – Street Standards

Where a subdivision or land development abuts or contains an existing street of inadequate right-of-way width, a future right-of-way width shall be indicated on the plan to conform to the standards herein. Provision for additional street width may be required by the governing body in specific cases for (1) on-street parking in commercial, industrial or high density residential areas; (2) additional widening where minimum widths will not meet the requirements of a specific street; and (3) public safety and convenience.

TABLE OF STREET STANDARDS

Street Classification	Right-of-Way	Minimum Requirements		
		Cartway	Curb/Curb Radius at Intersections	Sidewalk
Major Arterial	As required by the Pennsylvania Department of Transportation			
Minor Arterial	As required by the Pennsylvania Department of Transportation.		As required by the governing body.	
Collector	60'	40' (2 lanes plus 2 Parking Lanes)	Yes/35'	Yes*
Local	50'	26'	Yes/15'	Yes*
Cul-de-sac	50'	26'	Yes/15'	Yes*
Turn-around	110'	90'	Yes/NA	Yes*
Marginal Access	40'	26'	Yes/15'	Yes*
Alleys	28'	22'	No/10'	No

* Subject to the provisions of Section 424.

513 – Street Alignment

- A. Horizontal Curves – To ensure adequate sight distance when street cartway lines deflect more than 5 degrees, connection shall be made by horizontal curves. The minimum centerline radii for local streets shall be one hundred fifty (150) feet; and of all other streets, three hundred (300) feet. A tangent shall be required between curves and between a curve and street intersection.
- B. Vertical Curves – Vertical curves shall be used as changes of grade exceeding one percent and designed to provide minimum sight distances of two hundred (200) feet for minor streets and three hundred (300) feet for all other streets (as determined by the current specifications of the American Association of State Highway Officials).
- C. Grades – Centerline grades shall not be less than one-half of one percent (0.5%). Centerline grades shall not exceed 6 percent for collector and arterial streets and 10 percent for all other streets. Where the grade of any street at the approach to an intersection exceeds 7 percent, a leveling area shall be provided having not greater than 4 percent grades. The maximum grade within any intersection shall not exceed one percent.

514 – Street Intersections

- A. Intersections of local streets with collector streets shall be kept to the minimum which will permit sound development of the abutting land.
- B. No more than two (2) streets shall intersect at one point unless specifically approved by the Planning Commission, the Engineer and Township Supervisors.
- C. Streets shall intersect as nearly as possible at right angles; except, if shown to be impractical, angles of less than 90 degrees may be permitted, providing the angle of intersection is not less than 60 degrees.
- D. Two streets intersecting from opposite sides of another street shall intersect at their centerlines; if off-set, however, the offset shall be at least one hundred twenty-five (125) feet.
- E. Clear sight triangles of fifty (50) feet measured along street right-of-way lines from their points of junction shall be provided at all intersections; and no building, structure, fence, grade or planting higher than two (2) feet above and no tree limb lower than eight (8) feet below the centerline of the street shall be permitted within such clearsight triangles. Necessary utility poles and street light standards may be placed within the aforementioned sight triangles.
- F. Intersections with arterial or collector streets shall be located not less than eight hundred (800) feet apart, measured from centerline to centerline.

515 – Street Access

Where a subdivision or land development abuts or contains an existing or proposed public street, the Planning Commission may require such measures considered appropriate to protect abutting properties, reduce the number of intersections with major streets and separate local and through traffic.

- A. Arterial or Collector Streets – Marginal access streets, reverse frontage lots or in the case of corner lots, access to the street of lower classification may be required where a subdivision or land development abuts or contains an arterial or collector street.
- B. Access Driveways – Driveways connecting properties fronting on public streets with parking lots, parking stalls or garages on the properties, shall meet the following requirements. This includes two (2) parking spaces for single-family residences.

Type of Development	Driveway		Minimum Curb Radius	Minimum Intervals
	Minimum Width	Maximum Grade		
Single Family Residential	16 ½'	12%	10'	40' *
Multi-Family Residential	16 ½' Each Lane (16 ½' Desired)	8%	10'	200' **
Non-Residential	16 ½' Each Lane (16 ½' Maximum)	5%	15'	200' **

* Between intersection and first driveway or between two driveways.

** Between any two points of access, including both driveways and public streets.

All access driveways shall provide a stopping area measured twenty (20) feet behind the right-of-way line, with a grade not exceeding 4 percent.

- C. Access Driveways – Driveways connecting properties remote from public streets with parking lots, parking stalls or garages on the properties shall meet the following requirements. The driveway(s) shall be a deeded portion or parcel of the properties with a minimum deeded width of sixteen and a half (16 ½) feet (1 rod) for each lane. Access driveways to remote properties must extend from the lot line to the street. Installation, as per Township driveway specs.

516 – Cul-de-sacs

Cul-de-sacs permanently designed as such shall not exceed six hundred (600) feet in length and shall furnish access to not more than fifteen (15) dwelling units. Cul-de-sacs shall have, at the closed end, a turnaround with a right-of-way having a minimum outside radius of not less than fifty-five (55) feet and paved to a radius of not less than forty-five (45) feet. Drainage of cul-de-sacs shall follow stormwater management practices.

A snow drop-off area shall be provided at the terminus of the turnaround area. The snow drop-off area shall be twenty-eight (28) feet wide and twenty (20) feet deep from the street curb line. The snow drop-off area shall be free of utility terminal boxes, mailboxes, and other facilities that may hamper snow storage or may require accessibility during snow periods. A vehicular parking prohibition must be acknowledged on the plan and properly signed along the cartway, in front of the snow drop-off area.

517 – Alleys

Alleys should not generally be permitted except where required to assure continuity in present street patterns and where other methods of entrance and exit are impractical. No lots shall front on an alley.

518 – Curbing

- A. Curbs shall be provided on all new streets and wherever sidewalks are installed along access drives.
- B. Depending on storm drainage conditions, curbs may be required in blocks where a street grade exceeds five percent (5%).
- C. The Township may require curbs where unusual or particular conditions prevail with respect to storm water runoff, traffic, on-street parking and/or safety of pedestrians.
- D. Transitions in curb type shall be subject to approval by the township.
- E. Curbs shall be constructed in accordance with PennDOT *Manual Form 408*, Section 641, "Plain Cement Concrete Curb Gutter, Type A, C and D." as amended.
- F. Curbs shall conform to the Americans with Disabilities Act Accessibility Guidelines.
- G. Vertical curbs shall be eighteen inches (18) deep, eight inches (8) wide at the top, and nine inches (9) wide at the base. The distance from the top of the curb to the flow line of the gutter shall be eight (8) inches.
- H. Slant curbs shall be sixteen inches (16) deep at the back, twelve inches (12) deep at the front, and fourteen inches (14) wide at the top of the base. The distance from the top of the face of curb to the flow line of the gutter shall be one and one-half inches (1 1/2").

519 – Sidewalks

Sidewalks shall be required on both sides of the street in residential subdivisions having a typical lot width of one hundred (100) feet or less and in all residential land developments. Sidewalks may also be required in nonresidential developments of residential subdivisions having a lot width greater than one hundred (100) feet if the character of the neighborhood is such that continuation of existing sidewalks, access to community facilities or intra-site access is important. All sidewalks shall be constructed of a smooth and even surface.

- A. The minimum width of combination sidewalk and curb shall be six (6) feet. Where the sidewalk and curb are separated by an unpaved planting section, the minimum width of the sidewalk alone shall be four (4) feet along all streets. The sidewalk should be located within the street right-of-way, starting one (1) foot inside the right-of-way line and extending toward the curb.
- B. The grades and paving of the sidewalk shall be continuous across driveways except in nonresidential and high density residential developments and in certain other cases where heavy traffic volume dictates special treatment.

SECTION 520 – OFF-STREET PARKING

521 - Parking Requirements

Off-street automobile parking facilities shall be provided in accordance with the requirements of the applicable municipal zoning ordinance. At no time shall angle or perpendicular parking be permitted along the public streets; parallel parking along public streets shall not count toward meeting the zoning requirements.

522 – Parking Lot Design

All parking lots and bays shall be:

- A. Set back from the street line a distance of at least ten (10) feet;
- B. Confined by curbing;
- C. Not exceeding thirty-six (36) cars in any one lot;
- D. Separated from one another by eight (8) foot planting strips;
- E. Separated from the outside wall of any dwelling unit by twenty (20) feet;
- F. Designed so that vehicles may proceed to and from any stall without requiring the moving of any other vehicle;
- G. Designed so that dead-end lots are provided with backup areas for end stalls.

The design and installation of individual parking stalls shall be not less than the following dimensions.

Angle of Parking	Stall		Driveway *	
	Width	Depth	One-Way Use	Two-Way Use
90 Degrees	10'	20'	20'	24'
60 Degrees	10'	21'	18'	21'
45 Degrees	10'	20'	15'	18'
30 Degrees	10'	18'	12'	15'
Parallel	8'	22'	12'	18'
Handicapped	As per ADA Requirements			

* Refers only to driveway serving lot or stall in question; access driveways between lots and public streets are governed by Section 515.

SECTION 530 – LOT AND BLOCK DESIGN

531 – Lot Requirements

The size, shape and orientation of lots shall be appropriate for the location of the subdivision and the type of development and use contemplated.

- A. Lot dimensions shall meet the requirements of the applicable municipal zoning ordinance.
- B. All lots shall abut on a public street. Lots where front and rear property lines abut public streets are prohibited except where employed to prevent vehicular access to arterial or collector streets.
- C. Lot depths shall be not less than one not more than two and one-half times the average width.
- D. Depth and width of parcels laid out or reserved for non-residential use shall be adequate for the use proposed and sufficient to provide satisfactory space for off-street parking and unloading.
- E. Side lot lines shall be substantially at right angles or radial to street lines.

532 – Block Requirements

The length, width and shape of blocks shall be determined with due regard to the provision of adequate sites for the type of building proposed, applicable municipal zoning requirements, topography and the requirements for safe and convenient vehicular and pedestrian circulation.

- A. Blocks shall have a maximum length of twelve hundred (1200) feet and, insofar as practical, a minimum length of five hundred (500) feet. Special consideration shall be given to the requirements of satisfactory fire protection.
- B. Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except where reverse frontage lots bordering an arterial street are used.
- C. Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities. Such easements shall have a width of not less than fifteen (15) feet and a paved walk of not less than four (4) feet.

533 – Easements

- A. Easements shall provide as necessary for utilities. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines and be at least twenty (20) feet.

- B. Consistent with the functional requirements of the utility involved, accessory uses may be permitted within the area of easement. The area shall be kept as lawn if not utilized for other purposes.
- C. Where a subdivision or land development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage but no less than twenty (20) feet or as may be required or directed by the Pennsylvania Department of Environmental Protection. The owner shall properly grade and seed slopes and fence any open ditches when it is deemed necessary by the governing body.

SECTION 540 – GRADING AND DRAINAGE

541 – Grading

- A. Blocks and lots shall be graded to secure proper drainage away from buildings and prevent the uncontrolled collection of storm water in accordance with all state county and local ordinances.
- B. All drainage provisions shall conform to Department of Environmental Protection, Northumberland County, Upper Augusta Township and any other governmental standards and regulations and sedimentation and erosion control, and must be made by the developer.
- C. The owner shall construct and/or install such drainage structures and/or pipes necessary to prevent erosion damage and satisfactorily address all stormwater management requirements.
- D. No excavation shall be made with a cut face steeper in slope than two horizontal to one vertical, except under one or more of the following conditions:
 - 1. The excavation is located so that a line having a slope of one horizontal to one vertical and passing through any portion of the cut face will be entirely inside of the property lines of the property on which the excavation was made.
 - 2. The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than one horizontal to one vertical and a written statement of a civil engineer (licensed by the Commonwealth of Pennsylvania and experienced in erosion control) to that effect is submitted to the Engineer who will provide a recommendation, to be approved or rejected by the Township.
 - 3. A concrete or stone masonry wall or other permanent rigid wall constructed in accordance with approved standards is provided to support the face of the excavation.

- E. No fill shall be made which creates any exposed surface steeper in slope than three horizontal to one vertical, except under one or more of the following conditions:
 - 1. The fill is located so that settlement, sliding or erosion will be controlled and will not result in property damage or be a hazard to adjoining property, streets, alleys or buildings.
 - 2. A concrete or stone masonry wall or other permanent rigid wall constructed in accordance with approved standards is provided to support the face of the excavation.
- F. The top or bottom edge of slopes shall be a minimum of five (5) feet from property or right-of-way lines of streets or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property.
- G. Driveways shall follow the required grading as per the Upper Augusta Township Driveway Ordinance.

542 – Storm Sewerage System

- A. Storm drains and appurtenances shall be required to be constructed by the owner to take surface water from the bottom of vertical grades, lead water away from springs and avoid excessive use of cross gutters at street intersections and elsewhere.
- B. Only natural watercourses which are of sufficient size to come under the regulations of the Pennsylvania Department of Environmental Protection (i.e., draining one square mile or more) shall be permitted to enter or flow through a developed subdivision within an open (nonconduit) channel. All other natural drainage, watercourses, channels or ditches shall be untouched where possible. All proposed storm sewer provisions shall meet the requirements of the municipal and governmental agencies.
- C. In the design of storm sewerage systems, the future use of undeveloped areas upstream shall be taken into account in calculating pipe sizes.

543 – Bridges and Culverts

- A. Bridges and culverts shall be designed to meet current Pennsylvania Department of Transportation standards to support expected loads and carry expected flows. They shall be constructed to the full width of the right-of-way.
- B. Approval of the Pennsylvania Department of Environmental Protection, Bureau of Waterways, Wetlands and Erosion Control is required when the area drained upstream of the point under consideration exceeds one square mile.

SECTION 550 – ENVIRONMENTAL AND LANDSCAPE CONSIDERATIONS

551 – Community Facilities

The governing body may require the dedication or reservation of land for parks, playgrounds, schools, open space or other public use when such use has been proposed in the comprehensive plan for location in a subdivision or land development or when otherwise deemed suitable because of the scale of a project or the character and location of a site. In considering the needs for recreation space, the following standards shall apply.

- A. Areas set aside for recreational purposes shall be reasonably compact parcels, placed to serve all parts of the subdivision or land development and accessible from a public street.
- B. Playgrounds for active sports shall be of adequate size to provide sufficient area for proposed uses.
- C. In developments intending to provide housing for more than fifty (50) families, recreation space shall be required as follows:

<u>Dwelling Units to be Served</u>	<u>Minimum Required Recreation Space</u>
50 – 150	3 Acres
151 – 350	5 Acres
351 – 600	7 Acres
601 – 900	9 Acres
Each Additional 300 Units	2 Acres

552 – Street Tree Plantings

- A. Trees should be planted along the development side of all streets where suitable street trees do not exist. They shall be planted forty (40) to fifty (50) feet apart, or an equivalent number shall be planted in an informal arrangement acceptable to the Planning Commission.
- B. At intersections, trees shall be located at least twenty (20) feet from the intersection of the street right-of-way lines. Where the planting strip between the street curb and the sidewalk is less than six (6) feet, the trees shall be planted on the lots.
- C. Trees shall be of nursery stock grown under climatic conditions comparable to those of the region. They shall be of symmetrical growth, free of insects, pests and disease and suitable for street use and durable under the maintenance contemplated. The average trunk diameter measured at a height of four and one-half (4½) feet above the finished grade level shall be a minimum of two and one-half (2½) inches.
- D. In particular, recommended trees include the following:

1. Acer ginnala – Amur Maple
2. Acer platanoides – Norway Maple
3. Acer saccharum – Sugar Maple
4. Cornus florida – Flowering Dogwood
5. Ginkgo biloba – Ginkgo (Male Trees only)
6. Gleditsia tricanthos inermis – Moraine Locust
7. Liquidambar styraciflua – Sweet Gum
8. Liriodendron tulipifera – Tulip Tree
9. Phellodendrum amurense – Amur Cork Tree
10. Platanus acerifolia – London Plane Tree
11. Quercus alba – White Oak
12. Quercus borealis – Red Oak
13. Quercus coccinea – Scarlet Oak
14. Quercus phellos – Willow Oak
15. Robina pseudoacacia inermis – Thornless Black Locust
16. Tilia – Linden; all species hardy to the area
17. Zelkova serrata – Japanese Zelkova

553 – Buffering

Along the border of two different land uses, the developer shall provide lots with extra depth for an evergreen planting strip. The plant material used shall be of a minimum height of four (4) feet at the time of planting and shall be planted in a staggered arrangement in order to provide an immediate effect. The following are evergreens recommended for screening purposes.

- A. Pinus strobes – White Pine
- B. Piceau abies – Norway Spruce
- C. Thuja orientalis – Oriental Arbor- vitae
- D. Tsuga caroliniana – Carolina Hemlock
- E. Pseudotsuga taxifolia – Douglas Fir
- F. Thuja plicata – Western Red Cedar
- G. Northern White Cedar

SECTION 560 – LAND DEVELOPMENT STANDARDS

561 – Multi-Family Development

- A. The density, parking and area and building requirements shall in all respects conform to the appropriate municipal zoning ordinance for multi-family developments.
- B. Arrangement of Buildings and Facilities –
 1. All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and shape of the plot, the character of

the adjoining property and the type and size of the buildings in order to produce a livable and economic land use pattern.

2. Arrangement of buildings shall be in favorable relation to the natural topography, existing desirable trees, views within and beyond the site and exposure to the sun and other buildings on the site. Grading around buildings shall be designed to be in harmony with natural topography, at the same time assuring adequate drainage and safe and convenient access.

C. Access and Circulation –

1. Access to the dwellings and circulation between buildings and other important project facilities for vehicular and pedestrian traffic shall be comfortable and convenient for the occupants.
2. Access and circulation for fire-fighting equipment, furniture moving vans, fuel trucks, garbage collection, deliveries and snow removal shall be planned for efficient operation and convenience.
3. Walking distance from the main entrance of a building to a street, driveway or parking area shall usually be less than one hundred (100) feet; exception to this standard should be reasonably justified by compensating advantages, such as desirable views and site preservation through adaptation to topography. In no case shall the distance exceed two hundred fifty (250) feet.

D. Yards shall assure adequate privacy, desirable outlook, adequate natural light and ventilation, convenient access to and around the dwellings and other essential uses.

E. Streets, driveways and parking areas shall be as specified in other sections of this article.

F. Sidewalks –

1. Street sidewalks and on-site walks shall be provided for convenience and safe access to all living units from streets, driveways, parking areas or garages and convenient circulation and access to all project facilities.
2. Width, alignment and gradient of walks shall provide safety, convenience and appearance for pedestrian traffic.
3. The alignment and gradient of walks shall be coordinated with the grading plan to prevent the passage of concentrated surface water on or across the walk and to prevent the pocketing of surface water by walks. All impervious surfaces shall meet the requirements of the municipal governmental stormwater management.

- G. Planting – The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features.

562 – Mobile Home Court Development

Mobile home courts shall generally be located in areas appropriate for general residential usage and not in commercial areas. Sites selected for mobile home courts should be shielded from public streets and nonresidential land uses by topography, buffering or compatible land uses.

- A. Zoning Requirements – Mobile home courts shall meet all appropriate municipal zoning provisions. If not otherwise specified, mobile home courts shall have a site area of not less than three (3) acres, individual mobile home slots not less than three thousand (3,000) square feet and setbacks of fifty (50) feet from each external boundary line.
- B. Street and Driveway Improvements – Mobile home courts shall have paved driveways or streets, as appropriate, to, from and within each site. Such driveways or streets shall be constructed in accordance with specifications contained in Sections 421, 512 and 515 B. herein.
- C. Open Space – All mobile home courts shall provide not less than 10 percent of the total land area for open space purposes, and such lands shall be improved whereby the same will be accessible to all families residing within said tract and may be used for recreational purposes.
- D. Utility Improvements – All mobile home courts shall provide to each lot a continuing supply of safe and potable water as approved by the Pennsylvania Department of Environmental Protection, as well as a sanitary sewerage disposal system in accordance with and as approved by the Pennsylvania Department of Environmental Protection, all such systems being provided to the lots in any such mobile home court.
- E. Other Site Improvements – There shall be provided in each mobile home court such other improvements as the Planning Commission may require whereby such requirements shall at times be in the best interests of the public’s health, safety and general welfare and may include, but not be limited to, garbage and trash collection and disposal facilities as approved by the Pennsylvania Department of Environmental Protection and an adequate park lighting system.
- F. Where proposed improvements are to be located in the “Floodway Fringe”, as defined in the Zoning Ordinance, an evacuation plan indicating alternate vehicular and escape routes shall be filed with Disaster Preparedness Regulatory Agencies.
- G. Where proposed development or expansion of existing development and for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or

improvement of the streets, utilities and pads shall meet the requirements of the municipal flood ordinances.

563 – Nonresidential Development

All area, design and parking requirements shall conform to the applicable municipal zoning ordinance.

564 – Design Standards

A. Requirements:

1. After the effective date of this Article, a replacement area for an individual on-lot sewage system shall be required for all lots or lots to be created and any residual tracts to be serviced by an Individual On Lot Sewage System, or for which a valid permit for installation of an individual on-lot sewage system has not been issued. Lots existing prior to the effective date of this article shall be exempt from the requirements of this section.
2. The replacement area provided shall comply with the Act and all regulations issued by the DEP as incorporated into this article concerning individual on-lot sewage systems, including isolation distances, and with the terms of this article and any other applicable Township ordinances.

B. Identification of replacement area.

1. Each applicant who shall submit a plan for the subdivision or development of land or who shall apply for a permit for the installation of an individual on-lot sewage system, or who shall request approval of a planning module for land development or the adoption of a revisions, exception to revision or supplement to the official plan shall demonstrate to the satisfaction of the SEO that a suitable area exists on the lot or on each lot to be created and the residual tract for an initial individual on-lot sewage system and for the replacement area. The SEO shall perform or observe all tests required for the location of an individual on-lot sewage system to confirm the suitability of the replacement area.
2. The location of the initial individual on-lot sewage system and the replacement area as confirmed by the SEO shall be identified on the plat plans and diagrams submitted as part of the permit application.
3. If the application has been submitted as part of an application for subdivision or land development approval or as part of a request that the Township approve a planning module for land development or amend its official plan, or a request for an exception to the revision of the official plan, the location of each initial individual on-lot sewage system and each replacement area shall

be noted upon the plans. If the application is for subdivision or land development approval, a note constituting a permanent easement shall be constructed upon the replacement area, and the deed to be recorded for each lot created and the residual tract as part of the subdivision or land development shall contain language reflecting this limitation.

C. Construction restrictions

1. The easement for the replacement area noted upon the plan and recorded with the Northumberland County Recorder of Deeds shall state that no permanent or temporary improvements of any character, other than shallow-rooted plant matter, shall be constructed upon the replacement area.
2. The provision shall be enforced by the Township unless the person who desires to construct such improvements shall demonstrate to the satisfaction of the SEO that an alternate replacement area which complies with all applicable regulations of the DEP, this article and all other applicable Township ordinances, exists upon the lot. If such an alternate replacement area shall be identified, the alternate replacement area may be considered to be the replacement area required by this article and shall be designated as the replacement area for the purposes of this article.

4. ARTICLE VI

IMPROVEMENTS AGREEMENT

SECTION 610 – AGREEMENTS

Before the governing body shall approve any final plans and as requirement for the approval thereof, the developer shall enter into a written agreement (Appendix “C”) with the municipality in the manner and form set forth by the municipal solicitor wherein he shall agree:

- A. To construct or cause to be constructed, at his own expense, all streets, curbs, sidewalks, fire hydrants, street lights, drainage facilities, street signs, monuments, capped sewers, parks and other improvements shown on the approval final plan and in strict accordance with the standards and specifications of this Ordinance and applicable municipal ordinances. To maintain, at his own cost, these same improvements until the same area accepted or condemned by the municipality for public use; and, for a period of one and one-half (1½) years thereafter, to repair and reconstruct the same or any part of one of them when such repair or reconstruction shall be specified by the governing body as necessary by reason of faulty construction, workmanship or materials.
- B. To pay all costs, charges or rates of the utility furnishing electric service for the lighting of the streets on or abutting said development from the lights installed by the owner until such time as the streets shown on the development plans shall be accepted as public streets.
- C. To obtain the easements and releases required when any street, drainage facility or other improvement wherein a subdivision or land development abuts or traverses lands of persons other than the person holding legal title to the lands of the subdivision or land development at his own cost and obtain from the owner of lands so abutted or traversed full releases from all damages which may change in grade, construction or otherwise of the street, drainage facility or other improvement, and such releases shall insure to the benefit not only of the owner of the subdivision or land development but to the municipality as well.
- D. To promptly reimburse to the Planning Commission the required attorneys’ and engineers’ fees.

611 – Required Completion of Improvements

- (a) No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be required by the subdivision and land development ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains,

sanitary sewers and other improvements as may be required by this ordinance have been installed in accordance with this ordinance.

- (b) In lieu of the completion of any improvements required as a condition for the final approval of a plat, the Applicant shall file with the Township a financial security as an improvement guarantee equal to one hundred ten (110%) percent of the estimated cost to install the improvements estimated as of ninety (90) days after the date scheduled for completion by the developer. Such guarantee shall consist of an irrevocable letter of credit, a restricted or escrowed bank account or acceptable performance bond.
- (c) When requested by the developer, in order to facilitate financing, the governing body shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is arranged by the governing body; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
- (d) Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
 - (1) 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 the completion of the improvements.
 - (2) The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such costs. The Township, upon the recommendation of the Township solicitor or municipal engineer may refuse to accept such estimate for good cause shown.
 - (3) If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.

- (e) 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 ten (10%) percent for each one year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten (110%) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one year period.
- (f) In the case where development is projected over a period of years, the governing body may authorize submission of final plats by section or stages of development, which shall be subject to such requirements or guarantees as the governing body deems essential for the protection of any finally approved section of the development.
- (g) As the work of installing the required improvements proceeds, the party posting the financial security may request the governing body to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the governing body, and the governing body shall have forty-five (45) days from receipt of such request within which to allow the municipal engineer to certify, in writing, to the governing body that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the governing body shall authorize release by the bonding company or lending institution of an amount as estimated by the Township engineer fairly representing the value of the improvements completed or, if the governing body fails to act within said forty-five (45) day period, the governing body shall be deemed to have approved the release of funds as requested. The governing body may, prior to final release at the time of completion and certification by its engineer, require retention of ten (10%) percent of the estimated cost of the aforesaid improvements.
- (h) Where the governing body accepts dedication of all or some of the required improvements following completion, the governing body may require the posting of financial security of 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 plat for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen(15%) percent of the actual cost of installation of said improvements.
- (i) If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or

municipal authority and shall not be included within the financial security as otherwise required by this section.

612 – Release from Improvement Bond

- A. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the governing body, in writing, by certified or registered mail of the completion of the required improvements and shall send a copy to the Engineer. The governing body shall, within ten (10) days after receipt of such notice, direct the Engineer to inspect the required improvements. The Engineer shall thereupon file a written report with the governing body and promptly mail. The report shall be made and mailed within thirty (30) days after receipt by the Engineer of authorization from the governing body; the report shall be detailed and indicate recommended approval or rejection of the required improvements, either in whole or in part; and if the improvements or any portion thereof shall be rejected by the Engineer, the report shall contain a statement of reasons for rejection.
- B. The governing body shall notify the developer, within fifteen (15) days of receipt of the engineer's report, in writing, by certified or registered mail, of the action of the municipal governing body with relation thereto.
- C. If the governing body or the Engineer fail to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved; and the developer shall be released from all liability, pursuant to its performance guaranty bond.
- D. If any portion of the improvements are rejected by the governing body, the developer shall proceed to complete the same; and upon completion, the same procedure of notification shall be followed.
- E. Nothing herein shall be construed in limitation of the developer's right to contest or question, by legal proceedings or otherwise, any determination of the governing body or the Engineer.
- F. The applicant shall reimburse the Township for the reasonable and necessary expenses incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the municipal 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 the 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 thirty (30) working days of the date of billing, notify the Township that such expenses are disputed as

unreasonable or unnecessary and explain in writing the basis for the objections to the fees charged, 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. Failure of Applicant to dispute a bill within thirty (30) days shall be a waiver to challenge the same.

- (2) If, within forty-five (45) days from the date of billing, the Township and the Applicant cannot agree on the amount of expenses which are reasonable and necessary, the applicant and Township shall jointly, by mutual agreement, appoint another professional engineer or consultant licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
- (3) The professional engineer or consultant so appointed shall hear such evidence and review such documentation as the professional engineer or consultant in his or her sole opinion deems necessary and render a decision within fifty (50) days after date of appointment. The applicant or professional consultant whose fees are being challenged 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 or consultant to be appointed within twenty (20) days of the request for appointment, then, upon application of either party, the President Judge of the Northumberland Court of Common Pleas (or if at the time there be no President Judge, then the senior active judge so sitting) shall appoint such engineer who, in that case, shall be neither the Township engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.
- (5) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the review fee charged is sustained by the arbitrator; otherwise it shall be divided equally between the parties. If the disputed fees are found to be excessive by more than \$5,000.00, the appointed engineer shall have the discretion to assess the arbitration fee in whole or in part against either the applicant or the professional consultant. The governing body and the consultant whose fees are the subject of the dispute shall be made parties to the proceeding.

613 – Remedies

In the event any improvements, which may be required, have not been installed as provided for in this Ordinance or in accordance with the approved final plan, the governing body shall enforce

any corporate bond or other security by appropriate legal and equitable remedies. If the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all of the required improvements, the governing body may 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 monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or 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 municipality purpose.

SECTION 620 – OPEN SPACE MANAGEMENT

- A. Preliminary Plan – The developer shall, at the time of submission of the preliminary plan, delineate on the plan those open spaces, if any, proposed for common ownership and management by an association of residents or owners and those proposed for public dedication, the governing body shall, at the time of approval of the preliminary plan, indicate those areas it is willing to accept for public dedication.

- B. Final Plan – In such cases, the developer shall, at the time of submission of the final plan, present documents creating and governing a property owner’s organization and containing the declaration of covenants, restrictions, easements, changes and liens deemed necessary to own, manage and maintain the open space areas and any associated recreational facilities. These documents shall contain the following minimum essential provisions with respect to such organizations.
 - 1. Powers and duties in maintaining and administering open spaces and recreational facilities, administering and enforcing all covenants and restrictions and in the levying, collecting and disbursing of assessments and changes.
 - 2. Membership and voting rights.
 - 3. Establishment of bonds as required to guarantee the initial construction and installation of all recreation facilities within the open space areas.
 - 4. Rights and duties of the municipality, members of the organization and other residents of the proposed development in the event of a breach of any covenant or restriction.

- C. Failure to Maintain – If any organization established to own and maintain open space or any successor organization shall breach any covenant or restriction or fail to maintain the open space in reasonable order and condition, the organization, municipality and any other parties in interest shall be guided by the provisions of Section 705(d) of the Pennsylvania Municipalities Planning Code.

ARTICLE VII

PLAN REQUIREMENTS

SECTION 710 – SKETCH PLAN

Date furnished in a sketch plan is at the discretion of the developer. For fullest usefulness, it is suggested that it include the following information.

- A. Tract boundary.
- B. Location map.
- C. North point, approximate scale and date.
- D. Streets on and adjacent to the tract.
- E. Topographical and physical features.
- F. Proposed general street layout.
- G. Proposed general lot layout.

SECTION 720 – PRELIMINARY PLAN

- A. The developer shall supply fourteen (14) copies of the preliminary plan and date, along with three (3) copies of a written application (Appendix “E”), to the governing body. The copies of the preliminary plan can be either black and white or blue and white prints; the sheet size shall be 24” x 36”.
- B. The preliminary plan shall be at a scale of fifty (50) or one hundred (100) feet to the inch and show the following information.
 - 1. Proposed name of the subdivision or land development and the municipality in which it is located.
 - 2. Name and address of the owner of the tract or his authorized agent, if any, and the developer, plus the architect, surveyor and engineer who prepared the plan.
 - 3. Date, deed reference, north point and graphic scale.
 - 4. Total acreage of the tract and number of lots.
 - 5. Zoning requirements (district and basic dimensional requirements).

6. A location map showing the relation of the tract to all streets, roads and municipal boundaries existing within one thousand (1,000) feet of any part of the property proposed to be developed. This map shall be at a scale of eight hundred (800) feet to the inch.
7. Tract boundaries showing distances and bearings.
8. Contours at vertical intervals of two (2) feet and the location of bench mark and datum used; intervals of five (5) feet may be used if specific permission is granted by the Planning Commission. Where development is proposed as greater than fifty (50) lots or five (5) acres, whichever is the lesser, include "base-flood elevation data" in accordance with provisions of the Zoning Ordinance and the Department of Housing and Urban Development Federal Flood Insurance Requirements.
9. The names of all owners of all immediately adjacent unplatted land; the names of all proposed or existing subdivisions immediately adjacent and the locations and dimensions of any streets or easements shown thereon; the locations and dimensions of all existing streets, roads, railroads, public sewers, aqueducts, water mains and feeder lines, fire hydrants, gas, electric and oil transmission two hundred (200) feet of any part of the property proposed to be developed; and the locations of all buildings and approximate locations of all tree masses within the property.
10. The location and widths of any streets or other public ways or places shown upon an adopted regional, County or State plan, if such exists for the area to be developed.
11. The full plan of the development showing the location of all proposed streets, roads, alleys, utility easements, parks, playgrounds and other public areas; sewer and water facilities; proposed building setback lines for each street; proposed lot lines and approximate dimensions of lots; lot numbers in consecutive order; and all streets and other areas designed for appurtenant facilities, public use or proposed to be dedicated or reserved for future public use, together with the conditions of such dedications or reservations.
12. Provision for surface drainage of the tract to be developed. In riverine situations, the State Coordinating Officer and the Pennsylvania Department of Environmental Protection Bureau of Waterways, Wetlands and Erosion Control shall be notified and permit obtained from the latter, prior to alteration or relocation of a watercourse. A copy of such notice and permit shall be submitted to the Department of Housing and Urban Development Flood Insurance Administrator's Office.

13. Tentative cross-sections and centerline profiles for each proposed street shown on the preliminary plan. These plans may be submitted as separate sheets.
14. Preliminary designs of any bridges or culverts, which may be required. These designs may be submitted as separate sheets.
15. Areas subject to periodic flooding.
16. Where the preliminary plan submitted covers only a part of the developer's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished. The street system of the unsubmitted part will be considered in the light of adjustments and connections with future streets in the part not submitted.
17. Proposed street names, to be accompanied by a letter from the Emergency Management Agency of the area in which the subdivision or land development is located, stating that the proposed names (except in the case of extensions of existing streets) do not duplicate the names of streets now in use.
18. A draft of any proposed covenants to run with the land.
19. A tentative timetable for the proposed sequence of development for the subdivision and land development.
20. When connection to public water and/or sewer facilities is proposed, assurance of the availability of such service must be presented to the Commission. This assurance shall be in the form of a letter signed by a responsible officer of the company or authority concerned, indicating its ability and willingness to make such service available.
21. When on-lot sewage disposal facilities are proposed, percolation tests shall be made at the developer's expense. The results and location of percolation tests made in accordance with the specifications of the Pennsylvania Department of Health shall be submitted to the Commission. The test locations must be shown on the preliminary plan. An approved Pennsylvania Department of Environmental Protection Planning Module must be received by the Commission before approval of the preliminary plan.
22. The preliminary plan shall also be accompanied by a filing fee in an amount required by Section 323 herein.
23. Also, the preliminary plan shall be accompanied with a copy of each application for permit to those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

SECTION 730 – FINAL PLAN

- A. The final plan to be submitted to the Secretary for approval by the governing body and subsequent recording shall be either black on white or blue on white. The final plan shall be at a scale of fifty (50) feet or less to the inch. If the final plan is drawn in two or more sections, a key map shall accompany the final plan showing the location of each section.

The developer shall supply fourteen (14) copies of the proposed final plan, in addition to the original drawing, and fourteen (14) copies of other required exhibits and agreements. The sheet size shall be 24" x 36".

- B. The final plan shall show the following:
1. Name of the subdivision and land development and the municipality in which it is located.
 2. Name and address of the owner of the tract or his authorized agent and the developer, plus the architect, surveyor and engineer who prepared the plan.
 3. Date, north point and graphic scale.
 4. Lot numbers (in consecutive order), dimensions, minimum area, and total number of lots; acreage of the whole development; density and use of land.
 5. Source of title to the land of the subdivision or land development and to all adjoining lots as shown by the books of the Recorder; names of the owners of all adjoining unsubdivided or undeveloped land.
 6. A location map showing the relation of the property to all streets, roads and municipal boundaries existing within one thousand (1,000) feet of any part of the property proposed to be developed. This map shall be at a scale of eight hundred (800) feet to the inch.
 7. Lot lines with accurate bearings and distances (distances to be the nearest hundredth of a foot).
 8. Pedestrian ways.
 9. Accurate dimensions of existing public land and any property to be dedicated or reserved for public, semi-public or community use; all areas to which title is reserved by the owner.

10. Accurate boundary lines, with dimensions and bearings, which provide a survey of the tract, closing with an error of not more than one (1) foot in ten thousand (10,000) feet.
11. Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plan.
12. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
13. Complete curve data for all curves included in the plan, including radius, delta angle, tangent, arc and chord.
14. Street lines, with accurate dimensions in feet and hundredths of feet, with the bearing of such street lines.
15. Street names.
16. Locations and materials of all permanent monuments and lot markers.
17. Easements for utilities and limitations on such easements.
18. Setback lines not less than the minimum fixed by the applicable zoning ordinance or any other setback lines established by this Ordinance or public authority or those specified in the deed restrictions, whichever is greater.
19. The following information, where applicable, shall be shown on the plan using the format indicated in Appendix "A".
 - a. Seals –
 - (1) The impressed seal of the licensed engineer and/or surveyor who prepared the plan.
 - (2) The impressed corporation seal, if the developer is a corporation.
 - (3) The impressed seal of a notary public or other qualified officer acknowledging the owner's statement of intent.
 - b. Acknowledgements –
 - (1) A statement to the effect that the applicant is the owner of the land proposed to be developed and that the subdivision or land development shown on the final plan is made with his or their free consent and it is desired to record the same.

(2) An acknowledgement of said statement before an officer authorized to take acknowledgements.

c. The following signatures in black India ink shall be placed directly on all copies of the plan submitted for approval.

(1) The signatures of the owner or owners of the land. If the owner of the land is a corporation, the signatures of the president and secretary of the corporation shall appear.

(2) The signature of the notary public or other qualified officer acknowledging the owner's statement of intent.

(3) The signature of the licensed engineer and/or surveyor who prepared the plan.

C. The final plan shall be accompanied by the following material.

1. Final profiles, cross-sections, specifications and calculations for street improvements, sanitary and storm sewerage and water distribution systems shall be shown on one or more separate sheets.

2. Restrictions of all types which will run with the land and become covenants in the deeds of lots shown on the drawing.

3. All covenants running with the land governing the reservation and maintenance of dedicated or undedicated land or open space which shall bear the certificate of approval of the municipal solicitor as to their legal sufficiency.

4. Certification of dedication of streets and other public property.

5. Completed agreements required by Section 610 herein.

6. One of the following to guarantee the completion of required improvements.

a. A certificate from the developer and signed by the Engineer that all improvements and installations in the subdivision or land development required by this Ordinance have been made or installed in accordance with specifications; or

b. A bond, certified check or other security satisfactory to the municipality which shall:

(1) Be made payable to the municipality and

- (2) Be in an amount determined by the governing body to be sufficient to complete the improvements and installations in compliance with this Ordinance.
 - (3) In the case of a bond, it shall also be with surety satisfactory to the governing body and Commission and in form, sufficiency and execution acceptable to the governing body and Commission.
 - 7. Wherever agricultural activity is permitted, the Agricultural Use Notification will be placed on the plan. See Appendix F.
 - 8. All permits from governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- D. The final plan shall be accompanied by a check or money order drawn to the Township as required to supplement the original deposit.

SECTION 740 – MINOR SUBDIVISION

Minor subdivision plans shall show or be accompanied by the following information.

A. Drafting Standards –

- 1. The plan shall be drawn at a scale of 1" = 50' or 1' = 100'.
- 2. Dimensions shall be in feet and decimal parts thereof and bearings in degrees, minutes and seconds.

B. General Information –

- 1. Name of the subdivision or land development.
- 2. Name and address of the owner.
- 3. Name and address of the engineer and/or surveyor responsible for the plan.
- 4. Zoning classification and basis dimensional requirements.
- 5. Date, north point and scale.
- 6. A location map for the purpose of locating the site at a scale of not less than eight hundred (800) feet to the inch.

C. Existing Features –

1. Complete outline survey of the property to be developed, showing all courses, distances and area and tie-ins to all adjacent street intersections.
2. The location, names and widths of streets; the location of property lines and names of owners; the location of watercourses, sanitary sewers, storm drains and similar features.
3. The location and character of existing buildings, wooded areas and other features.

D. Proposed Layout –

1. Proposed layout of lots.
2. Lots numbered.
3. Building setback lines.
4. Total area and minimum lot size.

E. The plan shall be accompanied by all permits from governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

ARTICLE VIII

ADMINISTRATION

SECTION 810 – WAIVERS

- A. The provisions of this Ordinance are the minimum standards for the protection of the public welfare. The Township reserves the right to modify or extend them as may be necessary in the public interest.
- B. The governing body may grant a modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.
- C. All requests for modifications shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.
- D. The request for modification shall be submitted to the Upper Augusta Township Planning Commission for review and advisory comments.
- E. A waiver/modification shall only be granted by a majority of the supervisors present at a regularly scheduled public meeting. Further, subdivision or land development plans will be available for public inspection in a designated place for a period of ten (10) days immediately preceding the dates for said meeting. In granting waivers and modifications, the Township may impose such conditions as will, in its judgment, substantially secure the objectives of the standards or requirements so waived or modified. The governing body shall keep a written record of all action on requests for modifications.
- F. Variances may not be granted unless the requirements of the Flood Plain Ordinance are fulfilled, if applicable. (Flood Plain Ordinance No. 2008-1

SECTION 820 – APPEALS

821 – Court Appeals

Any person aggrieved by any decision of the governing body may, within thirty (30) days after such decision of the governing body, appeal to the Court of Common Pleas of Northumberland County strictly in accordance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247), and as it may be further amended. Any appeal must be filed within thirty (30) days after the date when the Township Supervisors render their decision.

822 – Time Limitations

Appeals from any decision or action must be made within thirty (30) days following such decision or action. If no appeal is submitted within thirty (30) days, such action from the governing body will be final.

SECTION 830 – LEGAL PROVISIONS

831 – Validity

Should any section, subsection or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

832 – Repealer

All other municipal ordinances or parts of ordinances are hereby repealed insofar as they are inconsistent with the provisions of this Ordinance.

833 – Amendment

Upper Augusta Township, from time to time, may revise, modify or amend this Ordinance by concurring action taken by the governing body at scheduled public meetings following a public hearing on the proposed revision, modification or amendment to be held by the Planning Commission.

834 – Effective Date

The effective date of this Ordinance shall be September 16, 2013

Enacted and Ordained the 16th day of September, 2013

UPPER AUGUSTA TOWNSHIP
BOARD OF SUPERVISORS

Attest

Todd Wetzel

Amy A. Horne Secretary

Ed Markowski, Jr.

Rebecca A. Ray

APPENDIX A

STATEMENTS AND ACKNOWLEDGEMENTS

Affidavits and acknowledgements required on plans shall be worded as follows:

1. Owner's Statement of Intent

I (we) _____ have laid out upon my (our) land situated in _____ County of _____, (Municipality)

Commonwealth of Pennsylvania, lots, streets and buildings according to this plan, which is intended to be recorded.

Witness my (our) hand and seal this _____ day of _____ 20____.

If the owner is a corporation, the president and secretary shall sign below the corporate name and affix the corporate seal to the plan.

2. Acknowledgement of Owner's Statement of Intent

On the _____ day of _____, 20____, before me, the subscriber, a notary public of the Commonwealth of Pennsylvania, personally appeared _____

(names of all owners), who acknowledged this plan to be the official plan of streets and property shown thereon, situated in _____, County of _____, (Municipality)

Commonwealth of Pennsylvania, and desired that this plan be recorded according to law.

(SEAL)

Notary Public

My commission expires _____.

This plan has been prepared and approved by:

Register Engineer (Surveyor)

_____, 20____.

3. Approval of Municipality

Approved by resolution of the _____
(Governing Body)
of _____, County of _____,
(Municipality)
Commonwealth of Pennsylvania at a meeting held on the _____ day of _____,
20____.

If the municipality has a seal, the Recorder will require it to be impressed on the plan.

4. Approval of Planning Commission

Approved by the _____ Planning Commission _____
_____, 20____.

5. Review of County Planning Commission

Reviewed by the _____ County Planning Commission _____
_____, 20____.

Chairman

Director

APPENDIX C

IMPROVEMENTS AGREEMENT

Prior to the endorsement of the record plat of any subdivision or land development, duplicate originals of this agreement must be filed with the Planning Commission and the governing body. A performance guarantee in a form satisfactory to the municipal solicitor equal to the amount of the total estimated improvements must also be submitted to the governing body.

Estimated construction costs should be determined by the Engineer.

IMPROVEMENTS AGREEMENT

In re: _____
Name of Subdivision or Development

Location

The undersigned developer hereby agrees to provide throughout his subdivision or land development and as shown on the development plan of _____ dated _____, 20____, the following municipal improvements.

Improvements	Unit	(1) Estimated Construction Cost
Street Grading	_____	_____
Street Base	_____	_____
Street Paving	_____	_____
Curbs	_____	_____
Sidewalks	_____	_____
Storm Sewer Facilities	_____	_____
Sanitary Sewers:		
Trunk Lines	_____	_____
Mains	_____	_____
Laterals or House Connections	_____	_____
On-Site Sewage Facilities	_____	_____
Fire Hydrants	_____	_____
Street Monuments	_____	_____
Street Name Signs	_____	_____
Street Lights	_____	_____

IMPROVEMENTS AGREEMENT (Cont.)

SUB TOTAL _____

Supervision of all installations
(should normally not exceed
4% of subtotal). _____

Total Estimated Cost of
Improvements and Supervision \$ _____

The above improvements shall be constructed in accordance with all municipal requirements and specifications, and conformance with this provision shall be determined solely by the _____

(Municipality)

The developer intends to be legally bound hereby.

Signature of Developer

(If corporation, to be signed by president and attested to by secretary, together with corporate seal.)

Dated: _____, 20__.

Acceptance

Approved by Resolution of the _____
at the meeting of _____, 20__.

Signature of Authorized Municipal Officer

APPENDIX D

STATEMENTS AND ACKNOWLEDGEMENTS
WHICH WILL BE SEPARATE INSTRUMENTS

A. The Offer of Dedication

We, the undersigned, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and hereby lay off, plat and subdivide, said real estate in accordance with the within plat, that the subdivision or land development shall be known and designated as _____ and that all streets and alleys shown and not heretofore dedicated to the public use.

B. Where lot sizes are based on the availability of public water supply and/or sewage disposal systems, the applicable certificates shall be used.

1. Water

It is hereby certified that all lots in the subdivision or land development known as _____ will be served with water by the _____, which is a public water facility.

(Name of Company or Authority)

(Signature of Developer)

2. Sewer

It is hereby certified that all lots in the subdivision or land development known as _____ will be provided with public sanitary sewer facilities. The sewers will become a part of the _____ sewerage system.

(Name of Company or Authority)

(Signature of Developer)

APPENDIX E
APPLICATION

File No. _____

Date of Application _____

Application for Subdivision or Land Development Approval

Name of Subdivision or Land Development _____

Municipality _____

Location _____

Owner _____

Address _____

Telephone No. _____

Applicant _____

Address _____

Telephone No. _____

Registered Engineer or Surveyor _____

Address _____

Telephone No. _____

Existing Zoning _____

No. of Lots _____

Total Acreage _____

Minimum Lot Size _____

Lineal Feet of New Streets _____

Water Supply: Public System _____ On-Lot System _____

Sewerage System: Public System _____ On-Lot System _____

Signature of Owner

REMARKS:

APPENDIX F

AGRICULTURAL USE NOTIFICATION

All lands within the Agricultural Security Area of Upper Augusta Township are located in an area where land is for commercial agricultural production. Owners, residents and other users of this property or neighboring property owners may be subjected to occasional inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted local agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property should be prepared to accept such conditions and inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that the state Right-of-Farm Law (Act 133 of 1982) may bar them from obtaining a legal judgment against such normal agricultural operations.