

**LOWER PAXTON TOWNSHIP
DAUPHIN COUNTY, PENNSYLVANIA**

LOWER PAXTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Ordinance No. 2009-16

1. **TITLE.** A New Ordinance generally regulating subdivision of land and land development with the Township. The New Subdivision and Land Development Ordinance addresses the following subject areas: Article 1 – General Provisions: Short Title, Purpose, Authority to Review and Approve, Application of Regulations, Interpretation; Article 2 – Definitions; Article 3 – Plan Processing Procedures: Intent, Pre-Application Sketch Plans, Preliminary Subdivision or Land Development Applications, Final Subdivision or Land Development Applications, Improvement & Maintenance Guarantee, Reimbursement of Review Costs, Dedication of Improvements, Digital Plan Requirements; Article 4 – Plan Specifications and Requirements: Intent, Sketch Plan Requirements, Preliminary Plan Requirements, Final Plan Requirements; Article 5 – Design Standards: Intent, Application, Streets, Easements, Blocks, Building Lots, Site Lighting, Sidewalks & Pedestrian Pathways, Curbing, Site Excavation & Grading, Sewage Facilities, Water Supply Facilities, Fire Hydrants, Design Standards in Floodplains, Landscaping Design Standards, Street Signs & Traffic Control Devices, Utility Construction, Regulatory Wetlands, Site Retaining Walls, Monuments & Markers, Natural Features Preservation, Dedication of Recreation Land & Fee Requirements; Article 6 – Traffic Impact Studies: Intent, General Provisions, Contents, Final Report, Responsibility for Improvements; Article 7 – Hydrogeologic Analysis and Water Quality Testing: Test Required, Test Standards & Procedures, Water Quality Test; Article 8 – Improvement & Construction Requirements: Intent, Preconstruction Meeting Requirements, Street Construction, Curb Construction, Sidewalk Construction, Traffic Signal Construction, Changes Following Plan Approval, As-Built Plans; Article 9 – Mobile Home Park Regulations: Grant of Power, Purpose, Authority & Application, Plan Requirements & Processing Procedure, Design Standards, Improvement & Construction Requirements, Standards for Mobile Home Parks in Floodplain Areas; Article 10 – Traffic Calming: Intent, General Provisions; Article 11 – Administration: Intent, Administration & Enforcement, Modification of Requirements, Appeals, Schedule of Fees, Enforcement & Penalties, Effect of Change of this Ordinance, Validity & Severability, Effect of Plan Approval on Official Map; Exhibits: Exhibit 1 - Application for Subdivision and Land Development Review, Subdivision and Land Development Plan Submission Checklist, Subdivision and Land Development Plan Requirement Checklist; Exhibit 2 – Owner’s Certification and Dedicatory Statement; Exhibit 3 – Plat Approval Blocks; Exhibit 4 – Professional Certifications; Exhibit 5 – Time Extension Agreement; Exhibit 6 – Financial Security and Performance Bond Agreement, Financial Security and Escrow Agreement with Township as Escrow Agent, Financial Security and Escrow Agreement with Third Party Escrow Agent; Exhibit 7 – Sample Financial Security and Irrevocable Letter of Credit Agreement; Exhibit 8 – Intersection Sight Distance and Clear Sight Triangle; Exhibit 9 – Lower Paxton Township Road Network Map.

2. **SHORT TITLE.** This Ordinance shall be known and be cited as the “Lower Paxton Township Subdivision and Land Development Ordinance of 2010.”

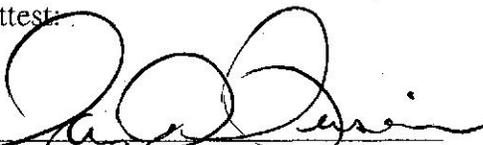
3. **SEVERABILITY.** It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid or ineffective, if it had advance knowledge that any part would be declared invalid or ineffective. If the entire New Subdivision and Land Development Ordinance should be declared invalid or ineffective, the Lower Paxton Township Subdivision and Land Development Ordinance that was in effect immediately prior to the enactment of the New Subdivision and Land Development Ordinance shall automatically be reinstated as the Subdivision and Land Development Ordinance for Lower Paxton Township.

4. **PROCEDURAL DEFECTS IN ENACTMENT.** Allegations that this Ordinance or any amendment was enacted in a procedurally defective manner shall be appealed as provided in Pennsylvania law and be filed not later than 30 days after the intended effective date of the Ordinance or amendment.

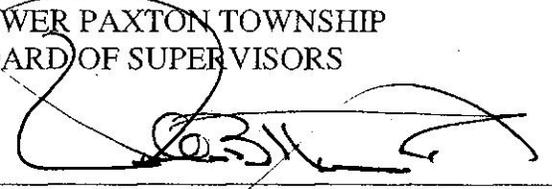
5. **REPEALER.** The pre-existing Lower Paxton Township Subdivision and Land Development Ordinance, as amended, is hereby repealed, in addition to the repeal of any other Township ordinances or resolutions or parts thereof that were adopted prior to this Ordinance that are clearly in direct conflict with this Ordinance.

6. **ENACTMENT.** Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Board of Supervisors of Lower Paxton Township hereby enacts and ordains into an Ordinance that attached document this date of November 1, 2010. This Ordinance shall become effective in five (5) calendar days.

Attest:

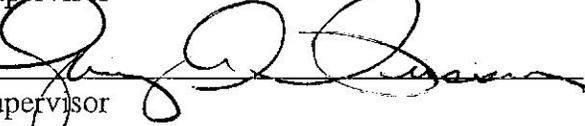

Township Secretary

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS


Chairman


Vice Chairman


Supervisor


Supervisor

**LOWER PAXTON TOWNSHIP,
DAUPHIN COUNTY PENNSYLVANIA**

.....
LAST REVISED 08-31-10

CHAPTER 180

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
.....

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

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ARTICLE 1
GENERAL PROVISIONS

§ 180-101. Short Title

These regulations, rules and standards for planning, subdividing and developing land within Lower Paxton Township, including procedures for application, administration, and penalties for violation, shall be known, cited, and referred to as Chapter 180 – Lower Paxton Township Subdivision and Land Development Ordinance of 2010.

§ 180-102. Purpose

The general purpose of this Ordinance shall be to guide and regulate the harmonious planning, subdivision, and development of land in order to promote and protect the public health, safety, convenience, comfort, prosperity, and general welfare of the residents of Lower Paxton Township by:

- A. Ensuring the orderly and effective integration of subdivisions and land development into the development of the Township.
- B. Ensuring sites suitable for building purposes and human habitation.
- C. Ensuring conformance of subdivision plans with public improvement plans and programs.
- D. Ensuring coordination of inter-municipal public improvement plans and programs.
- E. Ensuring the protection of water resources and drainage ways and other natural features.
- F. Ensuring the efficient movement of traffic.
- G. Ensuring the management of stormwater run-off problem areas.
- H. Ensuring the equitable handling of all subdivision plans by providing uniform standards and procedures.
- I. Ensuring the greater health, safety, and welfare of the citizens of the Township.
- J. Ensuring the efficient and orderly extension of community services and facilities at minimum cost and maximum convenience.
- K. Providing for and protecting amenity, convenience, future governmental economic, practical, social and cultural facilities, development and growth, as well as the improvement of governmental procedures and functions.

- L. Providing uses of land and structures, type and location of streets, public grounds, and other facilities.
- M. Minimizing such problems as may presently exist or which may be foreseen.
- N. Complying with all provisions of the Pennsylvania Municipalities Planning Code and generally implementing the Comprehensive Plan of the Township

§ 180-103. Authority to Review and Approve

- A. The Lower Paxton Township Board of Supervisors shall have the authority to approve or disapprove all preliminary and final subdivision or land development plan applications as required herein.
- B. The Lower Paxton Township Planning Commission is hereby designated as the agency which shall review and make recommendations on all subdivision and land development plan applications as required herein, prior to action on the same by the Board of Supervisors.
- C. All applications for subdivision and land development shall be forwarded, upon receipt by Lower Paxton Township, to the Dauphin County Planning Commission with appropriate application and fees submitted and paid by the Applicant, for review and report. The Board of Supervisors shall not approve such applications until the County report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County Planning Commission. As evidence of their review and report, officials of the County Planning Commission will sign final plans which have been formally approved by the Township before such plans are presented for recording at the Dauphin County Recorder of Deeds office.

§ 180-104. Application of Regulations

- A. No subdivision or land development of any lot, tract or parcel of land located in Lower Paxton Township shall be effected; no street, sanitary sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings thereon unless and until a final subdivision or land development plan as herein required has been approved by the Board of Supervisors and publicly recorded in the manner prescribed herein.
- B. No lot in a subdivision may be sold; no permit to erect or alter any building upon land in a subdivision or land development may be issued; and no building may be erected or altered in a subdivision or land development, unless and until a final subdivision or land development plan has been approved by the Board of Supervisors and recorded, and until completion of the construction of all of the

required improvements or adequate financial security has been provided as required in the manner prescribed herein.

- C. Unit or condominium land development of real property is included within the meaning of land development as defined herein, and must comply with these regulations. Such compliance shall include, but not be limited to, the filing of preliminary and final plans, payment of established fees and charges, location of each structure and clear definition of each unit, public easements, common areas, improvements and all easements appurtenant to each unit.
- D. All subdivision and land development plans are subject to zoning regulations as they apply to use and density requirements, setbacks, height, parking and other such zoning related requirements.

§ 180-105. Interpretation

- A. In interpreting and applying the provisions of this Ordinance, said provisions shall be held as the minimum requirements for the promotion of public health, safety, comfort, convenience, and greater welfare.
- B. In any case where a provision of this Ordinance is found to conflict with a provision of the Zoning Ordinance of Lower Paxton Township, the more restrictive standard shall apply unless the context of the Zoning Ordinance intends otherwise. In any case where a provision of this Ordinance is found to conflict with a provision of a zoning, building, fire, safety or health ordinance or code of Lower Paxton Township or law, rule or regulation of the Commonwealth of Pennsylvania, the provisions which establish the more restrictive standard for the promotion of the health and safety of the people shall prevail.
- C. In the case of any conflicts, discrepancies, ambiguities or other similar situations requiring interpretation, the Board of Supervisors of Lower Paxton Township shall have the sole duty and authority to interpret the provisions of this Ordinance. The Board of Supervisors may however, rely upon the advice and technical guidance of those officials of the Township having regulatory duties in reviewing and enforcing this Ordinance.
- D. The exhibits attached to this ordinance are for illustrative purposes only and are subject to change by resolution of the Board of Supervisors.

ARTICLE 2 DEFINITIONS

§ 180-201. Definitions

All terms not defined in this Ordinance but which are defined in the Lower Paxton Township Zoning Ordinance shall have the meaning therein defined. Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated.

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B. The word "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- C. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.

ACCELERATED EROSION - the removal of the surface of the land through the combined action of human activity and the natural processes at a rate greater than would occur because of the natural process alone.

ACCELERATED RUNOFF - runoff occurring at rates in excess of rates occurring under natural, undisturbed conditions.

AGRICULTURAL OPERATIONS - an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. Construction of new buildings or impervious area is not considered an agricultural activity.

ALTERATION - as applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

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

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

AS-BUILT PLANS - plans prepared and certified by a Professional Land Surveyor depicting the exact location, orientation, and elevation of all site improvements which exist as a result of construction activities. As-Built Plans are also referred to as Record Drawings or Record Plans.

BASE FLOOD ELEVATION - the one hundred (100) year flood elevation as indicated in a Flood Insurance Study (FIS), as revised, for the Township of Lower Paxton, Dauphin County, Pennsylvania, prepared by the Federal Emergency Management Agency, Federal Insurance Administration that indicates the water surface elevation resulting from a flood that has a one (1) percent chance of equaling or exceeding that level in any given year.

BLOCK - an area bounded by streets.

BMPs (BEST MANAGEMENT PRACTICES) - activities, facilities, designs, measures, or procedures used to manage stormwater impacts from Earth Disturbance Activities; to meet State Water Quality Requirements; to promote ground water recharge; and to otherwise meet the purposes of this Ordinance. BMPs include, but are not limited to: infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, forested buffers, sand filters, and detention basins.

BOARD OF SUPERVISORS - the Board of Supervisors of Lower Paxton Township, Dauphin County, Pennsylvania.

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

BUILDING SETBACK LINE - the line within a property defining the required minimum distance between any principal or accessory structure and adjacent right-of-way, and the line defining side and rear yards, where required.

CARTWAY - the portion of a street which is improved, designated or intended for vehicular use.

CHAIRMAN - the Chairman of the Lower Paxton Township Board of Supervisors.

CHANNEL - a passage for water (or other fluids) to flow through.

CHANNEL EROSION - the widening, deepening, and headward cutting of small channels and waterways, due to erosion caused by moderate to large floods.

CHANNEL, MAIN - the downstream later receiving channel designated in the Act 167 Plans that accepts the discharge of un-detained post-development peak runoff without causing any harm for the given design storm.

CISTERN - an underground reservoir or tank for storing rainwater.

CLEAR SIGHT TRIANGLE - a triangular shaped portion of land established at street or driveway intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

COMMON ELEMENTS - land amenities, parts of building, central services and utilities, and any other elements and facilities owned and used by all unit owners and are designated as common elements. These elements may include, but are not limited to:

- A. The land on which the building is located and portions of the building which are not included in a unit.
- B. The foundation, structural parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways and entrances and exits of the building.
- C. The yards, parking area and driveways.
- D. Portions of the land and building used exclusively for the management, operation or maintenance of the common elements.
- E. Installations of all central services and utilities.
- F. All other elements of the building necessary or convenient to its existence, management, operation, maintenance and safety or normally in common use.
- G. Such other facilities as are designated as common elements.

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

CONDOMINIUM - real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners for those portions. Real estate is not a condominium unless the undivided interest in the common elements are vested in the unit owners.

CONDOMINIUM ASSOCIATION - the community association which administers and maintains the common property and common elements of a condominium.

CONSERVATION DISTRICT - the Dauphin County Conservation District.

COUNTY - County of Dauphin, Pennsylvania.

CROSS-WALK - a right-of-way, publicly or privately owned, intended to furnish access to pedestrians.

CUL-DE-SAC - a minor street open at one (1) end for vehicular and pedestrian access with the opposite end terminating in a vehicular turnaround.

CULVERT - a pipe, conduit or similar structure, including appurtenant works, which carries surface water under a roadway or other structure.

CURB - a cut stone, asphalt or concrete boundary usually marking the edge of the roadway, driveway or other paved areas.

CURB CUT - the opening along the curb line at which point vehicles may enter or leave the roadway or other paved area.

CURVE NUMBER - a numerical designation which reflects amounts of runoff based on land use and hydrological soil group.

CUT - an excavation. The difference between a point on the original ground and designated point of lower elevation on the final grade. Also, the material removed from an excavation.

DAM - any artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or any other fluid or semi-fluid or any refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or any other fluid or semi-fluid.

DEP - The Pennsylvania Department of Environmental Protection.

DESIGNEE - an agent of the governing body involved with the administration, review or enforcement of any provisions of this Ordinance by employment, contract, or memorandum of understanding.

DESIGN STORM - the magnitude of precipitation from a storm event measured in probability of occurrence and duration and used in computing stormwater management control systems.

DETENTION BASIN - a basin designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

DETENTION FACILITIES, REGIONAL - a detention facility that detains and treats stormwater runoff for two (2) or more development sites, where the development sites are generally considered to be independent and typically would contain their own separate detention facilities.

DETENTION POND - a vegetated pond designed to collect water runoff for a given storm event and release it at a predetermined rate; also known as a "dry pond."

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.

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

DEVELOPMENT - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, filling, grading, paving, excavating, earth disturbance activity, mining, dredging or drilling operations, the placement of manufactured homes, streets and other paving, utilities and the subdivision of land.

DEVELOPMENT SITE - the specific parcel or tract of land for which a development activity is proposed.

DOWNSLOPE PROPERTY LINE - that portion of the property line of the lot, tract, or parcels of land being developed located such that all overland or pipe flow from the site would be directed toward it.

DRAINAGE –

- A. Surface water runoff.
- B. The removal of surface water or ground water from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply and the prevention or alleviation of flooding.

DRAINAGE AREA - that area in which all of the surface runoff resulting from precipitation is concentrated into a particular point of interest.

DRAINAGE EASEMENT - a right granted by a landowner to a grantee, allowing the use of private land for stormwater management or drainage purposes.

DRAINAGE CONVEYANCE FACILITY - any ditch, gutter, swale, 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 parts of any subdivision or land development.

DRAINAGE FACILITY - any ditch, gutter, swale, culvert, storm sewer, or other system 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 land development.

DRAINAGE PLAN - the documentation of the design and analysis of a stormwater management or drainage system, if any, to be used for a given development site.

DRAINAGE SYSTEM - pipes, swales, natural features and manmade improvements designated to carry drainage.

DRAINAGEWAY - any natural or artificial watercourse, trench, ditch, pipe, swale, channel, or similar depression into which surface water flows.

DRIVEWAY - a private access drive providing access for vehicles to a parking area, space, garage, dwelling or other structure, including non-residential structures.

DWELLING OR DWELLING UNIT - a single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING, MOBILE HOME - a transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) 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.

EARTH DISTURBANCE ACTIVITY - a construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, road maintenance, building construction and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

EASEMENT - a right-of-way granted for the limited use of land for public, quasi-public or private purposes.

EASEMENT, DRAINAGE - an easement required for the installation and maintenance of storm sewers, drainage ditches, other drainage facilities, and/or required for the preservation or maintenance of a natural watercourse, drainageway, channel or stream.

ENGINEER, TOWNSHIP/MUNICIPAL - a registered Professional Engineer in the Commonwealth of Pennsylvania designated by the Township to perform the duties of engineer as herein specified.

ENGINEER, PROFESSIONAL - an individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of engineering. A Professional

Engineer may not practice land surveying unless licensed as set forth in P.L. 534, No. 230; however, a Professional Engineer may perform engineering land surveys.

ENGINEERING LAND SURVEYS - surveys for:

- A. The development of any tract of land including the incidental design of related improvements, such as line and grade extension of roads, sewers and grading but not requiring independent engineering judgment; providing, however, that tract perimeter surveys shall be the function of the Professional Land Surveyor.
- B. The determination of the configuration or contour of the earth's surface, or the position of fixed objects thereon or related thereto by means of measuring lines and angles and applying the principles of mathematics, photogrammetry or other measurement methods. Geodetic or cadastral survey, underground survey and hydrographic survey.
- C. Erosion & Sedimentation control surveys.
- D. The determination of the quantities of materials.
- E. Tests for water percolation in soils.
- F. The preparation of plans and specifications and estimates of proposed work as described herein.

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

EROSION - the process involving the detachment and movement of soil or rock fragments, or the wearing away of the land surface or channels by water, ice, wind, chemical action and gravity.

EROSION AND SEDIMENT POLLUTION CONTROL PLAN - a plan which is designed to minimize accelerated erosion and sedimentation.

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

EXCEPTIONAL VALUE WATERS - surface waters of high quality, which satisfies Pennsylvania Code Title 25 Environmental Protection, Chapter 93 Water Quality Standards 93.4b(b) (relating to anti-degradation).

EXISTING CONDITIONS - the initial condition of a project site prior to the proposed subdivision, land development or construction.

EXISTING GRADE - the vertical location of the ground surface prior to excavation or filling.

FILL - any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and designated point of higher elevation on the final grade. The material used to make a fill.

FINISHED GRADE - the proposed elevation of the land surface of a site after completion of all site preparation work.

FLOOD - a general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other waters of the Commonwealth.

FLOOD, BASE (ONE HUNDRED (100) YEAR FLOOD) - a flood that on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year.)

FLOOD FRINGE - that portion of the floodplain outside the floodway.

FLOOD HAZARD BOUNDARY MAP (FHBM) - an official map of a community, issued by the Federal Insurance Administration.

FLOOD HAZARD, AREAS OF SPECIAL - the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year.

FLOODPLAIN - any land area susceptible to inundation by water from any natural source or as delineated by applicable Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary - mapped as being a special flood hazard area.

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

FLOODWAY - the channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the one hundred (100) year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by the Federal Emergency Management Agency (FEMA). In an area where no FEMA maps or studies have defined the boundary of the one hundred (100) year frequency floodway, it is assumed - absent evidence to the contrary - that the floodway extends from the stream to fifty (50) feet from the top of each of the banks of the stream.

FREEBOARD - a vertical distance between the elevation of the design high water and the top of a dam, levee, tank, basin, or diversion ridge. The space is required as a safety margin in a pond or basin.

FUTURE - post-development (as with future condition or runoff).

FUTURE CONDITIONS - proposed land use.

FUTURE RIGHT-OF-WAY -

- A. A right-of-way required for the expansion of existing streets to accommodate anticipated future traffic.
- B. A right-of-way established to provide future access to or through undeveloped land.

GOVERNING BODY - the Board of Supervisors of Lower Paxton Township, Dauphin County, Pennsylvania.

GRADE - a slope, usually of a road, channel or natural ground specified in percent and shown on plans as specified herein. **(To) Grade** - to finish the surface of a roadbed, top of embankment or bottom of excavation.

GRADE, EXISTING - see definition, "existing grade."

GRADE, FINISHED - see definition, "finished grade."

GRASSED WATERWAY - a natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to convey surface water.

GROUND WATER RECHARGE - replenishment of existing natural underground water supplies.

HEC-HMS MODEL CALIBRATED - (Hydrologic Engineering Center Hydrologic Modeling System) A computer-based hydrologic model technique adapted to the Paxton Creek, Spring Creek and Multi-Creek Watersheds for the Act 167 Plans. The model has been calibrated by adjusting key model input parameters.

HIGH QUALITY WATERS - surface water having quality, which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying Pennsylvania Code Title 25 Environmental Protection, Chapter 93 Water Quality Standards 93.4b(a).

HOMEOWNERS ASSOCIATION - See Condominium Association.

HYDROLOGIC SOIL GROUP (HSG) - infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into four HSG's (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The Natural Resource Conservation Service (NRCS) of the US Department of Agriculture defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of interest may be identified

from a soil survey report, which can be obtained from the local NRCS office or Dauphin County Conservation District office.

IDENTIFIED FLOODPLAIN OR DISTRICT - those floodplain areas specifically designated in the Township of Lower Paxton Zoning Ordinance (§504.D.) as being inundated by the one hundred (100) year flood. Included would be areas identified as the Floodway (FW) and the Flood Fringe (FF).

IMPERVIOUS SURFACE (IMPERVIOUS AREA) - a surface that prevents the percolation of water into the ground. Impervious surfaces include, but are not limited to: any roof, parking or driveway areas, and any new streets and sidewalks. For purposes of stormwater runoff analysis, any surface areas existing or proposed to be gravel or crushed stone shall also be assumed to be impervious surfaces.

IMPOUNDMENT - a retention or detention basin designed to retain stormwater runoff and release it at a controlled rate.

IMPROVEMENTS - any manmade, immovable item which becomes part of, placed upon or is affixed to, real estate.

INFILTRATION STRUCTURE - a constructed device, such as a seepage pit, trench drain or infiltration pond designed to facilitate the infiltration of runoff into the soil.

INLET - a surface connection to a closed drain. A structure at the diversion end of a conduit. The upstream end of any structure through which water may flow.

KARST - a type of topography or landscape characterized by depressions, sinkholes, limestone towers and steep-sided hills, underground drainage, and caves. Karst is formed on carbonate rocks, such as limestone or dolomites and sometimes gypsum.

LAND DEVELOPMENT - any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 1. A group of two (2) 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 or occupants or tenure.

- or -

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

- B. A subdivision of land.
- C. "Land development" does not include development which involves:
1. The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.
 2. The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building.
 3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subsection, an amusement park is defined as tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.
 4. Where an addition of no more than fifteen (15) percent of the square footage is being added to an existing building, but in no case of an addition of more than two thousand (2,000) square feet, a building permit and site plan approval is required to be obtained from the appropriate officer of the Township but, submission of a land development plan and review by the Planning Commission and approval by the Board of Supervisors may be waived, only when (1) the building is added to the existing structure and is not separated; and (2) there is no change to any street or public way; and (3) there is no interference or substantial change to drainage or the flow of water; and (4) when the appropriate building officer of the Township determines that the same is otherwise in compliance with all zoning and land development requirements.

LAND/EARTH DISTURBANCE - any activity involving grading, excavating, digging, or filling of ground or stripping of vegetation or any other activity that causes an alteration to the natural condition of the land.

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..

LIMITED ACCESS HIGHWAY - a street, roadway, or highway which carries a large volume of traffic at relatively high speeds with access controlled at designated points and not specifically from adjacent properties.

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

LOT AREA - the area contained within the property lines of a lot as shown on a subdivision plan excluding space within any street rights-of-ways, but including the area of any easement or utility right-of-way.

LOT, DOUBLE FRONTAGE - an interior lot having frontage on two (2) streets.

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

MAIN STEM (MAIN CHANNEL) - any stream segment or other runoff conveyance facility used as a reach in the Paxton Creek, Spring Creek or Multi-Creek watershed hydrologic models.

MAINTENANCE - provisions to insure proper functioning, safety, structural integrity, weed and pest control, aesthetic appeal or any other measures required to maintain facilities to a standard as approved under the requirements of this ordinance.

MANNING'S EQUATION (MANNING'S FORMULA) - a method for calculation of velocity of flow (e.g., feet per second) and flow rate (e.g., cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. "Open channels" may include closed conduits so long as the flow is not under pressure.

MINIMUM SEPARATION DISTANCE - the minimum distance between the discharge of runoff from impervious surfaces and the receiving stream, storm sewer, or property line, whichever is smaller, whether the discharge is from a point or non-point source. It is intended to provide ample, natural, undisturbed vegetated pervious areas to allow for infiltration of increased volumes of runoff caused by development.

MASTER DEED - a legal instrument under which title to real estate is conveyed and by which a condominium is created and established.

MOBILE HOME, DWELLING - see definition, "dwelling mobile home."

MOBILE HOME LOT - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

MOBILE HOME PARK - a parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

MODIFIED RATIONAL METHOD - variation of rational methodology. Used to generate hydrographs and required detention volume.

MUNICIPAL AUTHORITY - a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945."

MUNICIPALITY - any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

NATURAL DRAINAGE FLOW - the pattern of surface and stormwater drainage from a particular site before the construction or installation of improvements or prior to any grading operations.

NONPOINT SOURCE POLLUTION - pollution that enters a water body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.

NPDES - National Pollutant Discharge Elimination System, the federal government's system for issuance of permits under the Clean Water Act, which is delegated to DEP in Pennsylvania.

NRCS - Natural Resource Conservation Service (previously Soil Conservation Service (SCS)).

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

OPEN CHANNEL - a drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals, and pipes not under pressure.

OPEN SPACE, COMMON - see definition, "common open space."

OPEN SPACE, PUBLIC - open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

OUTFALL - (i) the point where water flows from a conduit, stream, or drain; (ii) "Point Source" as described in 40 CFR § 122.2 at the point where the Municipality's storm sewer system discharges to surface waters of the Commonwealth.

OUTLET - points of water disposal from a stream, river, lake, tidewater, or artificial drain.

PARKING LOT STORAGE - the use of impervious parking areas as temporary impoundments with controlled release rates during rainstorms.

PEAK DISCHARGE - the maximum rate of flow of storm runoff at a given point and time resulting from a specified storm event.

PERSON - any individual or group of individuals, partnership, copartnership or corporation.

PERVIOUS SURFACE - surface such as soil which allows for the infiltration of water to the ground.

PIPE - a culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater or other fluids.

PLANNING COMMISSION – the committee duly appointed by the Board of Supervisors of Lower Paxton Township to carry out the duties as described herein and to make recommendations to the governing body relative to subdivision, land development and other related matters.

PLAN, COMPREHENSIVE - the development policy plan (master plan) and/or future land use plan and/or official map or other such plans, or portions thereof, as may be adopted, pursuant to statute, for the area of the Township in which the subdivision or land development is located.

PLAN, FINAL - a complete and exact subdivision or land development plan, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements. In all cases where only one plan is required, it shall be a final plan.

PLAN, PRELIMINARY - a tentative subdivision or land development plan, in lesser detail than a final plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

PLAN, SKETCH - an informal plan indicating the salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development.

PMF (PROBABLE MAXIMUM FLOOD) - the flood that may be expected from the most severe combination of critical meteorological and hydrologic conditions that are reasonably possible in any area. The PMF is derived from the probable maximum precipitation (PMP) as determined on the basis of data obtained from the National Oceanographic and Atmospheric Administration (NOAA).

POINT SOURCE - any discernible, confined, or discrete conveyance, including, but not limited to: any pipe, ditch, channel, tunnel, or conduit from which stormwater is or may be discharged, as defined in State regulations at 25 Pennsylvania Code § 92.1.

POLLUTANT - any introduced gas, liquid or solid that makes a resource unfit for a specific purpose.

POLLUTION - the presence of matter or energy whose nature, location or quantity produces undesired environmental effects.

PRESENT - pre proposed development (as with present conditions or runoff).

PRESENT CONDITIONS - refer to “existing conditions.”

PRINCIPAL BUILDING or PRINCIPAL USE - the basic or predominant purpose for which a building or land area is occupied or intended to be occupied as opposed to accessory or incidental uses; usually classifiable as residential, commercial, industrial or public in nature.

PRIVATE ROAD - a legally established right-of-way, other than a public street, which provides the primary pedestrian and vehicular access to one (1) or more lots and constructed to the design standards contained in this Chapter.

PROFESSIONAL CONSULTANTS - persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

PROFILE LINE - the profile of the centerline of the finished surface of the street, which shall be midway between the sidelines of the street.

PROJECT SITE - the specific area of land where any Regulated Activity in the Township is planned, conducted or maintained.

PUBLIC GROUNDS - includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas.
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- C. Publicly owned and operated scenic and historic sites.

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Board of Supervisors intended to inform and/or obtain public comment, prior to taking action in accordance with this Chapter.

PUBLIC MEETING - a forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the “Sunshine Act.”

PUBLIC NOTICE - notice published once a week for two (2) consecutive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the hearing.

QUALIFIED PROFESSIONAL - a Professional Engineer licensed by the Pennsylvania Department of State, and other persons licensed or otherwise qualified by law to perform the work required by the Ordinance.

RATIONAL FORMULA - a rainfall-runoff relation used to estimate peak flow.

REAL ESTATE - any fee, leasehold or other estate or interest in, over and under land, including structures, fixtures and other improvements and interests by which by custom, usage or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. Real estate includes parcels with or without upper or lower boundaries and spaces that may be filled with air or water.

REDEVELOPMENT - development activities on land which has previously been developed.

REGULATED ACTIVITIES - actions or proposed actions, which impact upon proper management of stormwater runoff and which are governed by Chapter 170, as specified in §170-105.C.

REGULATED EARTH DISTURBANCE ACTIVITY - earth disturbance activity one (1) acre or more with a point source discharge to surface waters or the Township's storm sewer system, or five acres or more regardless of the planned runoff. This includes earth disturbance on any portion of, part, or during any stage of, a larger common plan of development.

REGULATORY FLOOD ELEVATION - the one hundred (100) year base flood elevation as either indicated in a Flood Insurance Study (FIS), as revised, for the Township of Lower Paxton, Dauphin County, Pennsylvania, prepared by the Federal Emergency Management Agency, Federal Insurance Administration, or in the absence of a Flood Insurance Study, the one hundred (100) year flood elevation computed using acceptable hydrologic and hydraulic engineering principles without respect to a computed floodway.

RELEASE RATE - the percentage of the existing conditions peak rate of stormwater runoff for a development site to which the future conditions peak rate of runoff must be controlled to protect downstream areas.

RELEASE RATE DISTRICT - those subwatershed areas in which post-development flows must be reduced to a certain percentage of pre-development flows as required to meet the plan requirements and the goals of Act 167.

RESERVE STRIP - a strip of land adjacent to a street intended to control access to the street from an adjacent property.

RETENTION BASIN - an impoundment in which stormwater is stored and not released during the storm event. Stored water may be released from the basin at some time after the end of the storm.

RETURN PERIOD - the average interval in years over which an event of a given magnitude can be expected to recur. For example, the twenty-five (25) year return period rainfall or runoff event would be expected to recur on the average once every twenty-five (25) years, or have one (1) out of twenty-five (25) (four (4) percent) chance of occurring in any given year.

REVERSE FRONTAGE LOT - see definition, "lot, reverse frontage."

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

RISER - a vertical pipe or structure extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.

ROAD MAINTENANCE - earth disturbance activities within the existing road cross-section, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches, and other similar activities.

ROOFTOP DETENTION - temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces by incorporating controlled-flow roof drains into building designs.

RUNOFF - that part of precipitation which flows over the land.

RUNOFF CAPTURE VOLUME - the volume of runoff that is captured (retained) and not released into surface waters of the Commonwealth during or after a storm event.

SCS - Soil Conservation Service, U.S. Department of Agriculture.

SANITARY SEWAGE SYSTEM (COMMUNITY) - a sanitary sewage collection method serving more than one lot within a subdivision or land development owned and operated by a private entity in which sewage is carried from the site by a system of pipes to a privately owned and operated centralized treatment and disposal facility.

SANITARY SEWER (PUBLIC) - a sanitary sewage collection method owned and operated by a public utility, municipal authority, or other public entity, in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

SEDIMENT BASIN - a barrier, dam, retention or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by water.

SEDIMENT POLLUTION - the placement, discharge, or any other introduction of sediment into Waters of the Commonwealth occurring from the failure to properly design, construct, implement or maintain control measures and control facilities in accordance with the requirements of this Ordinance.

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

SEEPAGE PIT/SEEPAGE TRENCH - an area of excavated earth filled with loose stone or similar material and into which surface water is directed for infiltration into the ground.

SEMIPERVIOUS SURFACE - a surface such as stone, rock or other materials which allows some infiltration of water to the ground.

SEPARATE STORM SEWER SYSTEM - a conveyance or system of conveyances (including roads with drainage systems, Municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) primarily used for collecting and conveying stormwater runoff.

SEPTIC SYSTEM - an underground sewage disposal system with a septic tank and drain field used for the decomposition and disposal of domestic wastes. Also referred to as an "on-lot system."

SERVICE DRIVE (PRIVATE) - a service way providing a secondary means of private access to abutting property and not intended for general traffic circulation.

SETBACK LINE - see definition, "building setback line."

SHEET FLOW - runoff that flows over the ground surface as a thin, even layer, not concentrated in a channel.

SIDEWALK - a paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

SIGHT DISTANCE - the length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic or other objects.

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

SOIL COVER COMPLEX METHOD - a method of runoff computation developed by the NRCS that is based on relating soil type and land use/cover to a runoff parameter called Curve Number (CN).

SOIL STABILIZATION - chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise to improve its engineering properties.

SPEED, DESIGN - the selected speed for which the horizontal and vertical alignment, sight distances and other engineering elements of a roadway are planned and designed.

SPEED, OPERATING - the speed at which vehicles routinely travel over a portion of a roadway in a free-flow condition. For purposes of this Ordinance, the operating speed shall be considered to be the 85th percentile of the distribution of observed speeds of vehicles traveling over the portion of a roadway in question.

SPEED, POSTED - the speed limit that is specifically stated for a segment of a roadway by way of regulatory signs placed along said segment of roadway.

SPILLWAY (EMERGENCY) - a depression in the embankment of a pond or basin, or other overflow structure, that is used to pass peak discharges greater than the maximum design storm controlled by the pond or basin.

STATE WATER QUALITY REQUIREMENTS - as defined under state regulations -- protection of "designated" and "existing" uses (See 25 Pennsylvania Code Chapters 93 and 96) - including:

- A. Each stream segment in Pennsylvania has a "designated use," such as "cold water fishery" or "potable water supply," which is listed in Chapter 93. These uses must be protected and maintained, under state regulations.
- B. "Existing uses" are those attained as of November 1975, regardless whether they have been designated in Chapter 93. Earth Disturbance activities must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.
- C. Water quality involves the chemical, biological, and physical characteristics of surface water bodies. After Earth Disturbance activities are complete, these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream bank, streambed, and structural integrity of the waterway, to prevent these impacts.
- D. Protection and maintenance of water quality in special protection streams pursuant to 25 Pennsylvania Code Chapter 93.

STORAGE INDICATION METHOD (MODIFIED PULS) - a reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage for a give time interval) and based on outflow being a unique function of storage volume.

STORM FREQUENCY - the number of times that a given storm "event" occurs or is exceeded on the average in a stated period of years. See "Return Period".

STORM SEWER - a system of pipes or other conduits and related appurtenances which collects and carries intercepted surface runoff, street water and other wash waters or drainage, but excludes domestic sewage and industrial wastes.

STORMWATER - the surface runoff generated by precipitation reaching the ground surface.

STORMWATER DETENTION - any storm drainage technique that retards or detains runoff, such as detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells or any combination thereof.

STORMWATER DETENTION BASIN - a vegetated pond designed to drain completely after storing runoff only for a given storm event and releasing it at a predetermined rate; also known as a "dry pond."

STORMWATER CONTROL FACILITIES - any structure, device, dam, channel, swale, pit, trench or any other measure taken or method employed to control stormwater runoff.

STORMWATER CONTROL PLAN (DRAINAGE PLAN) - the documentation of the design and analysis of proposed stormwater management controls, if any, to be used for a given development site, the contents of which are established in Article 170 – Stormwater Management, Drainage & Erosion Control.

STORMWATER MANAGEMENT FACILITIES - any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes and infiltration structures.

STORMWATER MANAGEMENT PLAN - the planned control of runoff to allow water falling on a given site to be absorbed or retained on site to the extent that after development the peak rate of discharge leaving the site is not greater than if the site had remained undeveloped; a plan showing all present and proposed grades and facilities for stormwater management and best management practices (BMPs).

STREAM - a watercourse with definite bed and banks, which confines and conveys perennially or intermittently flowing water.

STREAM ENCLOSURE - a bridge, culvert, or other structure in excess of one hundred (100) feet in length upstream to downstream which encloses a regulated water of this Commonwealth.

STREET - includes 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.

STREET GRADE - the officially established grade of the street upon which a lot fronts or in its absence the established grade of the other streets upon which the lot abuts, at the midpoint of the

frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET WIDTH - the shortest distance between the lines delineating the cartway or right-of-way for a street.

STRUCTURE - any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBWATERSHED AREA (SUBAREA) - the smallest drainage unit of a watershed for which stormwater management criteria has been established in the Stormwater Management Plan.

SUBDIVIDER - the owner or authorized agent of the owner of a lot, tract or parcel of land to be subdivided for transfer, sale or development under the terms of this Chapter.

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

SUBSTANTIALLY COMPLETED - where in the judgment of the Township Engineer, at least ninety (90) percent (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this Chapter) of those improvements required as a condition for final approval have been completed in accordance with the approval plan, so that the project will be able to be used, occupied or operated for its intended use.

SURFACE DRAINAGE PLAN - a plan showing all present and proposed grades and facilities for stormwater drainage.

SURFACE WATERS OF THE COMMONWEALTH - any and all perennial and intermittent rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, reservoirs, dammed water, wetlands, ponds, springs, natural seeps and estuaries, and all other bodies or channels of conveyance of surface water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth.

SURVEYOR, PROFESSIONAL LAND - an individual licensed and registered under the laws of this Commonwealth to engage in the practice of land surveying. A Professional Land Surveyor may perform engineering land surveys but may not practice any other branch of engineering.

SWALE - a low lying stretch of land which gathers or carries surface water runoff.

TIME OF CONCENTRATION (T_c) - the time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

TOPOGRAPHICAL MAP - a map showing the elevations of the ground by contours or elevations.

TOPOGRAPHY - the configuration of a surface area showing relative elevations.

TOPSOIL - surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Top soil is usually found in the uppermost soil layer called the "A" Horizon.

TOWNSHIP - the Township of Lower Paxton, Dauphin County, Pennsylvania, Board of Supervisors, its agents or authorized representatives.

UNDEVELOPED LAND - any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building or other improvements and on which no development or building has occurred.

UNIT - a part of the property, structure or building designed or intended for any type of independent use, which has direct exit to a public street or way or to an easement or right-of-way leading to a public street or way, and includes a proportionate undivided interest in common elements, which are assigned to the property, structure or building.

UTILITY, PUBLIC OR PRIVATE -

- A. Any agency which under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service, or
- B. A closely regulated private enterprise with a franchise for providing a public service.

VEGETATIVE COVER - such cover shall consist of trees, shrubs, flowers, grass or similar natural cover.

VERGE - an area adjacent to a roadway and located between the curb and sidewalk which is intended to be maintained in grass cover and used as a planting space for street trees.

WATERCOURSE - any channel of conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATERSHED - a region or area that contributes surface water to a defined point.

WATER POLLUTION - the addition of pollutants to water in concentrations or in sufficient quantities to result in measurable degradation of water quality.

WATER TABLE - the upper surface of groundwater, or that level below which the soil is seasonally saturated with water.

WETLAND - those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. (The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission. This definition is used by the United States Environmental Protection Agency and the United States Army Corps of Engineers.)

ARTICLE 3
PLAN PROCESSING PROCEDURES

§ 180-301. Intent

The procedures established in this Article are intended to define the steps by which an Applicant shall design, make application, record plats, and construct improvements; and by which the Township Planning Commission may review and Board of Supervisors shall approve or disapprove plans and otherwise administer these regulations.

For all subdivision and land development applications, a preliminary plan and final plan procedure is provided. It is at the discretion of the Applicant to submit either a preliminary plan followed by a final plan or a combined preliminary/final plan. However, submission of the preliminary/final plan excuses the Applicant from submitting a separate preliminary plan and stands as both a preliminary and final plan. All preliminary/final plans must conform to all Preliminary and Final plan processing procedures and content requirements. Plans must be clearly labeled "PRELIMINARY/FINAL PLAN." Provisions are also provided for the submission of sketch plans for informal review by the Township.

§ 180-302. Pre-Application Sketch Plans

- A. Prior to the formal submission of a subdivision or land development plan, the Applicant is urged to submit a sketch plan to the Township Planning Commission for advice on the requirements necessary to achieve conformity to the standards of these regulations as well as to alert the Applicant as early as possible to factors which must be considered in the design of a subdivision or land development, such as pertinent elements of any County or Township land use, thoroughfare or other community plans. Review of a sketch plan is not required and is only an informal, advisory process to guide the Applicant with the eventual preparation of a formal preliminary or final plan, as applicable.
- B. Sketch plans should be accompanied by a letter of transmittal and a project narrative necessary to explain existing or proposed site conditions which are not self-explanatory on the actual sketch.
- C. Application: The Applicant, fourteen (14) days prior to the meeting of the Planning Commission, at which review of the sketch plan is desired, shall file with the Zoning Officer ten (10) copies of a sketch plan of the proposed subdivision or land development and other applicable maps, information and data. The Township staff, Township Engineer, County Planning Commission and other departments or agencies will not provide a formal review of the plan and issue written comments but merely provide a general overview and provide commentary at the Planning Commission meeting at which the plan is being discussed.

§ 180-303. Preliminary Subdivision or Land Development Plan Applications

- A. Application. A plan clearly labeled "PRELIMINARY PLAN" complying with the requirements of Article 4 shall be prepared for each subdivision or land development and submitted to the Township in the form of sixteen (16) paper prints no greater than 24" x 36" sheets. In addition, two (2) copies of all applicable supplementary data, plans and reports; four (4) copies of the completed Sewage Facilities Planning Module; one (1) correct and complete Application for Subdivision and Land Development Review form and Subdivision and Land Development Plan Submission Checklist as contained in Exhibit 1 herein; and the required Township filing fees must be submitted prior to review by the Township. The Applicant shall also file with the Township, one (1) completed application form and the appropriate filing fees as required by the Dauphin County Planning Commission for review of the subdivision or land development application. All plans and accompanying information must be submitted to the Township during normal business hours no less than twenty-eight (28) days prior to the regularly scheduled Planning Commission meeting at which consideration is requested.
- B. Administratively complete applications. Upon receipt of an application for subdivision or land development review, the Township will determine if the filing contains all required information as prescribed by this Ordinance to constitute a complete and thorough application. Upon receipt of an incomplete application, the Township shall within seven (7) calendar days, notify the Applicant or the Applicant's representative that the application for a subdivision or land development plan is incomplete and will not be further processed. All materials submitted will be made available to be picked-up by the Applicant or their representative and no further review will be provided.
- C. Review. The Township shall, as applicable, submit copies of the application to the Planning Commission, the Township Engineer, the Dauphin County Planning Commission, the Township Authority, the Township Public Works Department, the Township Public Safety Committee, and other public agencies or departments as necessary for review. The Board of Supervisors, upon the recommendation of the Planning Commission, shall act on any such Preliminary Plan not later than ninety (90) days following the date of the regular meeting of the Board of Supervisors or the Planning Commission (which ever first reviews the application) following the day the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been duly filed. In the event that any modification of requirements from this Article is requested by the Applicant or is deemed necessary by the Planning Commission, the alteration and the reason for its necessity shall be entered in the records of the Planning Commission.

- D. The Dauphin County Planning Commission shall review the application and shall return one (1) copy of a written report stating their suggestions for modifications and design changes to the Planning Commission within thirty (30) days of their receipt of same or forfeit their right to review.
- E. Processing of Sewage Facilities Planning Modules. All subdivision and/or land development plans shall comply with Section 5 of the Act of January 24, 1966, P.O. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act", as amended, and the Rules and Regulations of the Pennsylvania Department of Environmental Protection (DEP) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code. Such act and regulations require the Township to adopt an Official Sewage Facilities Plan which provides for sewage services adequate to prevent contamination of waters and/or environmental health hazards with sewage wastes. Further, the Township shall revise said plan when it is determined that a proposed method of sewage disposal for a new subdivision or land development conforms to a comprehensive program of pollution control and water quality management.
1. The proposed subdivision and/or land development of a parcel of land and its associated sanitary sewage facilities shall be as described in detail by the Applicant as part of a Sewage Facilities Planning Module for Land Development. Said Planning Module shall be submitted with the preliminary plan or in the case of a combined submission with the preliminary/final plan.
 2. The Township shall review the Planning Module for the proposed subdivision and/or land development, and determine if the proposed method of sewage disposal conforms to and is included in the approved "Official Plan" of the Municipality of Lower Paxton Township.
 3. The Township shall review the subdivision and/or land development plan described in the attached Planning Module and determine if it conforms to applicable zoning, subdivision, other Municipal Ordinances and plans, and to a comprehensive program of pollution control and water quality management.
 4. The Board of Supervisors shall act upon the Planning Module in conjunction with or after action on the preliminary plan or in the case of a combined submission with or after action on the preliminary/final plan. At no time shall the Township act upon a Planning Module prior to acting upon a preliminary plan or a preliminary/final plan. Planning Modules approved by the Board of Supervisors shall be submitted to and approved by DEP as a revision to the "Official Plan" of the Township.

5. Planning Modules for subdivisions and/or land development, approved by the Board of Supervisors and DEP, shall continue as an amendment of the "Official Plan" until such time as:
 - a. A final plan is not submitted to the Township within five (5) years of the date of approval of the preliminary plan unless the plan is in accordance with a previously approved and updated phasing schedule or extended in writing by the Board of Supervisors.
 - b. The preliminary/final or final subdivision and/or land development plan is withdrawn or abandoned, as indicated in writing by the Applicant.
 6. Planning Modules for subdivisions and/or land development, approved by the Board of Supervisors and DEP, shall serve to revise the "Official Plan" for only the site specific location referenced within the Planning Module. Sanitary sewer capacity identified within a Planning Module for a site specific location, approved by the Board of Supervisors shall not be transferred to or used at any other location within the Township.
 7. The approval of a Planning Module by the Board of Supervisors does not obligate the Township to provide building permits and/or sanitary sewer connection permits. The availability of such permits may be limited by DEP and/or the operators of treatment plants receiving Township sanitary sewage.
- F. Resubmission of Plans. When action on a plan has been tabled or postponed by the Planning Commission or Board of Supervisors due to outstanding comments, deficiencies or other issues with the application; tabled at the request of the Applicant; or conditionally recommended for approval by the Planning Commission subject to addressing review comments; and the Applicant must resubmit a corrected application to the Township, all plans and accompanying information must be resubmitted to the Township during normal business hours no less than twenty-one (21) days prior to the regularly scheduled Planning Commission or Board of Supervisors meeting at which reconsideration is requested. If the revised plan is to be resubmitted to the Planning Commission for review, nine (9) copies of all plans and two (2) copies of all reports and accompanying documents must be submitted otherwise, for submissions to the Board of Supervisors, two (2) copies of all plans, reports and accompanying documents must be submitted and, in either case, must be accompanied by a formal written response sufficiently addressing in detail all outstanding review comments or questions. Based upon the number and significance of any remaining comments, the Zoning Officer, in consultation with the Township Engineer, will determine whether a plan is complete and ready to be included on the agenda of the Planning Commission or Board of Supervisors for

consideration. A withdrawn application must be filed as an entirely new application to be further considered by the Township.

- G. Before acting on any application, the Board of Supervisors may hold a public hearing thereon after proper public notice.
- H. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of this Article, statute or other ordinance relied upon.
- I. Failure of the Board of Supervisors to render a decision and communicate it to the Applicant within the time and in the manner described herein shall be deemed an approval of the application in terms as last presented unless the Applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect. (A sample "Agreement to Extend the Time for Rendering and Communicating a Decision on Certain Preliminary and/or Final Subdivision/Land Development Plans" is contained in Exhibit 5 herein).
- J. Approval or Disapproval. The Board of Supervisors shall review the preliminary plan at a regularly scheduled public meeting following the submission of the written review and recommendations of the Township Planning Commission, Township Engineer, and County Planning Commission, or at some other public meeting or meetings of the Board prior to the end of the statutory ninety (90) day review period. Upon completion of its review, the Board of Supervisors shall determine whether the plan shall be approved, approved with conditions acceptable to the Applicant, or disapproved. The decision shall be made in writing and shall be communicated to the Applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision. If the plan is approved with conditions, the Applicant shall respond to the Board of Supervisors indicating acceptance or rejection of such conditions. Such response shall be made in writing, signed by the Applicant, and received by the Township within fifteen (15) calendar days of receipt by the Applicant of the Board of Supervisors' decision to approve the plan with conditions. Approval of the plan shall be rescinded automatically upon the Applicant's failure to accept such conditions in the manner and within the time frame noted above.
- K. Approval of the preliminary plan constitutes approval of the proposed subdivision or land development with respect to the general design, the approximate dimensions and other planned features. Preliminary approval binds the Applicant to the plan as approved. Material changes to the plan shall not be permitted once approved by the Board of Supervisors.

- L. Following the approval of the preliminary plan, including the satisfaction of all conditions of approval, the Applicant shall provide the Township with four (4) complete signed and sealed paper copies of the preliminary plan, one (1) reproducible Mylar copy of the same and two (2) signed and sealed copies of all approved reports for the Township's records.

- M. Plan Status. Approval of the preliminary plan shall assure the Applicant for a period of five (5) years from the date of approval, or such other longer period as may be set forth on a detailed phasing schedule submitted by the Applicant and approved by the Township, that:
 - 1. The general layout and approximate dimension of streets, lots, and other features are approved and shall be the basis for the preparation of the final plan;
 - 2. The general terms and any special conditions under which the approval of the plan was granted will not be changed; and
 - 3. The Applicant may install improvements in accordance with the approved preliminary plan and other requirements contained in this Ordinance. The Township Engineer shall be responsible for inspection and approval of the required improvements as provided for in this Ordinance.
 - 4. Preliminary plan approval does not constitute approval of the final plan and, therefore, does not authorize the recording of the subdivision or land development plan, the sale or transfer of lots, or the construction of buildings or other structures on the property.

The effects of changes to this Ordinance on plan status are more fully described in Article 11 herein.

§ 180-304. Final Subdivision or Land Development Plan Applications

- A. Application. Within five (5) years after the approval of the preliminary plan, a plan clearly labeled "FINAL PLAN" with all necessary supplemental data, plans and reports as contained herein shall be officially submitted to the Township. Failure to submit a final plan within five (5) years of the date of approval of the preliminary plan shall subject the preliminary plan to all intervening governing ordinances unless the plan is in accordance with a previously approved and updated phasing schedule or extended in writing by the Board of Supervisors. A preliminary plan not consistent with the above shall not be used as a basis for any development or construction. Any subsequent development shall be preceded by a new preliminary plan application.

- B. When filing an application for final approval, a final plan complying with the requirements of Article 4 shall be prepared for each subdivision or land

development and submitted to the Township in the form of sixteen (16) paper prints no greater than 24" x 36" sheets. In addition, two (2) copies of all applicable supplementary data, plans and reports; one (1) correct and complete Application for Subdivision and Land Development Review form and Subdivision and Land Development Plan Submission Checklist as contained in Exhibit 1 herein; and the appropriate filing fees must be submitted prior to review by the Township. The Applicant shall also file with the Township, one (1) completed application form and the appropriate filing fees as required by the Dauphin County Planning Commission for review of the subdivision or land development application. All plans must be submitted to the Township during normal business hours no less than twenty-eight (28) days prior to the regularly scheduled Planning Commission meeting at which consideration is requested.

- C. Administratively complete applications. Upon receipt of an application for subdivision or land development review, the Township will determine if the filing contains all required information as prescribed by this Ordinance to constitute a complete and thorough application. Upon receipt of an incomplete application, the Township shall within seven (7) calendar days notify the Applicant or the Applicant's representative that the application for a subdivision or land development plan is incomplete and will not be further processed. All materials submitted will be made available to be picked-up by the Applicant or their representative, and no further review will be provided.
- D. Review. The Township shall, as applicable, submit copies of the application to the Planning Commission, the Township Engineer, the Dauphin County Planning Commission, the Township Authority, the Township Public Works Department, the Township Public Safety Committee, and other public agencies or departments as necessary for review of the application. The Board of Supervisors, upon the recommendation of the Planning Commission, shall act on any such Final Plan not later than ninety (90) days following the date of the regular meeting of the Board of Supervisors or the Planning Commission (which ever first reviews the application) following the day the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been duly filed. In the event that any modification of requirements from this Article is requested by the Applicant or is deemed necessary by the Planning Commission for approval, the alteration and the reason for its necessity shall be entered in the records of the Planning Commission.
- E. The Dauphin County Planning Commission shall review the application and shall return one (1) copy of a written report stating their suggestions for modifications and design changes to the Planning Commission within thirty (30) days of their receipt of the same or forfeit their right to review.

- F. Resubmission of Plans. When action on a plan has been tabled or postponed by the Planning Commission or Board of Supervisors due to outstanding comments, deficiencies or other issues with the application; tabled at the request of the Applicant; or conditionally recommended for approval by the Planning Commission subject to addressing review comments; and the Applicant must resubmit a corrected application to the Township, all plans and accompanying information must be resubmitted to the Township during normal business hours no less than twenty-one (21) days prior to the regularly scheduled Planning Commission or Board of Supervisors meeting at which reconsideration is requested. If the revised plan is to be resubmitted to the Planning Commission for review, nine (9) copies of all plans and two (2) copies of all reports and accompanying documents must be submitted otherwise, for submissions to the Board of Supervisors, two (2) copies of all plans, reports and accompanying documents must be submitted and, in either case, must be accompanied by a formal written response sufficiently addressing in detail all outstanding review comments or questions. Based upon the number and significance of any remaining comments, the Zoning Officer, in consultation with the Township Engineer, will determine whether a plan is complete and ready to be included on the agenda of the Planning Commission or Board of Supervisors for consideration. A withdrawn application must be filed as an entirely new application to be further considered by the Township.
- G. Before acting on any application, the Board of Supervisors may hold a public hearing thereon after proper public notice.
- H. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of this Article, statute or other ordinance relied upon.
- I. Failure of the Board of Supervisors to render a decision and communicate it to the Applicant within the time and in the manner described herein shall be deemed an approval of the application in terms as last presented unless the Applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect. (A sample "Agreement to Extend the Time for Rendering and Communicating a Decision on Certain Preliminary and/or Final Subdivision/Land Development Plans" is contained in Exhibit 5 herein).
- J. Approval or Disapproval. The Board of Supervisors shall review the final plan at a regularly scheduled public meeting following the submission of the written review and recommendations of the Township Planning Commission, Township Engineer, and County Planning Department, or at some other public meeting or meetings of the Board prior to the end of the statutory ninety (90) day review period. Upon completion of its review, the Board of Supervisors shall determine

whether the plan shall be approved, approved with conditions acceptable to the Applicant, or disapproved. The decision shall be made in writing and shall be communicated to the Applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision. If the plan is approved with conditions, the Applicant shall respond to the Board of Supervisors indicating acceptance or rejection of such conditions. Such response shall be made in writing, signed by the Applicant, and received by the Township within fifteen (15) calendar days of receipt by the Applicant of the Board of Supervisors' decision to approve the plan with conditions. Approval of the plan shall be rescinded automatically upon the Applicant's failure to accept or reject such conditions in the manner and within the time frame noted above. However, no plat shall be finally approved unless the streets on such plat have been improved as may be required by ordinance, and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, landscaping, water mains, sanitary sewers, storm sewers, stormwater management facilities, and other site improvements as may be required by this Article and any applicable municipal requirements have been properly installed in accordance with such requirements. In lieu of the completion of any site improvements required as a condition for the final approval of a plan, financial security, as delineated in this Article, must be provided and accepted by the Board of Supervisors.

- K. Following the approval of the final plan, including the satisfaction of all conditions of approval, the Applicant shall provide the Township with eight (8) complete signed and sealed paper copies of the final plan, one (1) reproducible Mylar copy of the same, two (2) signed and sealed copies of all approved reports and the required electronic data files in the format required in Article 4, § 180-404.E.16.
- L. Recording. The final plan shall be recorded within ninety (90) days of meeting all conditions imposed on the final plan, or if no conditions, then within ninety (90) days of the approval by the Board of Supervisors. The signed and sealed plans shall be filed and recorded in the Office of the County Recorder of Deeds and the signed and sealed Mylar shall be retained for the Township's records. Whenever plan approval by the Board of Supervisors is required, the Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Board of Supervisors and the review of the Dauphin County Planning Commission.

Recording shall entitle the Applicant to sell, transfer or develop the land shown on the plan in accordance with the approved plan, subject to any conditions attached thereto. Where final plans are approved for only a portion, section or phase of the entire subdivision or land development, sale, transfer or development may proceed only on that approved portion, section or phase.

When a final plan has been approved, no subsequent change or amendment in zoning, subdivision or other governing ordinance shall be applied to affect

adversely the right of the Applicant to commence and complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. Where final approval is preceded by preliminary approval, the aforesaid five (5) year period shall be counted from the date of the preliminary approval.

When the Applicant has failed to substantially complete the required improvements set forth on the approved plan within five (5) years of the aforesaid approval date and when changes in a zoning, subdivision, or other governing ordinance have occurred which affect the design of the approved plat, the subdivision or land development shall be subject to the changes in the zoning, subdivision, or other governing ordinance.

§ 180-305 Improvement & Maintenance Guarantee

- A. No plan shall be finally approved unless the streets shown on such plan have been improved to a mud-free or otherwise permanently passable condition, or improved as may be otherwise required by this Ordinance and any sidewalks, walkways, pathways, curbs, gutters, street lights, parking lots, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers, landscaping, landscape berm grading and other improvements as may be required by this Ordinance have been installed in accordance with this Ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plan, including improvements or fees otherwise required by this Ordinance, the Applicant may deposit with the Township financial security in an amount sufficient to cover the costs of such plan improvements or common amenities including basins and other related drainage facilities, recreational facilities, open space improvements, traffic and transportation improvements, or buffer or screen plantings which may be required in accordance with any land use ordinance. The Applicant shall not be required to provide financial security for the cost of any improvements for which financial security is required by and provided to the Pennsylvania Department of Transportation in connection with the issuance of a Highway Occupancy Permit for the project.

- B. When requested by the Applicant, in order to facilitate financing, the Board of Supervisors, shall furnish the Applicant with a signed copy of a resolution indicating approval of the final plan contingent upon the Applicant obtaining a satisfactory financial security. The final plan or record plan shall not be signed nor recorded until the financial security 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 granted by the Board of Supervisors; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the Applicant.

- C. Without limitation as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed the preferred and acceptable method of financial security for the purposes of this Article. Said instruments of financial security shall be prepared in a format containing an “evergreen clause” which causes said security to renew automatically on an annual basis unless otherwise authorized by the Township. (Sample “Security Agreements” and a sample “Irrevocable Letter of Credit” are contained in Exhibits 6 and 7 herein. These documents are recommended formats and may be amended as necessary by the Board of Supervisors).
- 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 and maintains an office within one hundred (100) miles of the Township’s Administration Building upon which the financial security can be readily secured by the Township in the event of a default by the Applicant.
- E. Such security shall provide for, and secure to the public the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
- F. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred and ten (110) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the Applicant. In addition, the Applicant shall include an additional ten (10) percent of the total amount of the financial security to cover engineering inspection fees associated with the installation of said improvements; the preparation of As-Built Plans and related work. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost of the completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the Applicant to post additional security equal to said one hundred and ten (110) percent. Any additional security shall be posted by the Applicant in accordance with this subsection.
- G. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an Applicant and prepared by a Professional Engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to

accept such estimate for good cause shown. If the Applicant 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. The estimate certified by the third (3rd) engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third (3rd) engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the Applicant.

- H. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred and ten (110) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period.
- I. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plans by sections or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- J. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the partial release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors and shall detail the specific improvements that are being requested for release. The Board of Supervisors shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Board of Supervisors fails to act within said forty-five (45) day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board of Supervisors may, prior to final release at the time of completion and certification by its engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements.
- K. Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board of Supervisors may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan 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.

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

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

- N. Release of Financial Security: When the Applicant has completed all of the necessary and appropriate improvements, the Applicant shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report in writing, with the Board of Supervisors, who shall promptly mail a copy of the same to the Applicant by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the foresaid authorization from the Board of Supervisors; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part and if said improvements or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such non approval or rejection.

- O. The Board of Supervisors shall notify the Applicant, within fifteen (15) days of receipt of the Township Engineer's report, in writing by certified or registered mail of the action of said Board of Supervisors with relation thereto.
- P. If the Board of Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the Applicant shall be released from all liability, pursuant to this performance guaranty or other security agreement.
- Q. If any portion of the said improvements shall not be approved or shall be rejected by the Board of Supervisors, the Applicant shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- R. Nothing herein, however, shall be construed as a limitation of the Applicant's right to contest or question by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township Engineer.
- S. The Applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements according to a schedule of fees adopted by resolution of the Board of Supervisors and as from time to time amended.
- T. In the event the Applicant disputes the amount of any such expense in connection with the inspection of improvements, the Applicant shall, within fifteen (15) days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary in which case the Township shall not delay or disapprove a subdivision or land development due to the Applicant's request over disputed engineer expenses.
- U. 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, then the Applicant and the Township shall jointly, by mutual agreement, appoint another Professional Engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
- V. The Professional Engineer so appointed shall hear such evidence and review such documentation as the Professional Engineer in his or her sole opinion deems necessary and render a decision within thirty (30) days of appointment. The Applicant shall be required to pay the entire amount determined in the decision immediately.
- W. In the event that the Township and Applicant cannot agree upon the Professional Engineer to be appointed then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the

Township is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any Professional Engineer who has been retained by, or performed services for, the Township or the Applicant within the preceding five (5) years.

- X. The fee of the appointed Professional Engineer for determining the reasonable and necessary expenses shall be paid by the Applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand (\$1,000) dollars or more, the Township shall pay the fee of the Professional Engineer, but otherwise the Township and the Applicant shall each pay one-half (1/2) of the fee of the appointed Professional Engineer.

§ 180-306. Reimbursement of Review Costs

- A. The Applicant shall reimburse the Township for costs that the Township has incurred by the Township Engineer and/or Professional Consultant(s) that the Township, in its sole discretion, deems necessary in order to adequately and properly review a plan and supporting data, and reporting the findings to the Township. The fees shall be established annually by resolution of the Board of Supervisors. The Township shall advise the Applicant of the reimbursement amount required within thirty (30) days of being billed by the Township Engineer and/or other Professional Consultant(s). The Applicant shall reimburse the Township within thirty (30) days of receipt of the Township's notice of payment due.
 - 1. In the event the Applicant disputes the amount of any such review fee, the Applicant shall, within fifteen (15) days of the receipt of the notice of payment due, notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a plan submission due to the Applicant's fee dispute. If no fees are disputed, the Township may condition the approval of plan submissions upon the Township having received full payment as stated in the notice of payment due.
 - 2. If, within forty-five (45) days of the notice of payment due, the Applicant and Township cannot agree on the amount of expenses incurred by the Township, the Applicant and Township shall jointly, by mutual agreement, appoint another Professional Engineer or Professional Consultant of the same profession or discipline as the Township Engineer or Professional Consultant whose fees are being disputed to make a determination as to the amount thereof which is reasonable and necessary.
 - 3. In the event the municipality and the Applicant cannot agree upon the Professional Engineer or Professional Consultant to be appointed then, upon application of either party, the President Judge of the Court of

Common Pleas of Dauphin County shall appoint such Professional Engineer or Professional Consultant, who, in that case shall be neither the Township Engineer or Professional Consultant nor any Professional Engineer or consultant who has been retained by, or performed services for, the Township or the Applicant within the preceding five (5) years.

4. The Professional Engineer or Professional Consultant appointed, either by mutual agreement of the Township and Applicant or by the President Judge of the Court of Common Pleas, shall hear such evidence and review such documentation as the Professional Engineer or Professional Consultant in his or her sole opinion deems necessary and render a decision within thirty (30) days of appointment. Such decision shall be final and binding upon both the Township and the Applicant. The Applicant shall be required to pay the entire amount determined in the decision within ten (10) days of such decision.
5. The fee of the appointed Professional Engineer or Professional Consultant for determining the reasonable and necessary expense shall be paid by the Applicant, if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand dollars (\$1,000.00) or more, the Township shall pay the fee of the Professional Engineer or Professional Consultant, but otherwise the Township and the Applicant shall each pay one-half (1/2) of the fee of the appointed Professional Engineer or Professional Consultant.

§ 180-307. Dedication of Improvements

- A. All improvements shall be deemed to be private improvements and only for the benefit of the specific project until such time as the same have been properly offered for dedication and formally accepted by the Board of Supervisors in accordance with current Township procedures. No responsibility of any kind with respect to the improvements shown on the final plan shall be transferred until the improvements have been formally accepted. No improvement shall be accepted for dedication until all improvements are fully constructed, inspected by the Township and until As-Built Plans have been completed by the Applicant and reviewed and found to be acceptable to the Township.
- B. Prior to the dedication of improvements, the Applicant shall maintain said facilities in good condition and for the intended use. All streets serving occupied dwellings shall be paved and maintained in a passable condition and shall be plowed within twenty-four (24) hours following a snowfall.
- C. Prior to the acceptance of improvements, the Applicant shall submit, in a form suitable to the Township, the required number of originals of the following documents for the Township's review:

1. Legal description
2. Right-of way or easement plat
3. Deed of Dedication
4. Release of Liens
5. Maintenance Guarantee
6. Other customary documentation as may be required

§ 180-308. Digital Plan Requirements

Requirements of this section are intended to apply to final recording plan submissions only. A .pdf exhibit shall be provided for use during public meetings with all submissions.

- A. All data submitted shall be in compliance with the Manual of Practice for Professional Land Surveyors in the Commonwealth of Pennsylvania, as amended.
- B. All digital files submitted shall be based on accurate geometric calculations.
- C. Digital submissions shall have all layers clearly and separately represented. Included with all digital submissions on a metadata file shall be included outlining the following:
 1. A list of layers used with a description of what those layers represent.
 2. A list of all point files and break lines with a description of any abbreviations.
- D. All plans must be in Pennsylvania State Plane Coordinate System South Zone, utilizing the North American Vertical Datum of 1988 (NAVD88). Units shall be in US survey feet.
- E. All plans must be submitted in AutoCAD drawing (.dwg), AutoCAD interchange (.dxf), or ArcView Shapefile (.shp), on CD-ROM or other agreeable format acceptable to the Township.
- F. Digital file layering must be established in the files that place the following elements on separate layers:

Township Line	Utilities
Road Centerline	Traffic Signs and Signals
Property Lines	Stormwater Management
Road Names	Flood Plains
Parcel Boundaries	
- G. Annotation submitted digitally shall be identical to the annotation submitted on the mylar hardcopy filed with Lower Paxton Township. All other miscellaneous

annotation and information, such as north arrow and scale, shall be put on separate layers or as Misc Line/Misc Text.

- H. Private utilities such as gas, water, phone service, electric, etc. will be included and shall be clearly labeled and put on separate layers or as Misc Line/Misc Text.

ARTICLE 4
PLAN SPECIFICATIONS AND REQUIREMENTS

§ 180-401. Intent

Plans, maps, data and reports shall be prepared and furnished by the Applicant as required to assure accurate surveying and engineering; to provide adequate information for designing and preparing plans; and to facilitate the timely and accurate review, processing and recording of plans. Plans and maps shall be neat, legible, uncluttered, well organized, easily readable, and in conformance with good and acceptable engineering and drafting practices and to provide clear and concise documentation of all required data.

§ 180-402. Sketch Plan Requirements

- A. Sketch Plans shall be clearly labeled "SKETCH PLAN" and include sufficient information to clearly indicate the character and extent of the proposed subdivision or land development and its relationship to existing conditions and facilities within the area in which it is to be located. It is recommended that the Sketch Plan submission include a map covering sufficient area to establish the location of the site and an informal plan of any existing or proposed streets, buildings, lot arrangement, utilities, significant natural features, design standards and other elements within the subdivision or land development requirements including topographic contours, if appropriate.
- B. Prior to the preparation of any plans, the Applicant should consult the Dauphin County Conservation District concerning the preparation of plans for erosion and sedimentation control.
- C. The Applicant should determine the feasibility of providing public sewerage and public water to the development site.
- D. If the site is located within an area planned or currently receiving public sewer and/or water services, the Applicant should consult with the Lower Paxton Township Authority and the appropriate water utility to determine the availability of service and the requirements for obtaining sewer and water service for the proposed project.
- E. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or land development, the Applicant should present evidence to the Township that the subdivision can be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment letter or agreement to serve the area in question, whichever is appropriate, shall be acceptable.

- F. If on-lot sewage systems are proposed, an initial investigation of soil types on the property is recommended to determine the feasibility of providing the subdivision or land development with on-lot systems.
- G. The Applicant should determine whether or not the site is located in an identified flood hazard area, in which case applicable floodplain management requirements shall be followed in the layout and design of the subdivision or land development.

§ 180-403. Preliminary Plan Requirements

The Applicant shall submit, as part of an application for preliminary plan review of a subdivision or land development plan, the following information on the required 24" x 36" preliminary plan sheets.

A. Title Block

- 1. Identification of the plan as a Preliminary Plan.
- 2. Name of the subdivision or development.
- 3. Township and County Name
- 4. Name, address, and telephone number of the legal and/or equitable owner(s), Applicant(s), and authorized agent(s) as applicable.
- 5. Written and graphic scale of plan
- 6. Name, address, and telephone number of plan preparer.
- 7. Date of plan preparation and date of all subsequent revisions.

B. Signature Blocks Space for date, signature and type of formal action by each of the following shall be provided in accordance with the form of the certifications contained in Exhibit 3 of this Ordinance:

- 1. Lower Paxton Township Board of Supervisors
- 2. Lower Paxton Township Planning Commission
- 3. Lower Paxton Township Engineer
- 4. Dauphin County Planning Commission
- 5. Other officials as appropriate

C. Plan Content

- 1. Location map, at a scale not smaller than 1" = 1000', showing the location of the proposed subdivision or land development in relation to named streets, boundaries, previous subdivisions, and other prominent features.
- 2. North arrow and graphic and written scales on all plan sheets.
- 3. Metes and bounds description showing dimensions, bearings, curve data, lengths of tangents, radii, arc lengths, chord lengths, and central angles for all property lines, including the entire perimeter of the tract to be

subdivided or developed as well as all street right-of-way lines and center lines. A primary control point and identification of all existing property corners shall be shown on the plan. All surveys must be on the Pennsylvania State Plane Coordinate System, South Zone. Coordinates must be provided for all property corners of the parent tract.

4. All existing, natural features on the property and extending a minimum of one hundred (100) feet beyond the property's boundary including, but not limited to the following, water courses, wetlands, marshes, floodplains, rock outcrops, sinkholes, vegetated areas, wooded areas and other significant natural features.
5. All existing and man-made structures on the property and extending a minimum of one hundred (100) feet beyond the property's boundary including but not limited to, buildings, structures, roadways and rights-of-way, driveways, sanitary and storm sewers, manholes, septic systems, wells, water mains, culverts, fire hydrants, utility poles, overhead and/or underground electric, cable and communication lines; gas, oil and other transmission mains, and other significant man-made features on and adjacent to the tract. All utility lines, storm drainage facilities, and structures shall be identified as to size, depth, material type, and top and invert elevations.
6. The location of easements, rights-of-way, and other restrictions and any protective covenants running with the land which exist at the time of the filing of the plan.
7. All zoning districts and zoning district lines must be prominently labeled on the plan.
8. Existing contours on the property and extending a minimum of one hundred (100) feet beyond the property's boundary at a vertical contour interval of two (2) feet. Spot elevations shall also be provided where additional detail is required. Reference information for all elevations must be based upon the National Geodetic Survey (NGS), North American Vertical Datum (NAVD) 1988 or current version. One (1) permanent on-site benchmark must also be provided and referenced.
9. Plan scale shall not exceed 1"=60'. If multiple plan sheets are used, match lines and a key map shall be provided indicating the sheet orientation and view with respect to the subject property for each plan sheet. The minimum text size shall be a Leroy pen height of L 80 as typically defined by drafting standards.
10. Tax parcel number, current deed reference(s) and source(s) of title to the land being subdivided or developed shall be included, as shown by the County Recorder of Deeds.

11. Name, deed book reference, subdivision plan reference and lot number of all adjoining property owners. The identity of property owners shall reflect ownership of the properties as they exist currently or no earlier than one (1) year prior to plan submittal.
12. Lot layout of the entire parcel which is to be subdivided or developed. The lot, tract or parcel drawing shall include the following:
 - a. All proposed lots shall be depicted indicating the lot area in square feet and acres; approximate dimensions for all proposed lot lines and curves.
 - b. Location and description of all existing and required survey monuments and markers shown on the plan.
 - c. Lot numbers in progressive order to identify each lot or tract.
 - d. The location, size and use of all existing buildings.
 - e. The building setback lines prescribed for the applicable zoning district.
13. In the case of land development applications, the approximate location, dimension, configuration and elevation of all proposed buildings, structures, retaining walls, curbing, parking areas, streets, walkways, drainage facilities, proposed utilities, access drives, site and street lighting, street trees, site landscaping and all other significant planned facilities on the property shall be shown.
14. Proposed contours shall be provided at a two (2) foot contour interval for all proposed grading and/or construction activities that change the grade and elevation of the existing ground. The proposed finished floor elevation of all buildings and structures shall also be shown. Spot elevations shall also be provided where additional clarification is required.
15. Streets, utilities, and other proposed features on the subdivision or land development and extending one hundred (100) feet beyond the property's boundaries, in accordance with the following:
 - a. The location, right-of-way, pavement width and name, if known, of all streets.
 - b. A typical street cross section for each proposed street and a typical cross section for any existing street which shall be improved as part of the application. Each cross section shall include the entire right-of-way width and depict all relevant design information

including, but not limited to, existing and proposed pavement section, curbing, sidewalks, base drain, cross slopes, and related information required for construction. Where the Township believes that one typical section will not adequately provide sufficient information for review and construction purposes, multiple cross sections shall be provided as directed.

- c. Vertical and horizontal alignment for each proposed street, sanitary sewer and storm sewerage systems, under drains, water distribution system, and other utilities, above or below grade, as applicable. All street profiles shall be drawn at a minimum scale of 1"=60' horizontal and 1"=5' vertical and shall show, at a minimum, the existing centerline profile, the proposed grade at the centerline, all proposed vertical curve data for streets including sight distance information. The profiles shall also indicate all storm sewer information, inlets, sanitary sewers and manholes, utility lines, and other information for those items located within the roadway right-of-way. Where storm or sanitary sewerage facilities are located outside of the street right-of-way or cannot be easily and accurately superimposed on the street profiles, separate profiles shall be provided.
 - d. All water distribution, storm sewer and sanitary sewer systems shall provide all hydrant locations, structure and pipe locations, pipe size, slope and type of material, top and invert elevations of all structures, lateral locations, and other related information.
- 16. The size, type, location and beneficiary of all existing and proposed easements and rights-of-way. Any easement or right-of-way to be conveyed to Lower Paxton Township and/or Lower Paxton Township Authority shall be provided with metes and bounds descriptions.
 - 17. Existing and proposed on-lot well and sewage disposal system locations, as well as soil probe and percolation test locations for all proposed on-lot sewage disposal systems.
 - 18. The location and details of sidewalks, street lights, curbs, driveways, street trees, landscaping amenities, utilities and all other proposed site improvements.
 - 19. The size, location, pavement markings and signage for fire lanes and the location of any building's fire department connection in accordance with the requirements of the Township Fire Marshall and the current International Fire Code (IFC).

20. If construction is planned to occur in phases, a phasing plan and schedule indicating when each final phase will be filed with Lower Paxton Township.
 21. Construction details for all proposed improvements.
 22. Required and provided sight distances at all intersections and driveways. Clear sight triangles along the centerlines of all intersecting streets and driveways shall also be provided.
 23. Parcels of land intended to be dedicated or reserved for schools, parks, playgrounds, parking areas, common open space, or other public, semi-public or community purposes. All parcels to be dedicated shall designate the time or the development stage at which the dedication will occur and the entity to which dedication shall be made. Reservations or dedications, if any, by the Applicant of any area designated for use as public grounds shall be suitable in size and location for their designated purposes and shall also indicate the type, location and specifications for any equipment or planned facilities. Consideration should be given to lands that are outlined in the Township Greenway Plan.
 24. The location of the proposed subdivision and/or land development with respect to any identified floodplain areas or districts, including information on the one hundred (100) year base flood elevations. A reference of the source of the floodplain data must be noted on the plan.
 25. Streets in and bordering a subdivision or land development shall be coordinated, and be of such widths and grades and in such locations as necessary to accommodate prospective traffic and to facilitate fire and police protection and streets must coordinate with existing structures, buildings and topography in existing or proposed adjacent neighboring developments.
 26. Easements and rights-of-way shall be provided for existing and proposed drainage facilities, water courses and utilities as herein required.
 27. Street and site lighting facilities shall be provided in all developments as herein required, irrespective of whether the streets and/or driveways are proposed for dedication to the Township or to be privately maintained.
- D. Plan Notes and Conditions All necessary or recommended supplementary subdivision or land development plan notes or conditions shall be prominently lettered on the plan. This shall include, but not be limited to:
1. The following plan information shall be included in tabular form on the plan:

- Type of development
 - Zoning district or districts
 - Total tract area
 - Total area to be developed
 - Total area of proposed recreation
 - Total number of lots or dwelling units
 - Minimum lot size proposed
 - Proposed water supply
 - Proposed sewage disposal
 - Linear feet of new streets
 - Linear feet of new storm sewer
 - Total number of inlets
 - Total linear feet of street widening
 - Total number of storm manholes and junction boxes
 - Total number of endwalls
2. Applicable zoning standards, in tabular form, for required and provided front, rear and side yard setbacks, minimum lot area, minimum lot width, minimum lot coverages, maximum building height and parking calculations.
 3. A statement of intended use or purpose for all lots except those intended for single family detached dwellings.
 4. A statement indicating that all easements and rights-of-way have been shown on the plan and that all utilities have been contacted. A current Pennsylvania One Call listing of all utility information and appropriate serial number must also be included.
 5. A statement indicating that the Applicant shall comply with all Township regulations in effect at the time of the filing of the preliminary plan.
 6. A statement that the Applicant will be responsible for paying for the installation of all street and traffic control signs required for the project as deemed necessary by Lower Paxton Township.
 7. A statement of any deed restrictions or covenants which may be a condition of the sale of the property.
 8. In case of a plan which requires access to a highway under the jurisdiction of the Pennsylvania Department of Transportation, the inclusion of the following plan note:

“Access to the state highway shall be authorized only by a Highway Occupancy Permit from the Pennsylvania Department of Transportation (PENNDOT). Approval of this plan is made with the express understanding by the Applicant that the individual lot owner(s) shall be

responsible for obtaining the required Highway Occupancy Permit(s). Plan approval does not represent any guarantee or assurance by Lower Paxton Township that a Highway Occupancy Permit will be issued by PENNDOT for any lot shown hereon. A Highway Occupancy Permit from PENNDOT shall be required prior to the issuance of a building permit by Lower Paxton Township.”

9. Other specifics or clarifications as deemed necessary by the Township to complete the plan.

E. Certifications, Dedications, and Reports

1. A certification of ownership and dedicatory statement as outlined in Exhibit 2 shall be signed by the property owner(s) verifying ownership and acceptance of the plan.
2. A certification statement, in a form as outlined in Exhibit 4, signed and sealed by the plan preparer (Professional Engineer or Professional Land Surveyor) verifying the accuracy of the engineering and survey information contained on the plan. Any plan establishing property boundaries or creating new lot lines, right-of-way lines, or similar efforts shall be prepared and sealed by a Professional Land Surveyor.
3. A completed “Sewage Facilities Planning Module for Land Development” or other equivalent documentation submitted to the Township and ready for submission to DEP in compliance with the requirements of the Pennsylvania Sewage Facilities Act and Chapter 71 of Title 25 of the Pennsylvania Code.
4. A Wetlands Delineation Report as required under Article 5, § 180-518.
5. A Traffic Impact Study when required under Article 6, § 180-602.A.
6. A Hydrogeologic Study and Water Quality Testing Report as required under Article 7, § 180-701.
7. A Stormwater Management Drainage Plan addressing the requirements outlined under Chapter 170, Stormwater Management, Drainage & Erosion Control.
8. A listing of all Local, State, Federal and other outside agency permits and approvals which are ultimately required for final plan approval and construction.
9. In the event that the plan proposes the extension of sewer service into the project from existing sewerage facilities owned and maintained by the Lower Paxton Township Authority, a report from the Authority indicating

that the proposed design has been reviewed and is sufficient to meet the technical requirements of the Authority and that the Authority has the capacity and ability to serve the project in accordance with their rules and regulations.

10. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or land development, Applicants shall present evidence to the Board of Supervisors that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment letter or agreement to serve the project in question, whichever is appropriate, shall be acceptable.
11. Other engineering or related data and information that the Township may reasonably require in order to review, evaluate, and understand the subdivision or land development plan application.

§ 180-404. Final Plan Requirements

The Applicant shall furnish, as part of an application for final plan review of a subdivision or land development plan, the following information on the required 24" x 36" final plan sheet(s):

A. Title Block

1. Identification of the plan as a Final Plan.
2. Name of the subdivision or development.
3. Township and County Name
4. Name, address, and telephone number of the legal and/or equitable owner(s), Applicant(s), and authorized agent(s) as applicable.
5. Written and graphic scale of plan
6. Name, address, and telephone number of plan preparer.
7. Date of plan preparation and date of all subsequent revisions.

B. Signature Blocks Space for date, signature and type of formal action by each of the following shall be provided in accordance with the form of the certifications contained in Exhibit 3 of this Ordinance:

1. Lower Paxton Township Board of Supervisors

2. Lower Paxton Township Planning Commission
3. Lower Paxton Township Engineer
4. Dauphin County Planning Commission
5. Dauphin County Recorder of Deeds
6. Other officials as appropriate

C. Plan Content

1. Location map, at a scale not smaller than 1" = 1000', showing the location of the proposed subdivision or land development in relation to named streets, boundaries, previous subdivisions, and other prominent features.
2. North arrow and graphic and written scales on all plan sheets.
3. Metes and bounds description showing dimensions, bearings, curve data, lengths of tangents, radii, arc lengths, chord lengths, and central angles for all property lines, including the entire perimeter of the tract to be subdivided or developed as well as all street right-of-way lines and center lines. All bearings shall be shown to the nearest second and all distances shall be shown to the nearest one-hundredth of a foot. All property areas shall close to within an error of closure of one (1) foot in 10,000 feet or greater. A primary control point and identification of all existing property corners shall be shown on the plan. All surveys must be on the Pennsylvania State Plane Coordinate System, South Zone. Coordinates must be provided for all property corners of the parent tract.
4. All existing, natural features on the property and extending a minimum of one hundred (100) feet beyond the property's boundary including, but not limited to the following, water courses, wetlands, marshes, floodplains, rock outcrops, sinkholes, vegetated areas, wooded areas and other significant natural features.
5. All existing and man-made structures on the property and extending a minimum of one hundred (100) feet beyond the property's boundary including but not limited to, buildings, structures, roadways and rights-of-way, driveways, sanitary and storm sewers, manholes, septic systems, wells, water mains, culverts, fire hydrants, utility poles, overhead and/or underground electric, cable and communication lines; gas, oil and other transmission mains, and other significant man-made features on and adjacent to the tract. All utility lines, storm drainage facilities, and structures shall be identified as to size, depth, material type, and top and invert elevations.

6. The exact location of easements, rights-of-ways, other restrictions and any protective covenants running with the land, which exist at the time of the preparation and filing of the plan.
7. All zoning districts and zoning district lines must be prominently labeled on the plan.
8. Existing contours on the property and extending a minimum of one hundred (100) feet beyond the property's boundary at a vertical contour interval of two (2) feet. Spot elevations shall also be provided where additional detail is required. Reference information for all elevations must be based upon the National Geodetic Survey (NGS), North American Vertical Datum (NAVD) 1988 or current version. One (1) permanent on-site benchmark must also be provided and referenced.
9. Plan scale shall not exceed 1"=60'. If multiple plan sheets are used, match lines and a key map shall be provided indicating the sheet orientation and view with respect to the subject property for each plan sheet. The minimum text size on plans shall be a Leroy pen height of L 80 as typically defined by drafting standards.
10. Tax parcel number, current deed reference(s) and source(s) of title to the land being subdivided or developed shall be included, as shown by the County Recorder of Deeds.
11. Name, deed book reference, subdivision plan reference and lot number of all adjoining property owners. The identity of property owners shall reflect ownership of the properties as they exist currently or no earlier than one (1) year prior to plan submittal.
12. The exact lot layout of the entire parcel which is to be subdivided or developed. The lot, tract or parcel drawing shall include the following:
 - a. All proposed lots shall be depicted indicating the exact lot area in square feet and acres and the exact dimensions for all proposed lot lines and curves. Bearings and dimensions for all property lines; corporation lines; center and right-of-way lines of streets; easements and rights-of-way; and other boundary lines with distances, radii, arcs, chords and tangents of all deflection angles shall be shown to the nearest second; to the nearest one-hundredth of a foot and to an error of closure of not more than one (1) foot in 10,000 feet.
 - b. Location and description of all existing and required survey monuments and markers shown on the plan.

- c. Lot numbers in progressive order to identify each lot or tract.
 - d. The location, size and use of all existing buildings.
 - e. The building setback lines prescribed for the applicable zoning district.
13. In the case of land development applications, the exact location, dimension, configuration and elevation of all proposed buildings, structures, retaining walls, curbing, parking areas, streets, walkways, drainage facilities, proposed utilities, access drives, site and street lighting, street trees, site landscaping and all other significant planned facilities on the property.
14. Proposed contours shall be provided at a two (2) foot contour interval for all proposed grading and/or construction activities that change the grade and elevation of the existing ground. The proposed finished floor elevation of all buildings and structures shall also be shown. Spot elevations shall also be provided where additional clarification is required.
15. Streets, utilities, and other proposed features on the subdivision or land development and extending one hundred (100) feet beyond the property's boundaries, in accordance with the following:
- a. The location, right-of-way, pavement width and name of all streets.
 - b. A typical street cross section for each proposed street and a typical cross section for any existing street which shall be improved as part of the application. Each cross section shall include the entire right-of-way width and depict all relevant design information including, but not limited to, existing and proposed pavement section, curbing, sidewalks, base drain, cross slopes, and related information required for construction. Where the Township believes that one typical section will not adequately provide sufficient information for review and construction purposes, multiple cross sections shall be provided as directed.
 - c. Vertical and horizontal alignment for each proposed street, sanitary sewer and storm sewerage systems, under drains, water distribution system, and other utilities, above or below grade, as applicable. All street profiles shall be drawn at a minimum scale of 1"=60' horizontal and 1"=5' vertical and shall show, at a minimum, the existing centerline profile, the proposed grade at the centerline, all proposed vertical curve data for streets including sight distance information. The profiles shall also indicate all storm sewer information, inlets, sanitary sewers and manholes, utility lines, and other information for those items located within the roadway right-

of-way. Where facilities are located outside of the street right-of-way or cannot be easily superimposed on the street profiles, separate profiles shall be provided.

- d. All water distribution, storm sewer and sanitary sewer systems shall provide all hydrant locations, structure and pipe locations, pipe size, slope and type of material, top and invert elevations of all structures, lateral locations, and other related information.
16. The exact size, type, location and beneficiaries of all existing and proposed easements and rights-of-way. Any easement or right-of-way to be conveyed to Lower Paxton Township shall be provided with metes and bounds descriptions.
17. Existing and proposed on-lot well and sewage disposal system locations, as well as soil probe and percolation test locations for all proposed on-lot sewage disposal systems.
18. The location and details of sidewalks, street lights, curbs, driveways, street trees, landscaping amenities, utilities and all other proposed site improvements.
19. The size, location, pavement markings and signage for fire lanes and the location of any building's fire department connection in accordance with the requirements of the Township Fire Marshall and the current International Fire Codes (IFC).
20. Construction details for all proposed improvements.
21. Required and provided sight distances at all intersections and driveways. Clear sight triangles along the centerlines of all intersecting streets and driveways shall also be provided.
22. Parcels of land intended to be dedicated or reserved for schools, parks, playgrounds, parking areas, common open space, or other public, semi-public or community purposes. Reservations or dedications, if any, by the Applicant of any area designated for use as public grounds shall be suitable in size and location for their designated purposes and shall also indicate the type, location and specifications for any equipment or planned facilities.
23. The location of the proposed subdivision and/or land development with respect to any identified floodplain areas or districts, including information on the one hundred (100) year base flood elevations. A reference of the source of the floodplain data must be noted on the plan.

24. Streets in and bordering a subdivision or land development shall be coordinated, and be of such widths and grades and in such locations as necessary to accommodate prospective traffic and to facilitate fire and police protection and streets must coordinate with existing structures, buildings and topography in existing or proposed adjacent neighboring developments.
25. Easements and rights-of-way shall be provided for existing and proposed drainage facilities, water courses and utilities as herein required.
26. Street and site lighting facilities shall be provided in all developments as required herein, irrespective of whether the streets and/or driveways are proposed for dedication to the Township or to be privately maintained.

D. Plan Notes and Conditions All necessary or recommended supplementary subdivision or land development plan notes or conditions shall be prominently lettered on the plan. This shall include, but not be limited to:

1. The following plan information shall be included in tabular form on the plan:
 - Type of development
 - Zoning district or districts
 - Total tract area
 - Total area to be developed
 - Total area of proposed recreation
 - Total number of lots or dwelling units
 - Minimum lot size proposed
 - Proposed water supply
 - Proposed sewage disposal
 - Linear feet of new streets
 - Linear feet of new storm sewer
 - Total number of inlets
 - Total linear feet of street widening
 - Total number of storm manholes and junction boxes
 - Total number of endwalls
2. Applicable zoning standards, in tabular form, for required and provided front, rear and side yard setbacks, minimum lot area, minimum lot width, minimum lot coverage, maximum building height and parking calculations.
3. A statement of intended use or purpose for all lots except those intended for single family detached dwellings.
4. A statement of all waivers granted by the Board of Supervisors for said plan.

5. A statement indicating that all easements and rights-of-way have been shown on the plan and that all utilities have been contacted. A current Pennsylvania One Call listing of all utility information and appropriate serial number must also be included.
6. A statement indicating that the Applicant shall comply with all Township regulations in effect at the time of the filing of the final plan.
7. A statement that the Applicant will be responsible for paying for the installation of all street and traffic control signs required for the project as deemed necessary by Lower Paxton Township.
8. A statement that the Applicant shall provide, at the completion of construction, a complete set of As-Built Plans as required under this Ordinance.
9. A statement of any deed restrictions or covenants which may be a condition of the sale of the property.
10. In case of a plan which requires access to a highway under the jurisdiction of the Pennsylvania Department of Transportation, the inclusion of the following plan note:

“Access to the state highway shall be authorized only by a Highway Occupancy Permit from the Pennsylvania Department of Transportation (PENNDOT). Approval of this plan is made with the express understanding by the Applicant that the individual lot owner(s) shall be responsible for obtaining the required Highway Occupancy Permit(s). Plan approval does not represent any guarantee or assurance by Lower Paxton Township that a Highway Occupancy Permit will be issued by PENNDOT for any lot shown hereon. A Highway Occupancy Permit from PENNDOT shall be required prior to the issuance of a building permit by Lower Paxton Township.”

If requested by the Township, a copy of the PENNDOT Highway Occupancy Permit application shall be submitted for consistency review by the Township with the final subdivision or land development plan.
11. Other specifics or clarifications as deemed necessary by the Township to complete the plan.

E. Certifications, Dedications, and Reports

1. A certification of ownership as outlined in Exhibit 2 shall be signed by the property owner(s) verifying ownership and acceptance of the plan.

2. Any lands to be dedicated or reserved for public, semi-public or community use shall be identified and a dedicatory statement shall be signed by the owner(s) in a form as outlined in Exhibit 2 offering land for dedication to public use for all appropriate streets, rights-of-way, easements, recreation areas, etc.
3. A certification statement, in a form as outlined in Exhibit 4, signed and sealed by the plan preparer (Professional Engineer or Professional Land Surveyor) verifying the accuracy of the engineering and survey information contained on the plan. Any plan establishing property boundaries or creating new lot lines, right-of-way lines, or similar efforts shall be prepared and sealed by a Professional Land Surveyor.
4. A letter from the Dauphin County Conservation District indicating that a final erosion and sedimentation control plan has been submitted for the project and that the plan as submitted is adequate to address the requirements of the Department of Environmental Protection under the Rules and Regulations, Chapter 102, "Erosion Control," P.L. 1987, June 22, 1937, as amended.
5. When applicable, evidence that either approval of the DEP Sewage Facilities Planning Module or similar documentation has been granted by DEP or that such approval is not required.
6. A Wetlands Delineation Report when required under Article 5, § 180-518.
7. An approved Traffic Impact Study when required under Article 6, § 180-602.A.
8. An approved Hydrogeologic Study and Water Quality Testing Report as required under Article 7, § 180-701.
9. An approved Stormwater Management Drainage Plan addressing the requirements outlined under Chapter 170, Stormwater Management, Drainage & Erosion Control including an executed Stormwater Operations and Maintenance Agreement (Chapter 170 – Appendix E).
10. Evidence of receipt of all required outside agency permits and/or approvals required for the project (i.e., DEP, U.S. Army Corps of Engineers, Dauphin County Conservation District, utility companies, etc.).
11. In the event that the plan proposes the extension of sewer service into the project from existing sewerage facilities owned and maintained by the Lower Paxton Township Authority, a report from the Authority indicating that the proposed design has been reviewed and is sufficient to meet the rules and regulations and other technical requirements of the Authority

and that the Authority has the capacity and ability to serve the project in accordance with their rules and regulations.

12. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or land development, Applicants shall present evidence to the Board of Supervisors that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment letter or agreement to serve the project in question, whichever is appropriate, shall be acceptable.
13. An executed security agreement and financial security in a form prescribed in this Ordinance and in an amount approved by the Township Engineer.
14. If applicable or required by the Board of Supervisors, an appropriately executed Developer's Agreement which sets forth the responsibilities of all parties regarding certain aspects of the subdivision or land development such as the phasing or deferral of improvements; maintenance of facilities; the design, installation and inspection of any required on-site improvements or voluntary off-site improvements; the contribution to any future infrastructure improvements, or the like.
15. Statement of all deed restrictions or covenants which may exist or be a condition of sale or development of the property. Where a Homeowner's Association will exist to own and maintain certain lands or improvements, a copy of the Homeowner's Association Documents shall be submitted to the Township.
16. Once approved, final plan submissions shall include a scanned, full size (.pdf) copy and an electronic file of the complete plan set and any other technical plans on a compact disk (CD). The digital file shall comply with the requirements in Article 3, § 180-308. Digital Plan Requirements.
17. Such other certificates, affidavits, endorsements, or dedications as may be required by the Board of Supervisors in the enforcement of these regulations.

ARTICLE 5
DESIGN STANDARDS

§ 180-501. Intent

The design standards established in this ordinance are intended to be fundamental requirements to be applied with professional skill in the subdividing and planning of land so as to produce attractive and harmonious neighborhoods, convenient and safe streets, and economical layouts of residential and other land development. The design standards are further intended to encourage and promote flexibility and ingenuity in the layout and design of subdivisions and land developments, in accordance with modern and evolving principles of site planning and development.

§ 180-502. Application

The following principles, standards, and requirements will be applied by the Board of Supervisors and Planning Commission in their review and evaluation of all subdivision and land development plan applications:

- A. The standards and requirements contained herein shall be considered the minimum for the promotion of the public health, safety, convenience, and general welfare.
- B. Where literal compliance with the standards and requirements contained herein is clearly impractical, the Board of Supervisors may modify or waive such standards through the modification of requirements process set forth in this Ordinance.
- C. Subdivision and land development plans shall be given due consideration to "Official Plans" of the Township, Dauphin County region, or to such parts thereof as may be adopted pursuant to statute. The Township Greenway Plan shall also be considered in the design and dedication of open space and recreation areas.
- D. Proposed land uses shall conform to the Lower Paxton Township Zoning Ordinance, as amended.
- E. Land subject to hazards to life, health, or property, such as may arise from fire, flood, disease, or other causes, shall not be planned for development purposes unless such hazards have been eliminated or unless the plan shall show adequate safeguards against them, which shall be approved by the Township and/or appropriate regulatory agencies.
- F. Whenever a subdivision or land development plat or plan is submitted which sets forth new streets or other ways of ingress and egress other than a single cul-de-sac street, two separate points of ingress to and egress from the land affected, or any significant portion thereof, must be designated thereon. Such points of ingress and egress must be designed and built to conform to the design and construction requirements of Lower Paxton Township for public streets. An Applicant may

request a modification of this requirement and shall in support thereof, present evidence that due to topography, site distance, wetlands, environmental constraints, configuration of land, distance between intersections or other unique factors not created by the Applicant, it is impractical to have a second way of ingress and egress. Upon due consideration of these factors, the Board of Supervisors, at their sole discretion, may grant the request for said modification.

§ 180-503. Streets

A. General Standards.

1. Proposed streets shall be properly related to such street plans or parts thereof as have been officially adopted by Lower Paxton Township and shall be coordinated with existing or proposed streets in adjoining subdivisions or land developments. Further, proposed streets shall be properly related to county, regional or State transportation plans as have been prepared and adopted as prescribed by law.
2. Streets shall be laid out to preserve the integrity of their design. Local access streets shall be laid out to discourage their use by through traffic and, where possible, collector and arterial streets shall be designed for use by through traffic.
3. Streets shall be related to the topography so as to establish usable and desirable lots and satisfactory street grades.
4. Proposed street arrangements shall make provisions for continuation of existing streets in adjoining areas; the proper projection of streets into adjoining undeveloped or unplanned areas; and the continuation of proposed streets to the boundaries of the tract being subdivided.
5. New half or partial streets shall be prohibited except where essential to the reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be obtained; a cul-de-sac shall be constructed at the end of such half street which shall be of a permanent nature, unless a temporary cul-de-sac is approved.
6. Names of new streets shall not duplicate or conflict with existing or planned street names, or approximate such names by the use of suffixes. Cognizance should be given to existing or planned street names within the postal delivery district served by the local post office. New streets shall bear the same name or number of any continuation of alignment with an existing or planned street.

7. Proposed private streets (streets not offered for dedication to the Township) are prohibited, unless they meet the design standards of these regulations.
8. Streets in and bordering a subdivision and or land development plan shall be coordinated with, and be of such widths and grades and at such locations so as to accommodate prospective traffic and facilitate fire and police protection.
9. Whenever a subdivision or land development abuts a street which does not meet Township design criteria, the street shall be widened to meet such criteria and provided with additional right-of-way. The roadway shall also be provided with curbing, sidewalks, and drainage facilities as prescribed herein.
10. Where a lot has more than one side of street frontage and there is a driveway on one side, if it is necessary to determine which side of the lot fronts for purposes of this Ordinance, the lot shall be considered to front on the street on which the driveway exists. In all other cases, the lot shall be considered to front on the street which the lot has the greatest frontage. If the lot frontage and driveway are not determinative, the lot shall be considered to front on the predominant street bordering the lot.

B. Street Classification.

Six (6) functional classifications of streets and roadways are defined by the Lower Paxton Township Comprehensive Plan to include Interstate, Freeway, Principal and Minor Arterials, Collectors and Local streets. Of these classifications, Freeways do not exist in the Township and Interstates are not addressed by this Article given that these roadways are under the jurisdiction of the Pennsylvania Department of Transportation and do not typically involve design activities associated with subdivision and land development applications. Also, for purposes of this Ordinance, Local streets shall also be referred to as Minor streets.

The following classifications represent roadways within the Township that are regulated by the provisions of this Ordinance:

1. Arterial. This classification includes highways which provide intra-county or inter-municipal traffic with volumes greater than 5,000 vehicles per day. Generally, these highways should accommodate design speeds of fifty-five (55) miles per hour. The following is a list of those streets and roadways, which for the purposes of this Ordinance, are classified as Arterial streets. Newly planned streets meeting this classification shall be designed to meet Arterial street design criteria.

- U.S. Route 22 (SR 0022)
- Linglestown Road (SR 0039)
- North Mountain Road (SR 3019)
- Union Deposit Road (SR 3020)
- Colonial Road (SR 3017)
- Locust Lane (SR 3024)
- Rutherford Road (SR 3017)
- Nyes Road (SR 2019)

2. Collector. This classification is intended to include those highways which connect minor streets to arterial highways and serve as traffic corridors connecting residential areas with commercial, industrial, shopping and other services. They may also penetrate residential areas. Generally, these highways experience traffic volumes between 1,000 to 5,000 vehicles per day and shall be designed to accommodate design speeds of thirty-five (35) miles per hour. The following is a list of those streets and roadways, for purposes of this Ordinance that are classified as Collector streets. Newly planned streets meeting this classification shall be designed to meet Collector street design criteria.

- Balthaser Street
- Blue Mountain Parkway
- Blue Ribbon Avenue
- Blue Ridge Avenue (SR 2029)
- Crums Mill Road
- Dartmouth Street
- Devonshire Heights Road
- Devonshire Road
- Earl Drive
- East Park Drive
- Fairmont Drive
- Goose Valley Road
- Grove Road
- Londonderry Road
- Lyters Lane
- McIntosh Road
- North Lockwillow Avenue
- Jonestown Road
- Parkway East
- Parkway West
- Prince Street
- South Arlington Avenue
- South Houcks Road
- Valley Road
- Wenrich Street
- Continental Drive

3. Minor. This classification is intended to include streets and roads that provide direct access to abutting land and connections to higher classes of roadways. Traffic volumes are less than 1,000 vehicles per day and travel distance is generally short. These streets and roads shall be designed for speeds of twenty-five (25) miles per hour. For purposes of this Ordinance, all roadways not classified as Collector, Arterial or above are classified as Minor streets. Newly planned streets meeting this classification shall be designed to meet Minor street design criteria.

4. A map of the Township road network is enclosed in Exhibit 9.

C. Street Width.

1. Minimum street right-of-way and cartway widths shall be required as presented in Table 503.1. Alternate street design types may be entertained at the sole discretion of the Township under the Modification of Requirements procedure based upon the type and intensity of the

development proposed, the merits of the proposed alternative and a complete technical evaluation of all relevant information.

2. Provisions for additional street width (cartway and right-of-way) including for private streets may be required when determined to be necessary by the Board of Supervisors in specific cases for:
 - a. Public safety and convenience.
 - b. Parking in commercial and industrial areas and in areas of high-density development.

TABLE 503.1 – Street Widths & Materials

Street Classification	Cartway Width		Material Specifications	
	ROW Width	With Curbing	Base Material	Surface Material
Arterial Streets	As determined by the Board of Supervisors after consultation with the Township Engineer and the Pennsylvania Department of Transportation (PENNDOT).			
Collector Streets	60'	36'	SAMD HMA Base Course, PG 64-22, 0.3 to < 3 million ESALS, 25.0 mm Mix, 5" depth -AND- Base (No. 2A Crushed Aggregate), 6" depth	SAMD HMA Wearing Course, PG 64-22, 0.3 to < 3 million ESALS, 9.5mm Mix, 1-1/2" depth, SRL* -AND- SAMD HMA Binder Course, PG 64-22, 0.3 to < 3 million ESALS, 19.0 mm Mix, 2" depth
Minor Streets (Industrial/ Commercial Use)	60'	34'	Same as Collector Streets	Same as Collector Streets
Minor Streets (Residential Use)	50'	32'	SAMD HMA Base Course, PG 64-22, 0 to < 0.3 million ESALS, 25.0 mm Mix, 3" depth -AND- Base (No. 2A Crushed Aggregate), 6" depth	SAMD HMA Wearing Course, PG 64-22, 0.3 to < 3 million ESALS, 9.5mm Mix, 1-1/2" depth, SRL* -AND- SAMD HMA Binder Course, PG 64-22, 0.3 to < 3 million ESALS, 19.0 mm Mix, 2" depth
Turn Around of Cul-de-sac (diameter)	120'	100'	Same as Street Classification	Same as Street Classification
*Skid Resistance Level (SRL) Determination				
Average Daily Traffic			SRL	Alternates
20,000 and Above			E	None
5,000 to 20,000			H	E, H, Blend of E/M, Blend of E/G
3,000 to 5,000			G	E, H, G Blend of H/L, Blend of E/L
1,000 to 3,000			M	E, H, G, M, Blend of H/L, Blend of G/L, Blend of E/L
1,000 and Below			L	Any
Note: All blends are 50% by weight and shall be accomplished by an approved method.				
SAMD HMA – Superpave Asphalt Mix Design, Hot Mix Asphalt				

D. Street Pavement Construction and Drainage.

1. All streets shall be designed and constructed in accordance with the latest edition of PENNDOT Publication 408, Specifications and PENNDOT Publication 72M, Standards for Roadway Construction. Reference is made to Article 8 – Improvement and Construction Requirements of this Ordinance for additional requirements.
2. All street pavement structures shall be constructed using Superpave Asphalt Mix Design (SAMD), Hot Mix Asphalt (HMA) paving materials to the minimum thicknesses and proportions as referenced herein, subject however to the provisions contained in Section 180-503 D(3) below. Applicants shall be required to submit estimates of average daily traffic (ADT) volumes for both site generated traffic and for estimated pass-through traffic from adjacent developed and undeveloped land in order to determine the roadway classification and SRL designation. Alternate pavement types such as concrete, brick pavers and the like may be approved by the Township under the Modification of Requirements process, either in part or in its entirety, based upon a thorough technical review of the proposed alternative as submitted by the Applicant.
3. A pavement design, in accordance with the current edition of PENNDOT Publication 242, Pavement Policy Manual, shall be required for all new and improved roadways that will accommodate a total of one hundred (100) or more Equivalent 18-kip Single Axle Loads (ESALS) in a given weekday in all directions. The pavement design parameters will be determined by the Applicant's consultant and approved by the Township Engineer and shall take into account the supporting road networks' capacity to handle additional heavy vehicle loading. No proposed pavement section determined by the pavement design may be less than the minimum requirements contained in Table 503.1 of this Article.
4. If poor subgrade soils are present, the Township may require that the Applicant conduct a subgrade soils evaluation for new, reconstructed and widened streets. This evaluation shall include, at a minimum:
 - a. Gradation test to determine the percent of given particle sizes of the different soil types of the project. Gradation test results shall be used to determine the Unified Soils Classification for the subgrade material.
 - b. In-place moisture content and optimum moisture content.
 - c. In-place density and dry mass density.

d. California Bearing Ratio (CBR).

These tests shall be performed on the existing subgrade material (in-situ soils) upon which the proposed streets will be built. Select borrow materials placed as part of the street construction must also be tested prior to the placement of the pavement. Stabilization measures will be required as part of the project if the tested CBR values are equal to or less than five (5). Under no circumstances will in-situ subgrade soils or select borrow materials with a CBR equal to or less than three (3) to be used for street construction.

The exact number of tests required will be determined at the discretion of the Township Engineer, given the size of the proposed project, the location of the proposed street system and existing soil conditions. At a minimum three (3) representative tests will be required. All test locations must be approved by the Township Engineer and must be documented by the Applicant.

5. Where a new subdivision or land development proposes a street system that ties into an existing street with a substandard pavement section, cross slope or exhibits rutting, cracking, base failure or other poor qualities, the Township may require the Applicant to apply remedial measures to the streets within and bordering the subject property in order to provide proper access to the site and to accommodate prospective traffic. Required remedial measures may include, but shall not be limited to, milling and overlaying, placement of HMA scratch or leveling courses, crack sealing or crack repair, select base repair, sawcutting and pavement replacement or even pavement reconstruction. At the time of filing the preliminary plan, or in the absence of a preliminary plan, then the final plan, the Applicant shall evaluate the condition of the existing pavement and the Township shall determine the need for any remedial work.
6. All streets shall be provided with a complete storm sewer collection and conveyance system designed in accordance with the provisions of Chapter 170, Stormwater Management, Drainage and Erosion Control.
7. Pavement base drains shall be designed and installed on all new, reconstructed, and widened streets to drain subsurface water beneath the pavement structure. Pavement base drains shall comply with the construction requirements as contained in Article 8 of this Ordinance. Combination Storm Sewer/underdrain may be used in lieu of base drain wherever a conflict exist between the proposed base drain and proposed storm sewer system.

E. Off-street Parking.

1. Private parking lots and associated access drives for commercial, institutional, and industrial uses and for multi-family residential facilities shall be paved in accordance with the following minimum standard:

1" depth, SAMD HMA Wearing Course

2" depth, SAMD HMA Binder Course

6" depth, PENNDOT No. 2A Crushed Aggregate Base Course

Engineering judgment shall be applied in all instances in determining the required pavement thickness based upon traffic volumes, vehicle loadings, and soil conditions specific to the site being developed.

2. Alternate designs with an equal or greater structural number will be considered by the Township.
3. Any and all portions of driveways within the public right-of-way accessing parking areas shall conform to the construction standards listed herein.

F. Cul-de-Sac or Dead End Streets.

1. Dead-end streets are prohibited unless designed as cul-de-sac streets or for future access to adjoining properties.
2. Any dead-end street, for access to any adjoining property or because of an authorized phased development, shall be provided with a temporary cul-de-sac, within the subdivision or land development; and shall be provided with a temporary easement guaranteed for public use until such time as the street is extended and dedicated to the Township for public use. Temporary cul-de-sacs shall be paved with a minimum of six (6) inches of PENNDOT No. 2A subbase material and two (2) inches of either HMA binder or wearing course. The minimum diameter of temporary cul-de-sacs shall be eighty (80) feet.
3. The maximum length of a dead end street or cul-de-sac shall be no more than six hundred (600) feet and shall not furnish access to more than twenty (20) residential dwelling units.
4. The minimum length of a cul-de-sac street shall be two hundred and fifty (250) feet.
5. The length of a cul-de-sac shall be measured from the face of the curb of the nearest intersecting street at the open end of the cul-de-sac street to the center point of the bulb of the cul-de-sac.

6. Cul-de-sacs shall be fully paved to Township standards for the respective street classification.
7. "Eyebrow" protrusions and "hammerhead" type turnarounds are prohibited on all streets as a type of cul-de-sac.
8. A second cul-de-sac shall not branch off of or intersect from a cul-de-sac street.
9. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.
10. A minimum of two (2) locations, evenly spaced around the cul-de-sac-bulb shall be signed as no parking areas to allow for snow storage. The restricted areas shall be a minimum of thirty (30) feet in length and generally opposite from the entrance portion of the cul-de-sac and shall extend from the curb line of the cul-de-sac to the right-of-way line. The areas shall be kept free of driveways, mailboxes, landscaping, light standards, fire hydrants and other features that would be adversely impacted by the plowing and accumulation of snow and ice. Said restriction areas shall be clearly labeled and noted on the plan.
11. Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end it shall be collected and piped away in an underground storm sewer system. Provision shall also be made for the overland conveyance of storm water from storm events of greater frequency for that which the storm sewer system has been designed.
12. The centerline grade on a cul-de-sac street shall not exceed ten (10) percent and the grade of the diameter of the turnaround portion of the cul-de-sac shall not exceed five (5.0) percent. The minimum grade of the cul-de-sac bulb shall be one (1.0) percent along both the centerline and curb line.
13. Cul-de-sac streets serving commercial and/or industrial uses shall be adequate for the type of use to be serviced as approved by the Township Engineer but, in no case, shall exceed eight hundred (800) feet in length.
14. Interior planting islands within the cul-de-sac turnaround area are required; however, a perpetual maintenance agreement is required and shall be implemented to the satisfaction of the Township. The agreement shall provide a guarantee for the maintenance and replacement of all planting materials and other facilities. Where islands are provided, the design shall accommodate access and circulation for the largest

anticipated vehicle and for emergency access assuming on-street parking of vehicles.

G. Alleyways.

1. Alleyways shall not be permitted as an acceptable form of street within the Township unless specifically authorized by the Board of Supervisors in conjunction with the design and approval of a Traditional Neighborhood Development (TND) in accordance with the provisions of the Lower Paxton Township Zoning Ordinance. If authorized, alleyways shall be privately owned and maintained; be located within an easement or right-of-way having a minimum width of twenty (20) feet; have a minimum cartway width of fifteen (15) feet; meet the paving standards for Minor Streets as contained herein; and be reviewed and approved by the Township Engineer regarding all other design aspects.

H. Street Alignment.

1. Streets shall be logically related to the terrain and topography so as to produce usable roads with reasonable alignments and grades.
2. Horizontal street alignments shall be measured along the centerline. Horizontal circular curves shall be used for all changes in direction and shall have minimum centerline radii as shown in the following table for each street classification:

<u>Street Classification</u>	<u>Minimum Horizontal Centerline Radius</u>
Arterial	As required by PENNDOT Design Standards
Collector	350 Feet
Minor or Private Street	150 Feet

3. Straight portions of the street must be tangent to the beginning or ending of curves and there must be a tangent length of at least fifty (50) feet at all intersections unless the street is superelevated then sufficient separation must be provided for proper superelevation transition. For curves on arterials and collector streets, proper superelevation must be provided as required by the Township and the Pennsylvania Department of Transportation. Broken-back and compound curves shall be prohibited.
4. Proper stopping sight distance must be provided with respect to horizontal and vertical alignment, measured along the centerline, from the height of the driver's eye (3.5 feet above grade) to the height of an object on the roadway (2.0 feet). See the following table for the minimum stopping sight distances which must be maintained along a roadway alignment:

Design Speed (Miles Per Hour)	Minimum Stopping Sight Distance
60	570 Feet
55	495 Feet
50	425 Feet
45	360 Feet
40	305 Feet
35	250 Feet
30	200 Feet
25	155 Feet

I. Driveways.

1. Private driveways on corner lots shall be located at least forty (40) feet from the nearest edge of the driveway to the point of intersection of the nearest edge of pavement or cartway.
2. Driveways shall intersect streets only at right angles.
3. Driveways shall not be located closer than five (5) feet from an inlet or fire hydrant.
4. Where driveways access a curbed street, the driveway opening shall contain a depressed curb with a minimum of one and one-half (1 ½) inch curb reveal across the required width of the driveway. At each end of the driveway opening a two (2) foot curb transition to full height curbing shall be provided.
5. All driveways shall be located, designed and constructed in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of streets or the safe and convenient passage of traffic. The number of driveways shall be kept to a minimum necessary to serve the intended use. Multiple driveways for one lot shall be prohibited unless it can be demonstrated that such arrangement is necessary for safe and efficient traffic flow, capacity or unless multiple driveways are necessary to comply with other provisions of this Ordinance.
6. No single private driveway shall serve more than six (6) single-family residential units. A parking lot may serve more than six (6) residential units; however, any parking lot that serves more than twenty-four (24) residential units shall have a minimum of two (2) points of access to a public street. The two (2) points of access must, at a minimum, be constructed to a width of twenty-four (24) feet with radii designed to accommodate the largest anticipated vehicles.
7. No shared driveways shall be approved except where governed by a recorded easement agreement at a minimum setting forth maintenance requirements, cross access provisions, cost sharing, and the like. Said

easements must also be reflected graphically on an approved subdivision or land development plan. Shared driveways shall have a minimum width of fifteen (15) feet and a maximum width of twenty-four (24) feet.

8. All new private driveways must be paved for a minimum distance of fifty (50) feet from the street right-of-way line with a bituminous surface material, concrete, brick pavers or other material acceptable to the Township. Stone, gravel, sand, dirt or other similar type driveways shall be prohibited. The minimum paving standard for bituminous driveways shall be six (6) inches of PENNDOT No. 2A subbase material and two and one-half (2 ½) inches of HMA wearing course. The minimum paving standard for concrete driveways shall be six (6) inches of PENNDOT No. 2A subbase material and six (6) inches of concrete. Brick pavers shall be designed for a single axle truck wheel load condition. Driveways within the right-of-way area must be paved to meet Township street paving requirements for the adjoining street classification.
9. Residential driveways shall not be less than twelve (12) feet in width or more than twenty-four (24) feet in width within fifteen (15) feet of the street right-of-way line except however; for single-family residential structures having three (3) car garages then the maximum width may be increased to thirty (30) feet provided however that no more than thirty (30) percent of the development shall contain driveways wider than twenty-four (24) feet.
10. Driveways shall not exceed a slope of twenty (20) percent and shall have a leveling area adjacent to the street sufficient to accommodate the change of grade. Driveways that serve properties which are lower than the adjacent roadway must be provided with a vertical alignment that prohibits the collection of storm water from the street into the driveway and property area.
11. Where driveways enter a property through an embankment condition, a retaining wall of adequate design shall be provided, or in lieu thereof, the side slopes of the cut slope shall be graded to no more than one (1) foot vertical to two (2) feet horizontal. Grading in the vicinity of the adjacent street shall be such that required sight distance is provided. Lot and driveway grading shall be conducted such that storm drainage and soil erosion do not adversely impact adjacent streets.

J. Street Intersections.

1. Streets shall be laid out to intersect at right angles.
2. Intersections involving the junction of more than two (2) streets are prohibited.

3. Boulevard type streets or intersections having a center landscaped island, traffic separators, traffic calming devices or other style medians shall be prohibited unless a perpetual maintenance agreement is provided and implemented which shall, to the satisfaction of the Township, provide a guarantee for maintenance and replacement of all such areas.
4. Streets intersecting another street shall either intersect directly opposite to each other, or shall be separated by the following distances as measured along the centerline of the street being intersected.

<u>Intersecting Street</u>	<u>Minimum Separation Distance</u>
Arterial	800 Feet
Collector	600 Feet
Minor or Private Street	300 Feet

5. Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed four (4) percent within sixty (60) feet of the intersection of the nearest street right-of-way line.
6. Unless required to accommodate larger vehicles, the curb or edge of pavement radii at the intersections of streets shall not be less than the following:

<u>Intersection</u>	<u>Minimum Simple Curve Radii</u>
Collector with Collector Street	Thirty-five (35) feet
Collector with Minor Street	Twenty-five (25) feet
Minor Street with Minor Street	Twenty (20) feet

Radius corners must be provided on the property lines substantially concentric with the curb radius.

7. Where required to accommodate turning movements for larger vehicles, three centered compound curves along curb lines shall be permitted upon review and approval of the Township Engineer. In the design of compound curves, the ratio of the flatter radius to the sharper radius should not exceed 1.50. Sudden changes between curves of widely different radii shall be prohibited.
8. Curb cuts and sidewalk ramps must be provided at all corners of intersections, access to building sites and at other locations deemed appropriate by the Township in order to provide accessibility in accordance with the latest requirements of the American Disabilities Act (ADA).
9. Where required by the Township, the Applicant may be required to provide a turning analysis, turning templates or other similar efforts to demonstrate that street and driveway intersections have been properly designed to accommodate larger and/or emergency vehicles.

K. Intersection Sight Distance and Clear Sight Triangles.

1. Adequate intersection stopping sight distance shall be provided at all intersections of streets, and for driveways intersecting a street. All intersections shall be designed to provide required sight distance with regard to both horizontal and vertical alignment in accordance with A Policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials (AASHTO), current edition. Applicants shall provide field measured available sight distances at all proposed intersections onto existing roadways for all turning movements and provide a report documenting the method of computation and the available and required sight distance at all locations. Said analysis and report must be certified by a Professional Engineer. For purposes of analysis and design, the posted speed limit of the intersecting street shall be used in the computation of required sight distance unless operating speeds exceed posted speeds by greater than ten (10) miles per hour at which time the operating speed (85th percentile speed) shall be used. Based upon traffic patterns and roadway operations, the Township may require the Applicant to conduct a speed study to document the 85th percentile speed if in the opinion of the Township a study is required. Exhibit 8 depicts required intersection sight distances for a typical two lane minor road, stop condition with three (3) percent grades or less. Other conditions must be computed in accordance with the above requirements.
2. If the minimum required intersection sight distance cannot be achieved, the Applicant shall be responsible for either relocating the site's access point to provide adequate sight distance, restricting turning movements, if applicable, or by making improvements such as regrading, roadway reconstruction or similar measures in order to provide adequate sight distance in order to meet the requirements of this Ordinance.
3. Adequate clear sight triangles (areas of unobstructed view) shall be provided at all intersections of streets, and for driveways (except single-family residential driveways) intersecting a street. The sight triangle shall be formed by measuring along the centerline of the cartway or driveway, from the point of intersection of the two streets, a distance as shown in the following table for the respective classification of the street, forming each leg of the triangle. The sight triangle is then formed by connecting the endpoints. Structures, vegetation, grading and other obstructions in excess of twenty-four (24) inches in height shall be prohibited within the clear sight triangle. Clear sight triangles shall be depicted on all subdivision and land development plans for all street and driveway intersections. Exhibit 8 depicts the typical configuration of clear sight triangles.

Intersecting Street Classification	Clear Sight Triangle Leg
Arterial or Collector	150 Feet
Minor, Private or Driveway	75 Feet

4. If the minimum sight distance can only be achieved by a line of sight across lands which are not public street right-of-way, a clear sight easement shall be established on the plan and/or recorded on each deed for all affected properties. The easement shall prohibit the placement or existence of structures, vegetation or change of grade, in excess of twenty-four (24) inches in height within the clear sight zone. The easement shall establish the right of the Township to enter onto the property to clear obstructions, to trim or otherwise restore the area to meet the required sight distance at the property owner's expense if after being notified by the Township to remove obstructions, the property owner has failed to respond in a timely fashion.

L. Street Grades.

1. The centerline grades of streets shall not be less than the minimum or more than the maximum requirements listed below:
 - a. The minimum centerline grade or longitudinal slope at the curb line shall be one (1) percent.
 - b. Centerline grades shall not exceed the following:

<u>Street Classification</u>	<u>Maximum Centerline Grade</u>
Arterial	Six Percent (6%)
Collector	Eight Percent (8 %)
Minor or Private Street	Ten Percent (10 %)

2. Vertical curves shall be provided at all changes in grade and shall be designed in relation to the extent of the grade change and to provide the proper minimum stopping sight distance with respect to vertical alignment by using the following minimum K values as shown in the table below. The minimum length of the vertical curve shall be determined by multiplying the algebraic difference in grades by the appropriate K value, with an absolute minimum length of vertical curve of 50 feet.

Design Speed	K Value (a)	
	Crest	Sag
60	151	136
55	114	115
50	84	96
45	61	79
40	44	64
35	29	49
30	19	37
25	12	26

(a) Values based on sight distance measured along the centerline, from the height of the driver's eye (3.5 feet) to the height of an object on the roadway (2.0 feet).

3. On minor or private streets, continuous grades of ten (10) percent shall not be more than four hundred (400) feet in length.
4. Cross slope: The cross slope or the crown on streets shall be at least one-quarter (1/4) inch per foot but not more than three-eighths (3/8) inch per foot as directed by the Township Engineer. This applies only to straight or tangent sections of the roadway. Where a horizontal curve is required to be superelevated to reduce lateral vehicular acceleration as required by the design speed of the roadway, the crown requirement shall be eliminated and the roadway provided with a superelevation design acceptable to the Township Engineer.

M. Street Right-of-Way Grades.

1. Streets shall have a planting strip located between the curb and the sidewalk.
2. Street right-of-way areas, which are not part of the paved cartway, shall be graded to have a slope of two (2) percent from the top of the curb upward to a point two (2) feet beyond the right-of-way line.
3. The portion of the right-of-way which is not provided with paving, curbing or sidewalks shall be provided with a minimum of four (4) inches of topsoil and seeded with PENNDOT Formula B seed mixture to establish a good stand of lawn type grass or be sodded with a similar turf mixture.
 - a. Slopes of Banks along Streets. The slope of banks along streets measured perpendicular to the street centerline shall be no steeper than the following:
 - i. One (1) foot of vertical measurement for three (3) feet of horizontal measurement for fills. Fill slopes shall begin a minimum distance of two (2) feet behind the right-of-way

line to allow for the proper placement of the sidewalk and for rounding of the slope.

- ii. One (1) foot of vertical measurement for two (2) feet of horizontal measurement for cuts. Cut slopes shall begin a minimum distance of two (2) feet behind the right-of-way line to allow for the proper placement of the sidewalk and for rounding of the slope. Where site drainage conditions dictate, additional area behind the right-of-way line shall be provided to accommodate the placement of drainage facilities (inlets, swales, etc.) as may be required to prevent excessive amounts of site runoff from draining across the verge area.

N. Traditional Neighborhood Development (TND) Design Standards.

1. Where a subdivision or land development application proposes the design of a community meeting the requirements of a Traditional Neighborhood Development (TND), the Township may grant a modification of certain street design standards contained herein to allow for alternate designs consistent with TND principles. For consideration of a modification of street design standards, the Applicant shall provide a design for the Township Engineer's review and approval generally meeting the design guidelines as contained in the current edition of the Institute of Transportation Engineer's (ITE), Traditional Neighborhood Development Street Design Guidelines, ITE Transportation Planning Council Committee 5 P-8.

§ 180-504. Easements

Easements shall be provided for storm drainage facilities, storm water management areas, Best Management Practice (BMP) areas, sanitary sewer facilities, natural features areas, access ways, overhead or underground public or private utility facilities, and other special purpose easements in consultation with the Township Engineer, the Lower Paxton Township Authority, and the various utility companies. All easements must connect to a public street in order to provide access to said easement area.

- A. The minimum width of such drainage easements shall be twenty (20) feet and shall be centered over the drainage or storm sewer facilities. Additional width may be required by the Township depending on the location, purpose, depth of facilities and use of the easement. Easement areas shall be graded to allow for traversable and unobstructed access by maintenance vehicles and equipment.
- B. Easements for storm water management facilities, BMP areas and similar structures shall encompass the formal facility to a point ten (10) feet beyond the

high water elevation, toe of slope, or other logical line of demarcation to allow proper operation and maintenance of the facility.

- C. Sanitary sewer easements shall have a minimum width of thirty (30) feet unless otherwise approved by the Lower Paxton Township Authority.
- D. Easements for the preservation of natural features areas as required herein shall be of a sufficient size to encompass the areas to provide for the long term protection of said natural features. This requirement shall also include features which are dedicated or designed in conjunction with the Greenway Plan.
- E. Access easements shall have a minimum width of twenty (20) feet and shall be designed to accommodate the ingress, egress, and regress for the intended purpose.
- F. Utility easements shall be provided as prescribed by the individual utility company depending upon the purpose and use of the easement. Where an existing utility easement exists within a subdivision or land development and construction activity is proposed within said easement, the Applicant shall obtain written approval from the utility owner authorizing the construction activity as proposed.
- G. Wherever possible such utility and drainage easements shall be centered on the side or rear lot lines of properties.
- H. No buildings or other structures, fences, landscaping, walls or obstructions shall be permitted within easement areas. Additionally, no change of grade beyond that approved by the Township shall occur within the easement area.
- I. Where a subdivision and/or land development is traversed by a water course, drainageway, channel or stream, there shall be provided a drainage easement, to a width to be approved by the Township Engineer, conforming substantially with the line of such water course, for the purpose of maintaining the unimpeded natural flow, widening, deepening, relocating, improving or protecting such drainage facilities or for the purpose of installing drainage facilities. Under no circumstances shall the easement be less than twenty-five (25) feet in width and shall extend outward a minimum of ten (10) feet from the top of each bank.
- J. All easements shall be graphically depicted on the subdivision or land development plans and shall clearly indicate the location, width, purpose and beneficiary of the proposed easement. Easements that will be conveyed to the Township shall be provided with metes and bounds descriptions tied to the property lines of the property which is encumbered by said easement.
- K. Where drainage easements are depicted on private property for the benefit of Lower Paxton Township, it shall be construed to mean that said easement is for access to and maintenance of said facility only in the event that the landowner fails to maintain said easement and the operation of the facility contained within

said easement area is malfunctioning, is adversely effecting adjacent or downstream properties or is crucial for the overall public safety and welfare of the residents of the Township. The Township will not own or maintain storm water or other facilities unless otherwise specifically governed by operation of an agreement.

§ 180-505. Blocks

- A. The length, width, shape, and design of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, to the land use and/or zoning requirements of the Township, the topography of the land being subdivided or developed, and the requirements for safe and convenient vehicular and pedestrian circulation.
- B. Blocks shall not exceed sixteen hundred (1,600) feet in length, nor be less than three-hundred (300) feet in length as measured between the centerlines of the intersecting streets.
- C. Residential blocks shall generally be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering an arterial or collector street are used or, where due to the contour of the land or the necessary layout of the subdivision, there is insufficient depth between intersecting streets for such two (2) tier design.
- D. Blocks for commercial and industrial areas may vary from the elements of design contained in this Section if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with limited access to the street system. Extension of streets, railroad access rights-of-way, and utilities shall be provided as necessary.

§ 180-506. Building Lots

- A. General Standards.
 - 1. The size, depth, width and orientation of lots shall conform to applicable zoning regulations of Lower Paxton Township.
 - 2. Side lot lines shall, in so far as practical, run perpendicular or radial from the street right-of-way line.
 - 3. Where feasible, lot lines should follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.

4. All lots shall be provided with sewer and water service either public or private in accordance with Township zoning requirements for the applicable zoning district and for lot size requirements.
5. If, after subdividing, remnants of land exist, they shall be either:
 - a. Incorporated in existing or proposed lots; or
 - b. Legally dedicated to public use, if acceptable to the Township, or dedicated to a homeowner's association or similar entity.

B. Lot Frontage.

1. All building lots shall abut an existing or proposed public street. Flag lots shall not be permitted as a form of lot layout within the Township.
2. Double or reverse frontage lots shall be prohibited except where required to provide separation of residential development from collector or arterial streets or to overcome specific disadvantages of topography or orientation.
3. No residential lots shall be created which front upon a limited access highway. Furthermore, no major subdivision and/or land developments shall be created which front upon an arterial street.

§ 180-507. Site Lighting

A. General.

1. Adequate site lighting as described herein shall be required in all subdivisions and land developments. These lighting requirements provide appropriate standards to ensure adequate nighttime safety and security while minimizing the spillover of light and glare on operators of motor vehicles, pedestrians, adjacent properties and other land uses near the light source.
2. General Requirements. Exterior lighting shall be provided along public and private streets, in parking areas, pedestrian sidewalks and walkways and nonresidential driveway intersections in accordance with the standards contained herein and in Zoning Ordinance Article 5, § 507. Lighting used for security purposes shall also conform to the same standards.
3. Applicability. Outdoor lighting shall be required for safety and personal security in areas of public assembly and traverse; including but not limited to, single-family and multi-family dwelling unit developments, commercial, industrial, public recreational and institutional uses. In addition to the minimum placement requirements, the Board of Supervisors may require lighting to be incorporated for other uses or

locations as they deem necessary. The glare control requirements contained herein and in Zoning Ordinance Article 5, § 507 apply to all lighting installations, including residential applications.

B. Definitions.

1. High Activity: Examples include major athletic events, major cultural or civic events, regional shopping centers, and related uses.
2. Medium Activity: Examples include libraries, hospitals, restaurants, banks, community recreation centers, large apartment buildings, industrial buildings, office parks, or neighborhood retail stores.
3. Low Activity: Examples include small neighborhood shops, industrial employee parking, educational facility parking, church parking, and residential parking.

C. Illumination Levels.

1. Illumination, where required by this Ordinance, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA), as amended. The following table outlines the design requirements for site lighting:

SITE LIGHTING DESIGN REQUIREMENTS

<u>Application</u>	<u>Maintained Footcandles</u>	<u>Uniformity Ratio – Avg./Min.</u>
Roadways, residential	0.4 Avg.	6:1
Roadways, commercial / industrial	0.9 Avg.	6:1
<u>Parking, residential</u>		
Vehicular traffic	0.5 Avg.	4:1
Pedestrian safety, security & orientation	0.2 Avg.	4:1
<u>Parking, commercial</u>		
Vehicular traffic, low activity lots	0.50 Avg.	3:1
Vehicular traffic, medium activity lots	1.0 Avg.	3:1
Vehicular traffic, high activity lots	2.0 – 4.0 Avg.	3:1
<u>Pedestrian safety, security & orientation</u>		
Low activity lots	0.2 Avg.	3:1

Medium activity lots	0.6 Avg.	3:1
High activity lots	0.9 Avg.	3:1
Walkways and Bikeways	0.5 Avg.	5:1
Building entrances	5.0 Avg.	-
Service Station Islands - Avg. / Max.	20/30	4:1
Car Dealerships – Front Row / Other	20/10 Max.	5:1 (Max./Min.)

Note: All roadway fixtures shall be equipped with High Pressure Sodium lighting (HPS).

D. Fixture Design.

1. Fixtures shall be of a type and design appropriate to the lighting application, and aesthetically acceptable to the Township.
2. For areas, such as parking lots, full cutoff type fixtures shall be used.
3. Fixtures shall be equipped with or be capable of being back fitted with light directing devices such as shields, visors or hoods when necessary to redirect offending light distribution.

E. Control of Nuisance and Disabling Glare.

1. All outdoor lighting, whether or not required by this Ordinance; on private, residential, commercial, industrial, municipal, recreational or institutional property; shall be aimed, located, designed, fitted and maintained so as not to present a disabling glare hazard to drivers or pedestrians, or a nuisance glare concern to neighboring properties.
2. Directional fixtures such as flood lights, spot lights and sign lights shall be installed or aimed so that they do not shine directly into the window of a neighboring residence, directly into a roadway, or skyward.
3. Flickering, flashing or strobe type lights shall not be permitted.
4. Light sources or luminaries shall not be located within buffer yard areas except for lighting pedestrian walkways.
5. Unless otherwise permitted by the Board of Supervisors, lighting shall be controlled by automatic switching devices such as timers, motion detectors and/or photocells, to extinguish offending sources between 11:00 p.m. and dawn, to mitigate glare and sky-lighting consequences.
6. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, such control shall be achieved primarily through the use of full cut-off fixtures, the appropriate application of

mounting height, wattage, aiming angle, fixture placement and fixture design, etc. and the additions of shields and baffles as necessary.

7. The amount of illumination projected onto another property shall not exceed 0.10 horizontal foot candles at the property line for adjacent residential uses and 0.50 horizontal foot candles at the property line for adjacent commercial and industrial uses.
8. Externally illuminated signs shall be lighted by fixtures mounted at the top of the sign and aimed down rather than by fixtures mounted at the bottom of the sign and aimed up.

F. Installation.

1. Lighting fixtures shall not be mounted in excess of twenty (20) feet above the adjacent grade for residential projects, thirty-five (35) feet above the adjacent grade for commercial projects; and forty (40) feet above the adjacent grade for industrial projects.
2. Electrical feeds to lighting standards shall run underground, not overhead.
3. Lighting standards in public parking areas shall be placed a minimum of three (3) feet outside the paved area; or three (3) feet behind curb lines or tire stop locations; or on reinforced concrete pedestals a minimum of eighteen (18) inches in diameter and at least thirty (30) inches high above the pavement grade, or by other acceptable protective means approved by the Township Engineer.

G. Ownership and Maintenance.

1. Lighting fixtures on private property shall be owned and maintained by the property owner so as to always meet the requirements of this Ordinance. Once approved and installed, no changes to fixture type, wattage, illumination angle or other modifications shall be permitted that violate the provisions of this Ordinance.
2. Generally, street lights located within the public street right-of-way shall be owned and maintained by the local utility company having jurisdiction. Where applicable, the Township may require the Applicant to enter into an agreement with said utility company regarding the payment of all costs and fees for the installation of street lighting facilities.
3. If specifically approved by the Township under a development agreement with the Applicant, the Township may, under special circumstances, allow privately owned and maintained street lighting facilities within the street right-of-way line.

H. Plan Submission.

1. Lighting plans submitted to the municipality for review and approval shall include a layout of the proposed fixture locations; isofootcandle plots that demonstrate adequate intensities and uniformity; and manufacturers catalog cuts that present a description of the equipment, including glare reduction devices, lamps, switching devices, mounting heights and mounting methods proposed. All proposed development plans shall, at the time of preliminary plan submittal, include lighting plans indicating proposed placement of all lighting fixtures incorporated with the above referenced specifications. The lighting plans shall also provide an engineering detail of standards, foundations, fixtures as well as information on the manufacturer, model, and installation techniques.
2. Fixture Location/Placement. The following are minimum requirements for placement of street and/or site lighting fixtures within or adjacent to new subdivisions or land developments:
 - a. All intersections involving existing or proposed collector public streets within or adjacent to the proposed development.
 - b. Along all existing or proposed collector streets within or adjacent to the proposed development at intervals sufficient to provide the desired lighting levels referenced herein.
 - c. All terminal ends of center median islands having concrete curbing, trees, and/or other fixed objects not having a breakaway design for speeds of twenty (25) miles per hour or greater.
 - d. Any/all defined pedestrian crossings shown on the approved plans (or required by the Township) located within the development or along existing roads abutting the development with said crossing located in areas other than lighted intersections.
 - e. Any signalized intersection abutting the proposed development.
 - f. Any new traffic signal installation required by the proposed development.
 - g. Within private parking lots and along aisleways and access drives to provide the required lighting levels referenced herein.
 - h. Building access points.

I. Compliance Monitoring.

1. If the Township judges that a lighting installation creates a safety or personal security hazard, the person(s) responsible for the lighting shall be notified and requested to take timely remedial action.
2. Measurement. For all measurements regarding compliance, lighting levels shall be measured in footcandles. Measurement shall be taken with a direct reading portable light meter or other light-reading equipment recommended by the Township Engineer.
3. Method. Readings shall be taken by qualified personnel so that the light-reading meter has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination at the property line at ground level. This procedure eliminates the effects of moonlight and other ambient light.

J. Nuisance Glare and Inadequate Illumination Levels.

1. When the Township judges that an installation produces unacceptable levels of nuisance glare or skyward light or that illumination levels are insufficient or not being maintained in accordance with this Ordinance, the Township shall cause notification of the person(s) responsible for the lighting and require remedial action.
2. Nonconforming Lighting. Any lighting fixture, including the bulb(s), existing as of the effective date of this Ordinance which does not conform with the requirements of this Ordinance shall be considered a lawful, nonconforming lighting fixture. A nonconforming lighting fixture shall be made to comply with the requirements of this Ordinance when such fixture is replaced, relocated or repaired.

K. Exemption for specified uses.

1. Because of their unique requirements for nighttime visibility and their limited hours of operation, public and private recreational uses such as ball diamonds, playing fields, tennis courts and volleyball courts are exempt from the above requirements.
2. Outdoor public and private recreational uses specified above shall not exceed a maximum permitted post height of one hundred (100) feet above the adjacent ground surface.

3. Outdoor public and private recreational uses may exceed a total cutoff angle of 90°, provided that the luminaire is shielded to prevent light and glare spillover to adjacent residential uses as described herein.

§ 180-508. Sidewalks & Pedestrian Pathways

A. Requirements.

1. Sidewalks must be installed along both sides of all new interior streets in all residential, commercial and industrial subdivisions and land developments within the Township unless otherwise waived by the Township. Sidewalks must also be constructed along the side of all exterior streets upon which the subdivision or land development fronts. Where sidewalks are required to be installed, curbing, street widening and drainage improvements must also be provided.
2. Sidewalks shall not be waived where, in the Township's opinion, it is desirable to link sidewalks in existing, adjoining or proposed developments or where it would be desirable to continue sidewalks that are existing to provide access to community facilities such as schools, bus stops, shopping areas, and recreation areas.
3. The Township may, in its sole discretion, waive the requirements for sidewalks on one (1) or both sides of the street where alternative, private pedestrian interior pathways located off of the street right-of-way are planned and provided or where, in the judgment of the Township, there are unique circumstances, other hardships or where the absence of sidewalks better serves the particular needs of the subdivision or land development.

B. Placement.

1. All sidewalks must be constructed no closer than four (4) inches to the street right-of-way line and extend toward the curb line. A grass planting strip shall be provided between the curb and the sidewalk.
2. Refer to Article 8 – Improvement and Construction Requirements for sidewalk construction specifications.
3. Maintenance of sidewalks within the street right-of-way shall be the responsibility of the property owner whose property abuts the sidewalk.

C. Pedestrian Pathways and Greenways

If sidewalks are waived in favor of private pedestrian pathways considered more efficient and desirable to provide circulation or access within the development, and to schools, playgrounds, shopping centers, transportation, open spaces and

other facilities then the Applicant must provide a plan, accompanying the waiver request, indicating the layout and arrangement of the proposed pathways. This provision shall not be construed as a mechanism for developers to merely parallel street right-of-way lines with pedestrian pathways, but shall be applied where, owing to unique physical constraints, development theme or building placement, an on-site pathway is more advantageous to the Township than a formal sidewalk system. If authorized, the alternative pedestrian pathway must meet the following general criteria:

1. Pathways must be located within a minimum ten (10) foot wide access easement for the benefit of the general public. Access to the public street system must be provided at regular intervals throughout the development not exceeding 800 feet.
2. Pathways must be a minimum width of six (6) feet wide and have a paved travel surface. The material requirements of the travel surface for pedestrian paths shall be a minimum of six (6) inches of PENNDOT No. 2A subbase material and 2 ½ inches of bituminous wearing surface or an equivalent design approved at the discretion of the Township Engineer. The surface must be graded to provide positive drainage at a maximum cross slope of two (2) percent. Longitudinal slopes shall be designed in accordance with good engineering practice such that acceptable access by pedestrians of all types can easily traverse the pathway.
3. Pathways must be privately owned and maintained under a reliable arrangement acceptable to the Township, including routine maintenance, trimming, mowing, snow and ice removal, overlayment or reconstruction as required.
4. Pathways must be designed to provide the required handicapped accessibility along the pathway and at all points of intersection with public streets.
5. These features shall be designed in conjunction with the Township Greenway plan.

§ 180-509. Curbing

- A. Curbing must be installed along both sides of all new interior streets to the proper street width in all residential, commercial and industrial subdivisions and land developments within the Township. Curbing, including pavement widening and drainage improvements must also be constructed along all exterior streets upon which the property fronts.
- B. The Township may waive the requirements for curbing and widening along frontage roadways either in part or in full where, in the judgment of the

Township, there are unique circumstances or other physical hardships where the absence of curbing and widening better serves the particular needs of the subdivision or land development.

- C. Where curbing and sidewalk is required at intersections, curb cut ramps shall be installed to provide access to building sites and at other locations deemed appropriate by the Township accessibility in accordance with current ADA requirements.
- D. Refer to Article 8 – Improvement and Construction Requirements for curb construction specifications.
- E. In areas where curbing is not required to be constructed, suitable shoulders, gutters, swales or ditches must be installed to avoid erosion and must be of sufficient cross-section to permit the proper flow of storm water.

§ 180-510. Site Excavation & Grading

- A. All proposed site excavation and grading for subdivision and land development projects shall be clearly depicted on the preliminary and final plan when filed with the Township for review. Grading associated with site development activities or areas to be graded outside of street right-of-way lines shall be clearly depicted by proposed contour lines and spot elevations as required in this Ordinance and shall not exceed a ratio of 2:1 (horizontal to vertical) for cut slopes and 3:1 (horizontal to vertical) for fill slopes. All excavation and grading shall be governed by the requirements as contained in PENNDOT Publication 408, Specifications, current edition, regarding suitable soil materials, lift thickness, compaction criteria, soil testing and related matters. It shall be the responsibility of the Applicant to fully document compliance with these specifications and to demonstrate the same to the Township upon request.

§ 180-511. Sewage Facilities

- A. Each new subdivision or land development shall be provided with adequate means for sewage disposal and the sewage disposal system shall be either public, community, or individual on-lot systems owned, maintained and operated by the owners of each lot. Community sewage facilities may be located within undivided open space, with appropriate easements, at the discretion of the Township.
- B. As applicable, all preliminary or preliminary/final plan submissions shall include a completed Pennsylvania Department of Environmental Protection (DEP) Sewage Facilities Planning Module for Land Development on forms provided by DEP. The plan review process shall not commence until a completed Planning Module or module exemption, if applicable, has been submitted, including soil test pits (probes) and soil percolation (perc) test information for each proposed lot

when on-site systems are proposed. The commencement of the preliminary plan or preliminary/final plan review process shall thus coincide with the commencement of the Planning Module review process as outlined below:

1. Planning Module review shall be in accordance with the Pennsylvania Sewage Facilities Act of 1965, P.L. 1535, No. 537, as amended; DEP's Chapter 71 regulations, Administration of Sewage Facilities; the Township's current Act 537 Plan; provisions for processing planning modules as outlined in Article 3, § 180-303.E.; and this and other Township ordinances and regulations.
2. The developer shall provide the most advanced and highest type of sanitary sewage disposal facility available consistent with existing physical, geographical and geological conditions of the site, and in conformance with all applicable Township, State, County, and Federal ordinances and/or regulations.
3. Based upon the results of the Planning Module, public, community or individual on-lot sewage service facilities must be provided.

C. Individual On-Lot Sewage Disposal Systems.

1. Where public sanitary sewers are not planned, readily available or the Applicant is not required to extend an existing public sanitary sewage system to the subject site based upon the criteria outlined in Section 180-511 D (1) below, the use of individual on-lot sewage disposal systems shall be permitted. The use of such on-lot systems is governed by regulations of the DEP and enforced by the Township Sewage Enforcement Officer (SEO).
2. Prior to the approval of any plan proposing individual on-lot sewage disposal systems, the Applicant shall have conducted proper perc and probe testing performed on each lot in accordance with DEP and Township requirements to determine the suitability for such systems, and shall have secured the approval of the Township SEO and/or DEP through the use of a Planning Module for Land Development. Each on-lot sewage disposal system must be reviewed, inspected and approved by the Township SEO prior to the issuance of a Certificate of Occupancy for the structure.
3. An individual on-lot sewage disposal system shall be located on the lot for which it provides service.

D. Public Sanitary Sewage Systems.

1. Any subdivision or land development plan that is located within the ultimate public sewer service area designated within the Township's approved Act 537 Plan and the project's boundary is located within 1000 feet of a public sewer system shall connect to the public sanitary sewer system.
2. If such a system is not available but will, in the opinion of the Township become available within a reasonable amount of time, then the Applicant shall install a complete sanitary sewerage system ("dry system") including collection mains installed in the street bed or approved right-of-way; service laterals installed to the rights-of-way lines of streets, lot or parcel property lines or sewer easements or rights-of-way lines, whichever pertains to individual situations. All termini shall be capped in a manner that will insure that all collector mains, laterals and house connections shall be water tight pending connections with a public sanitary sewerage system. Building laterals shall also be extended to the building unit or structure and the internal plumbing system for said structures shall be constructed to accommodate them as well as any individual on-lot septic system required.
3. The preliminary and final plans shall contain the complete design of the sanitary sewer system in accordance with current Lower Paxton Township Sewer Authority (Authority) Policies, Procedures, Rules and Regulations and Construction and Material Specifications including the design of all main collection lines, manholes, laterals, pump stations, and all other appurtenances. The design of sewage facilities shall include profiles and details to allow for the review of the complete system. Simultaneously with the review of the subdivision or land development plan, the Authority shall review and, if acceptable, indicate in writing their approval of all aspects of the sanitary sewer system design.
4. Fees for the review and approval of design; supervision and inspection for services rendered by the Authority Engineer in connection with the design and construction of the project's sanitary sewer system shall be paid by the Applicant in accordance with the fee schedule adopted annually by the Board of Supervisors for the Authority Engineer.
5. The Applicant shall be responsible for obtaining all permits and approvals necessary for the construction of the complete sanitary sewer system as well as any easements or rights-of-way, in a form prescribed by the Authority, necessary to construct facilities on property not controlled by the Applicant.
6. Approval of the proposed sanitary sewer system by the Authority shall be required prior to, or as a condition of, plan approval by the Township.

The system must also be bonded or otherwise secured with the Authority prior to, or as a condition of, final plan approval.

7. Construction of the system shall be at the Applicant's own expense and shall not commence until application has been made to, and written authorization to proceed with such construction has been obtained from the Authority. The plan for the installation of a sanitary sewer system must be prepared for the development and approved by the Authority and the DEP, when applicable. All construction shall be in conformance with such approved plans and specifications.
8. Sanitary sewers and sewage disposal systems shall not be combined with storm sewers, and shall not be constructed to receive effluents from any stormwater collection system.
9. Sanitary sewage facilities located within proposed street rights-of-way shall be constructed, inspected and tested prior to commencement of construction of the street.

E. Community Sewage Systems.

1. Community sewage systems shall be permitted if it can be shown that such an approach would provide more reliable and effective treatment of wastewater than individual on-lot systems.
2. Community sewage systems may be installed only in subdivisions of ten (10) lots or more. The maximum permitted building density, as required by provisions of the Township Zoning Ordinance, shall not be permitted to be altered by the installation of a community sewage system.
3. Systems shall be designed by the Applicant and approved by DEP, the Township and the Authority and permission to construct said facility shall be received from DEP prior to plan approval and construction. The systems shall be compliant with the Township's Act 537 Plan and any rules and regulations of the Authority.
4. The community sewage system shall be located on a separate lot under the ownership of an organizational structure approved by the Township. The lot shall be used solely for the community sewage system and for no other purposes except passive or active recreation, silviculture, horticulture and similar uses. The area of the lot shall be of sufficient size to accommodate the system, the required area for a complete alternate or replacement system, and all required setbacks.
5. All sewage facilities shall be set back a minimum of one hundred (100) feet from the property lines of the tract, private lots or from buildings.

The limits of spray fields of a spray irrigation system shall be set back a minimum of two hundred (200) feet from property lines of the tract, private lots or from buildings, or the requirements of DEP, whichever is more restrictive.

6. A planting screen shall be provided to fully screen the facility from private lots, roadways and adjacent tracts in accordance with Township landscaping requirements.
7. Ownership, operation and maintenance of all systems and property shall be the responsibility of an organization legally formed for said purpose. The organizational documents governing the ownership, maintenance and operation of the system shall be provided to the Township and the Authority for review and comment prior to any plan approval. Under no circumstances will the Township or the Authority have any ownership, operation, maintenance or financial responsibility for any system.
8. The Township shall have the right to professionally inspect and test community sewage systems at any time. The Township may require the owner to provide the results of regular professional testing of the system as the Township deems necessary. The costs of inspections and testing shall be the responsibility of the system owner.

§ 180-512. Water Supply Facilities

All subdivisions and land developments shall be provided with adequate water supply facilities as part of the subdivision or land development plan approval process.

A. On-Lot Water Supply.

Where there is no readily available public water supply system or the Applicant is not required to extend an existing public water supply system to the subject site based upon the criteria outlined in Section 180-512 B (1) below, each lot in the development must be provided with an adequate individual on-lot water supply system in accordance with minimum standards approved by the Pennsylvania Department of Environmental Protection (DEP). The Board of Supervisors shall approve the use of individual on-lot water supply systems (wells) when the following criterion has been satisfied:

1. Information submitted by the Applicant indicates that justification of the project necessitates the use of this type of water supply system.
2. The Hydrogeologic Analysis and Water Quality Testing as required in Article 7 of this Ordinance, as applicable, demonstrates that an adequate

supply of potable groundwater can be provided to meet the expected demands for the type of development proposed.

3. The installation of such on-lot systems will not endanger or significantly decrease or adversely affect the groundwater supplies to adjacent properties.
4. That any permit or approval required from any regulatory agency or other governmental body having jurisdiction for withdrawing groundwater has been issued for the proposed use.

B. Public Water Supply.

1. Where there is an existing public water supply system located within the distances outlined below from the boundary of the subdivision or land development, a complete water supply system connected to the existing public water supply system shall be provided. Fire hydrants must also be installed in accordance with the requirements of Section 180-513.
 - a. For purposes of this section, the term “equivalent residential consumption” (hereinafter “ERC”) shall mean the amount of water typically used by a residential unit during a one (1) day period. Each ERC shall constitute up to 160 gallons of water use per day. Each residential or non-residential use shall have a minimum of one ERC.
 - b. Depending on the number of ERCs, residential and non-residential development shall be required to connect to an existing public water supply system, if the system is available within the following distances:

<u>Number of ERCs</u>	<u>Distance</u>
1 ERC	200'
2 ERCs	400'
3 ERCs	600'
4 ERCs	800'
5 ERCs	1,000'
6 or more ERCs	1,000' plus 50 additional feet for each ERC over 5

The above-referenced distances shall be measured from the nearest existing public water supply system along a State, Township, or public water utility right-of-way to which the parcel has access, to the nearest point of the boundary of the subdivision or land development.

2. Where plans approved by a public water supplier provide for the installation of such public water supply facilities within one (1) year, the

Applicant shall provide a complete water supply system ready to be connected to the proposed water main supply system in accordance with the requirements of the public utility.

3. Where connection to a public water supply is required, the plan for the installation of such water supply system must be prepared for the development with cooperation of the appropriate water utility company and approved by the Township Engineer. The entire water system proposed must be depicted on the preliminary and final plan prior to approval. The layout must indicate the approximate size and location of all water mains, hydrants, service laterals, meter pits, storage tanks, booster pump stations, and other appurtenances. The Applicant shall be responsible for obtaining all permits and approvals associated with the design and construction of the water main extension.
4. The design of the water system shall follow the current edition of the Ten States Standards regarding the horizontal and vertical separation of water lines and sanitary sewer lines. Water mains shall generally be located within the street cartway five (5) feet from the curb line.

C. Private Centralized Community Water Supply.

1. Where the Applicant is not required to extend an existing public water supply system to the subject site based upon the requirements of Section 180-512 B(1) above and where the Applicant proposes to utilize a private centralized community water supply for the subdivision or land development, the design and installation of the system shall be subject to the approval of the Township and of the Pennsylvania Department of Environmental Protection (DEP), and such system shall be further subject to satisfactory provisions for its long term ownership, operation and maintenance. Standards and materials for the construction of any central community water supply system shall meet or exceed those requirements described in the Public Water Supply Manual of the Pennsylvania Department of Environmental Protection and shall be subject to the approval of the Township Engineer. The entire water system proposed must be depicted on the preliminary and final plan prior to approval. The layout must indicate the type, size and location of all water mains, hydrants, service laterals, meter pits, storage tanks, wells, treatment facilities, booster stations, and other appurtenances. The Applicant shall be responsible for obtaining all permits and approvals associated with the design and construction of the water main extension. Where a permit is required by DEP for said system, it shall be presented as evidence of such review and approval prior to or as a condition of any plan approval.
2. Ownership and maintenance of a centralized community water supply and distribution system shall be the responsibility of an organization legally

formed and operated for such purpose. The organizational documents governing the ownership, maintenance and operation of the system as a utility shall be provided to the Township for review prior to any plan approval. If required, the Applicant shall file and obtain any approvals by the Pennsylvania Public Utility Commission (PUC) associated with the operation of the water system.

3. Wherever a central community water supply system is proposed for a development, a distribution system shall be designed to furnish an adequate supply of water (domestic and fire protection) to each lot based upon the intended use, with adequate water main sizes and fire hydrant locations to meet the current specifications of the Township and the International Fire Code (IFC) requirements.
4. The Applicant shall be required to show proof through a water supply feasibility analysis that the private centralized community water system will have an adequate supply of potable water for domestic or other proposed use and that each unit or building will have an adequate supply for purposes of fire protection and that such system meets the minimum standards controlling water storage and production capabilities for domestic and fire use. A technical study shall be submitted for Township, Township Engineer and Township Fire Marshal review which shall include all information as described in the Public Water Supply Manual of the Pennsylvania Department of Environmental Protection (DEP) as well as other information as may be required by the Township or DEP.

§ 180-513. Fire Hydrants

- A. Wherever a centralized community or public water supply system is provided for a subdivision or land development, fire hydrants suitable for the coupling of equipment used by fire companies serving the Township shall be installed in accordance with the utility company's and/or Township's specifications. The type and location of hydrants shall be approved by the Township upon review and recommendation by the Township Fire Marshall or Public Safety Committee. Fire hydrants shall meet the following general requirements.
 1. All fire hydrants shall be located on a main water supply line having a minimum diameter of eight (8) inches. The minimum size of the hydrant tee connection shall be six (6) inches.
 2. Hydrants shall be placed with the steamer nozzle facing towards the vehicular travel lane and shall be located so that they are accessible within five (5) feet by fire apparatus. Fire hydrants shall be placed behind the curb line of streets or within landscaped islands for private land developments. Landscaping or other obstructions shall not be placed in front of fire hydrants and a clear space of three (3) feet shall be provided around all fire hydrants.

3. Fire hydrants shall be spaced in a subdivision or land development so that all proposed buildings will be no farther than five-hundred (500) feet from the hydrant measured along vehicular travel ways. Also, a fire hydrant shall be provided at the closed end of all cul-de-sac streets.
4. Hydrants shall provide two (2), 17/32" I.D. port outlets and one (1), 4 1/2" I.D. steamer outlet complying with National Standard Thread (NST) requirements and in accordance with the construction and installation specifications of the water utility company.
5. The water system supplying the hydrants must be capable of meeting maximum domestic consumption at all times plus a minimum fire flow of five hundred (500) gallons per minute (GPM) for residential developments and one thousand (1000) GPM for commercial and industrial developments at a minimum residual pressure of twenty (20) pounds per square inch (psi) for a minimum continuous duration of two (2) hours.
6. Fire hydrants shall be installed and be fully operational prior to the issuance of a Certificate of Occupancy for any building or dwelling represented on the subdivision or land development plan.
7. The placement and design of all fire hydrants shall comply with all provisions of the International Fire Code (IFC), current edition.

§ 180-514. Design Standards in Floodplains

A. General Standards.

1. Where not prohibited by this or any other laws or ordinances, land located in any identified floodplain area or district may be planned for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development. Reference is made to Article 5 – Environmental Protection, Section 504 of the Lower Paxton Township Zoning Ordinance for Floodplain District Regulations.
2. Building sites for residences or any other type of dwellings or accommodations shall not be permitted in any floodplain area where the elevation of the structure is located below one and one half (1 1/2) feet above the Regulatory Flood Elevation. Where no floodway has been identified, the structure shall not be located within fifty (50) feet from the top of bank of any stream or water course unless a detailed hydrologic and hydraulic analysis is provided by the Applicant and approved by the Township which demonstrates that the floodway is of a lesser width. If fill is used to raise the elevation of a site, the fill area shall extend out laterally

for a distance of at least fifteen (15) feet beyond the limits of any proposed structures.

3. All proposed subdivisions and land developments shall provide the location of all regulatory floodplain areas clearly delineated on the plan. Subdivision plans and other land development plans proposing fifty (50) or more lots or dwelling units or containing greater than twenty (20) acres, whichever is lesser, shall include actual 100-year base flood elevation data, in an acceptable engineering form comparable to U.S. Army Corps of Engineers, HEC-RAS, which shall be certified as accurate by a Professional Engineer. The hydrologic and hydraulic analysis shall include the entire property from the upstream to downstream limits of all major waterways.
4. No new construction or development shall be permitted within a designated floodway of a stream or waterway. When the Applicant is proposing encroachments into floodplain areas associated with a subdivision or land development application said encroachment shall only be permitted when in compliance with this and other ordinances and approved by the Pennsylvania Department of Environmental Protection (DEP). Where the Applicant is proposing to modify an existing floodplain as defined by a Federal Emergency Management Agency (FEMA) Flood Insurance Study, the Applicant shall be responsible for performing all studies, data collection, analysis and preparing applications for the Township's review and approval in order to secure a Letter of Map Revision (LOMR) for the designated waterway. The limits of the study shall be determined in consultation with the Township and FEMA.
5. Buildings sites for structures or buildings other than for residential uses shall not be permitted in any identified floodway area or district. Also, such sites for structures or buildings outside the floodway shall be protected as provided for in Section 180-514 A(2) above. However, the Board of Supervisors may allow the subdivision and/or land development of areas or sites for commercial and industrial uses at an elevation below the Regulatory Flood Elevation if the Applicant otherwise protects the area to that height or assures that the buildings or structures will be flood proofed at least up to that height.
6. When an Applicant does not intend to develop the plan himself and the Township determines that additional controls are required to insure safe development, it may require the Applicant to impose appropriate plan and deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plan.
7. Where any excavation or grading is proposed or where any existing trees, shrubs or other vegetative cover will be removed, the developer shall

consult the Dauphin County Conservation District representative concerning plans for erosion and sedimentation control and to also obtain a report on the soil characteristics of the site so that a determination can be made as to the type and degree of development the site may accommodate. Before undertaking any excavation or grading, the Applicant shall obtain all necessary permits and approvals from the Township.

8. **Drainage Facilities:** Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. Storm water conveyance facilities may be located within floodplain areas however; stormwater management facilities and other Best Management Practice (BMP) areas shall not be located within any floodplain areas of the Township. Plans shall be subject to the approval of the Township.
9. The Township may require a primarily underground storm system to accommodate frequent floods and secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and County drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
10. **Street and Driveways:** The finished elevation of proposed streets and driveways shall not be more than one (1) foot below the Regulatory Flood Elevation. The Township may require profiles and elevations of streets to determine compliance with the requirements. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights or damaging the roadway.
11. **Sanitary Sewer Facilities:** All sanitary sewer systems located in any designated floodplain district, whether public or private, shall be flood proofed to not less than one and one half (1-1/2) feet above the Regulatory Flood Elevation.
12. **Water Facilities:** All water systems located in any designated floodplain district, whether public or private, shall be flood proofed to not less than one and one half (1-1/2) feet above the Regulatory Flood Elevation.
13. **Other Utilities and Facilities:** All other public and private utilities including gas and electric shall be elevated or flood proofed to not less than one and one-half (1-1/2) feet above the Regulatory Flood Elevation.

§ 180-515. Landscaping Design Standards

- A. General.

1. The landscaping design requirements contained within this Section shall be applicable to all subdivision and land development applications that require buffer yards and screen plantings pursuant to the Lower Paxton Township Zoning Ordinance; require street trees related to the construction of new streets within subdivisions; propose new parking facilities associated with new land development activity; and new multi-family, commercial and industrial buildings associated with new land development activity.

B. Design Standards for Screening in Required Buffer Yards.

1. No plant material within buffer yards will be permitted in situations where it may inhibit sight distance, conflict with the circulation and safety of pedestrians, conflict with utility or stormwater facilities, or create potential maintenance problems.
2. Screen plantings shall not consist of evergreen plant species only. A collective landscape design approach must be used to mix and combine a variety of deciduous shade and ornamental trees and deciduous and evergreen shrubs and groundcover. Vegetation must be distributed throughout the entire planting buffer to achieve a complete coverage of the buffer.
3. Buffers on manmade slopes shall have a maximum slope of twenty-five (25) percent.
4. One (1) tree shall be provided for every five hundred (500) square feet of required landscape buffer area. Trees shall be mixed evergreen and deciduous species with no more than thirty (30) percent of the screen being composed of deciduous trees. Trees shall have a minimum height of twenty (20) feet at maturity.
5. Shrubs within buffer areas must be planted such that one (1) shrub is provided for each two hundred fifty (250) square feet of buffer area. Plantings must be staggered and arranged in combination with the required trees to achieve a natural and pleasing appearance at maturity. Shrubs shall be of a species as to provide screening from the ground to a height of six (6) feet at maturity. The ground area within the buffer area shall be covered with grass, groundcover or mulch.
6. Buffers and screening shall be continuous and no parking facilities or structures of any sort shall be permitted within the landscape buffer areas. Buffers may be penetrated with driveways and walkways provided that said penetrations are perpendicular to the buffer and are minimized.

7. All landscaped buffer areas shall be kept clean of all debris, litter, weeds, and tall grasses, and shall otherwise be maintained in good form by the landowner or other entity in accordance with the approved plan.
8. Existing wooded areas may meet the criteria of the requirements of a buffer yard with the following conditions:
 - a. The existing wooded area encompasses the entire required width of the buffer yard and no change of grade is proposed within the buffer area.
 - b. The existing wooded area is primarily comprised of acceptable native woody plant species as described in the Native Plant List published by the Pennsylvania Department of Conservation and Natural Resources (PA DCNR).
 - c. The existing wooded areas consist of a dense, healthy stand of trees and other desirable vegetative materials and will provide a buffer equal to or better than the required buffer when mature.
 - d. Supplemental planting may be required to provide the required number, species mix and visual screening required by this Section.
 - e. All invasive and noxious weeds and trees shall be deadened and removed from the buffer area.
9. Decorative fencing, walls and earthen berms of adequate height and slope are encouraged and may be substituted for a portion of the required landscaping at the sole discretion of the Board of Supervisors. Fences and walls shall be of a solid design nature and consist of low maintenance materials which are aesthetically pleasing for use in a landscaped buffer. Any walls or fencing shall be constructed to a minimum height of six (6) feet.

C. Design Standards for Parking Lots and Perimeters.

1. In any parking lot containing thirty (30) or more parking spaces (excluding a parking garage), five (5) percent of the total area of the parking lot shall be devoted to interior landscaping. Such interior landscaping shall be used at the end of parking space rows to break up rows of parking spaces and to help visually define travel lanes within the parking lot. No more than twenty (20) parking spaces shall be placed in a row without the use of a landscaped island.
2. Landscaping areas situated outside of the physical confines of the parking lot, such as peripheral areas and areas around buildings, shall not

constitute interior landscaping. For purposes of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking and loading and unloading spaces, fire lanes, access and drive aisles, islands, and curbed areas.

3. Perimeter plantings around parking lots shall also be provided. Perimeter landscaped areas shall be a minimum of five (5) feet in width. A minimum of one (1) deciduous or coniferous tree and two (2) shrubs shall be provided for each fifty (50) feet of parking lot perimeter provided. The balance of the perimeter shall be composed of groundcover, grass, perennials, and the like. Earthen berms and mounds are encouraged to screen the parking area from public streets or adjacent properties.
4. Ground cover alone is not sufficient to meet the parking lot landscaping requirements. A mixed planting design of deciduous trees, shrubs, and ground cover shall be provided within the landscaped islands.
5. The following design requirements shall be adhered to for all interior landscaping within parking lots:
 - a. Landscaping shall be provided within curbed islands having a minimum width of six (6) feet and a minimum area of one hundred (100) square feet for single depth islands and a minimum width of six (6) feet and a minimum area of two hundred (200) square feet for islands with a depth equal to two (2) parking spaces.
 - b. Each landscaping island must be provided with a minimum of one (1) deciduous tree plus one (1) shrub per each one hundred (100) square feet of island area with the balance being composed of groundcover and perennials.
 - c. Island plantings must be coordinated with the location and height of light standards and utility lines such that conflicts do not exist.
 - d. Landscaping materials shall be protected from intrusion by cars by the use of curbing, bollards, wheel stops or similar devices.
 - e. Plantings within landscaped islands shall be designed to provide adequate vehicular sight distance within the parking lot and for any access thereto.

D. Design Standards for Site Area Landscaping.

1. All multi-family, commercial and industrial developments shall be provided with site landscaping amenities in addition to any required landscaping for screens, buffer yards, parking lots, parking lot perimeters,

or street trees. Site landscaping shall be provided for the following general conditions and shall be depicted on the Landscaping Plan referenced herein:

- a. Building foundations and building entrance points
 - b. Front and side yard areas of buildings
 - c. Areas along access drives to adjacent streets
 - d. Areas around entrance or development signs
2. All required areas shall be landscaped to the satisfaction of the Township with a combination of trees, shrubs, groundcover, planting beds, annuals and perennials and other landscape features in order to compliment the building and provide for a suitable site design. Grass cover alone will not be sufficient to meet landscaping requirements of this Section.
 3. Service loading and unloading areas shall be landscaped to screen the view from adjacent streets and properties.
 4. Where the external storage of materials is permitted on the property, said areas shall be landscaped to screen the view from adjacent streets and properties.
 5. Trash disposal areas such as dumpsters or compactors shall be screened so as not to be visible from parking areas, adjacent streets and properties. Such areas shall be screened with a combination of architectural masonry or fencing and landscaped with coniferous shrubs with a height of at least six (6) feet.
 6. Sewage pumping stations, treatment facilities, utility substations and similar utility structures shall be landscaped to screen the view from surrounding areas.
- E. Design Standards for Street Trees.
1. Street trees shall be required in all subdivisions and land developments based on the following:
 - a. For existing and new arterial, collector and minor streets as defined herein a quantity of one (1) street tree for every fifty (50) linear feet of street frontage shall be provided.
 2. Design Requirements. The following design guidelines shall be met unless otherwise stipulated in this Ordinance.

- a. Street trees shall be planted no closer than thirty (30) feet on center or farther than seventy-five (75) feet on center along each side of the street.
- b. All street trees shall be located within the street verge area and be centered between the back edge of curb and the front face of the sidewalk unless otherwise approved by the Township.
- c. No more than twenty-five (25) percent of one species of tree shall be planted as street trees within a development.
- d. If sidewalks are not required, street trees shall be planted four feet (4) from the back edge of the curb.
- e. The location of street trees shall not be planted within required clear sight triangles of intersections.
- f. The placement of street trees shall not conflict with the placement of underground utilities, storm sewer systems, or other public infrastructure.
- g. Street trees shall not be planted within ten (10) feet from any storm drain inlet, fire hydrant, accessible manhole or utility pole or structure.
- h. Street trees shall be consistent with the procedures and requirements of the Lower Paxton Township Zoning Ordinance.
- i. The selection of street tree species shall be approved only after review by the Township Shade Tree Commission. Applicants are encouraged to meet with the Shade Tree Commission or a representative thereto during the design process in order to solicit input on approved species, planting location and other landscaping design elements.

F. Credit for Preservation of Existing Trees in Required Buffer Yards.

1. A landscape credit can be applied toward the required buffer yard plant material for the preservation of existing trees provided said existing trees are of a quality native species and are in a condition that is acceptable to the Township and are worthy of saving and included within the required buffer area.
2. A credit of two (2) shade trees can be applied to the required landscaping for each existing tree that is at least six (6) inches in diameter measured at breast height and is within the required buffer yard.

3. All existing trees must be healthy, vigorous, in good form and preserved within the site's immediate developable area. Remote stands of trees which have no buffer value will not be eligible for consideration.
4. The existing trees must also be able to tolerate any induced stresses and changes caused by the proposed development for a one-year period after construction is completed.
5. Existing trees with a six (6) inch or greater diameter considered for preservation shall be measured at breast height above the existing grade. Trees targeted by the Applicant to be preserved shall be field surveyed, identified and shown on the subdivision or land development plan at the time of submission to the Township.
6. Existing trees considered for preservation shall be field marked by the Applicant and protected from construction activities in an acceptable and appropriate manner. No changes in grade shall be permitted adjacent to those trees being preserved.
7. Existing trees considered for preservation within the developable area shall remain undisturbed and shall be protected and encircled with an acceptable fence for protection.
8. The diameter of the undisturbed area shall extend to the drip line of the tree or by one (1) foot of undisturbed area per inch of tree diameter measured at breast height from the existing grade whichever is greater. The tree can be preserved if at least two-thirds ($2/3$) of designated area can remain undisturbed.
9. Impervious or construction material shall not be placed under the drip line or within the designated tree protection fenced area.
10. If existing trees that meet the preservation criteria but cannot be saved successfully and die within a one-year period after completion of the project, the Applicant shall be responsible to fully remove and replace the existing tree with the required landscaping materials.

G. Landscaping Plan Requirements.

1. For all subdivision and land development plans requiring landscaping design, and at the time of initial submission to the Township, the Applicant shall include a separate landscaping plan designed by a Registered Landscape Architect in the Commonwealth of Pennsylvania. Said plan shall bear the seal and signature of the Registered Landscape Architect and be certified that the plan meets all of the requirements of

this Ordinance. The landscaping plan shall contain the layout, size and identification of all required plant materials including construction details, specifications, notes and other information required for construction and maintenance. The plan shall be designed to accommodate the location of all other planned site improvements, utilities, and site grading such that conflicts do not occur either at the time of planting or at maturity.

H. Landscape Material and Planting Specifications.

1. Installation and minimum size requirements for all planting materials shall be performed in conformance with good nursery and landscaping practice. All plant material must comply and conform to the code of standards set forth and cited in the latest edition by the American Standard Nursery Stock, ANSI Z60.1, as amended, and meet the following requirements:
2. Minimum plant sizes for all landscape materials shall be as follows:
 - a. Deciduous Trees: 1 ½"- 2" caliper at 6" above grade or 8' - 10' height
 - b. Evergreen Trees: 6' minimum height
 - c. Deciduous Shrubs: 18"- 24" height
 - d. Evergreen Shrubs: 24"- 30" height
3. Requirements for measurements, branching, grading, quality, balling and burlapping shall follow the code of standards recommended by the American Association of Nurseryman, Inc. in the American Standard for Nursery Stock, ANSI Z60.1, current edition as amended.
4. The plant materials shall be grown in a climate similar to that of the locality of the project and shall be appropriate for Hardiness Zone 6 planting per U.S.D.A. requirements. All plant materials shall have a normal habit of growth and shall be sound, healthy, and vigorous and they shall be free from disease, insects, insect eggs, and larvae.
5. All trees and shrubs shall be balled and burlapped or be containerized. Bare root planting shall not be permitted. Trees and shrubs shall be planted in excavations a minimum of one and one-half (1-1/2) times larger than the root ball per ANSI standards and planted in good soil conditions including the addition of peat moss, fertilizer, and other customary soil supplements.
6. All trees shall be guyed or staked for one (1) year following planting. All guys or stakes shall be removed one (1) year from installation.

I. Landscape Surety.

1. When landscaping improvements are required by this Ordinance, the estimated cost of the installation of said landscaping improvements shall be included with the project's financial security as described herein to guarantee the required plant materials, landscaping, and all related appurtenances are correctly provided and installed according to the approved plan.
2. No financial security will be required for the preservation of existing trees that are credited towards the required landscaping.

J. Maintenance of Landscaping.

1. The Applicant shall be responsible for maintenance of the required landscaping during all construction activity of the subdivision or land development project and, for publicly dedicated facilities until such time as the Township accepts ownership of said materials. For required landscaping on private property, the landowner shall own and maintain all materials and said landscape materials shall not be removed or substantially altered without approval by the Township. The Township may require landscaping easements or other controls to assure the long term viability of landscaping improvements.
2. The required landscape maintenance responsibilities of the Applicant shall include but not be limited to watering, mowing, pruning, weeding, mulching, fertilizing and other maintenance techniques necessary to ensure the health and long term survival of the plant materials. The required landscaping shall be maintained and, if need be, replaced with original plant species or an acceptable equivalent, in order to remain in compliance with current landscape regulations and the terms and conditions of the subdivision or land development plan approval.

§ 180-516. Street Signs & Traffic Control Devices

A. General.

1. All subdivision or land developments shall be provided with stop signs, street name signs, speed limit signs, no parking signs (if applicable), and other regulatory and /or advisory signs as may be required by the Township.

2. Street name and other traffic control signs located within public rights-of-way shall be owned and maintained by Lower Paxton Township. Signs located on private property shall be owned and maintained in good operating condition by the landowner.
3. Signs and other traffic control devices within proposed public street rights-of-way will be provided and installed by the Township and paid for by the Applicant. The estimated cost of the signs shall be required to be included in the financial security for the project as described in this Ordinance.
4. All required street and other traffic control signs shall be erected prior to any street being passable and opened for vehicular use.
5. All street signs shall be placed and constructed in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), U.S. Department of Transportation, Federal Highway Administration, latest edition and the most current requirements of the Pennsylvania Department of Transportation (PENNDOT).

B. Street Name Signs.

1. The subdivision or land development shall be provided with street name signs at all intersections of public streets within the development. Street names shall be selected in accordance with prescribed Township, U.S. Postal Service, or other regulatory agency procedures and shall not conflict with existing street names or create confusion to the traveling public. The Township shall review and, if acceptable, approve all street names as proposed by the Applicant.

C. Stop, Speed Limit, No Parking, and other Regulatory Signs.

1. Stop signs, speed limit signs, no parking signs and other regulatory and/or advisory signs shall be placed within the subdivision or land development as required by the Township. The location of all required signs shall be depicted on the approved subdivision or land development plan.

D. Traffic Signalization.

1. Where a subdivision or land development requires the modification of an existing traffic signal or the installation of a new traffic signal and related appurtenances to control the flow of traffic, the Applicant shall prepare all required traffic studies and analyses, traffic signal warrant reports, traffic signal permit and construction plans and traffic signal permit applications for review and approval by the Township. All traffic signal design and construction shall be in accordance with the current requirements of PENNDOT Publication 149 – Traffic Signal Design Handbook and

Publication 148 - Traffic Standards – Signals; TC – 7800. Additionally, the design and construction requirements as contained in Article 8 of this Ordinance shall be adhered to for the design and/or modification of all traffic signal facilities.

E. Pavement Markings.

1. Where pavement markings are required for the proper channelization, control and proper operation of traffic, the Applicant shall provide pavement markings on the plan for review and approval by the Township. Pavement markings shall include, but not be limited to, center and edge lines, stop bars, pedestrian cross walks, through and turn arrows, and the like. Pavement markings for stop bars, crosswalks and directional arrows shall be thermoplastic. All pavement markings shall conform to the latest requirements of PENNDOT and the Township.

§ 180-517. Utility Construction

A. Underground Wiring.

1. All electric, telephone, cable television, and other communication facilities, both main and service lines servicing new subdivisions or land developments, shall be provided by underground wiring within utility easements or within dedicated public rights-of-way unless special conditions require otherwise. Utilities shall be installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.
2. Lots which abut existing easements or public rights-of-way where overhead electric or telephone distribution supply lines and service connections have been previously installed may be supplied with electric and telephone service from those overhead lines, but any new service connections from the overhead utility lines shall be installed underground. In the case of existing overhead utilities, should an extension of service, or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground where practicable.
3. Where overhead lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines as follows: Alignments and pole locations shall be carefully routed to avoid locations along horizons; clearing swaths through tree areas shall be avoided by selective cutting and a staggered alignment; trees shall be planted in open areas and at key locations to minimize the view of the poles and the alignments; and alignments shall follow rear lot

lines and the rear of buildings and other similar alignments where possible.

4. Where such utilities lie under the proposed right-of-way or cartway, said utilities, or provisions for accommodating said utilities (i.e., conduits, duct banks, manholes, junction boxes, etc.) shall be installed prior to construction of the roadway. Utility systems must also be operational before any person is permitted to occupy any building to be served by such utility.

B. **Underground Utility Notifications.**

1. In accordance with the provisions of PA Act 38, as amended, all Applicants proposing construction activities shall contact all applicable utilities and accurately determine by field surveying means the location, type, size and approximate depths of all existing underground utilities within and adjacent to the tract proposed for development and in the vicinity of any proposed off-site improvement. A list of the applicable utilities, their telephone numbers, and the PA One Call Serial Number shall appear on the subdivision or land development plans submitted for review.

§ 180-518. Regulatory Wetlands

- A. For all subdivisions and land developments, the Applicant must determine if regulatory wetlands exist on the property containing the proposed subdivision or land development. The Applicant must also determine if any wetlands will be impacted off-site from the property if off-site construction activities are proposed. This determination shall be made in accordance with the current requirements of the Department of Environmental Protection (DEP) and the U.S. Army Corps of Engineers (USACOE) as outlined in the "Wetlands Delineation Manual", U.S. Army Corps of Engineers, 1987, or as amended.
- B. All wetlands investigations must be performed by an environmental professional with the education and experience necessary to perform said investigations and studies.
- C. If after an absence/presence site investigation, it is determined that there are no wetlands on the subject property and no wetlands will be impacted off-site, then the following certification note must be placed on the plan:

I, (Name of environmental consultant), hereby certify that I have conducted a wetlands investigation on (date) in accordance with the requirements of this ordinance and have determined that there are no regulatory wetlands on the subject property; that the proposed project will not impact any off-site wetlands and that no wetland permits are required from any State or Federal governmental agency having jurisdiction.

Signature & date

- D. If there are regulatory wetlands found on the property and/or wetlands will be impacted off-site, then a wetland delineation report must be submitted to the Township as part of the required plan submission materials prepared in accordance with the requirements listed above and generally including the information required by the USACOE as part of a Jurisdiction Determination (JD) review. All regulatory wetlands must be clearly delineated on the subdivision or land development plan. If wetlands are proposed to be impacted by project activities, required wetland mitigation areas and construction details must also be included with the plan set.
- E. A copy of completed permit applications such as a Water Obstruction and Encroachment Permit or General Permit from DEP and a Section 404 Permit from the USACOE shall be provided to the Township for review.
- F. If necessary, the wetlands may be verified by the Township, Township Engineer, or their consultants through a site visit.
- G. If there are wetlands located on the property the following certification note shall be placed on the subdivision or land development plan:

I, (Name of environmental consultant), hereby certify that I have conducted a wetlands delineation study on (date) in accordance with the requirements of this ordinance and have determined that regulatory wetlands exist on the subject site and this plan accurately depicts the extent of all wetlands.

Signature & date

- H. Any approval by the Township shall be conditioned upon full compliance with any requirements of any regulatory agency, and no action by the Township shall be relied on in lieu of a permit issued by the appropriate agency.

§ 180-519. Site Retaining Walls

- A. When retaining walls are required to accommodate grade changes as part of a subdivision or land development plan, said plan shall contain details relating to the design and construction of the proposed site retaining walls. Details shall include, but not be limited to, a layout and grading plan and a site adapted typical design section or sections showing all construction requirements.
- B. Design calculations must be provided for all design conditions and such wall design shall be prepared and certified by a Professional Engineer in the Commonwealth of Pennsylvania experienced in structural design and geotechnical engineering principles. Design calculations must include existing soils information; lateral soil pressure and all loading conditions; an analysis for

overturning, sliding, and foundation bearing pressure; global stability analysis; and the design of all structural components including the use of appropriate factors of safety. An exemption from this requirement shall include small landscaping, garden, or similar type walls less than four (4) feet in height and which do not support buildings, parking facilities, or other structurally significant site features.

- C. Retaining walls near or adjacent to street right-of-way lines shall be placed a minimum distance from the right-of-way line that would allow the angle of repose of the retained soil material to not encroach on the right-of-way and affect the roadway, right-of-way, or public infrastructure contained therein if the retaining wall should fail or be removed for any reason. No portion of any wall such as foundations, reinforcing materials, railing, and the like shall be located in any public right-of-way to be owned or maintained by the Township.
- D. Retaining walls attached to and substantially part of buildings shall be reviewed by the Township as part of the building permit application review process.
- E. Any retaining wall greater than four (4) feet in height and subject to pedestrian traffic in the vicinity of the top of the wall shall be provided with fencing, railing or other protective measures to the satisfaction of the Township and in accordance with any applicable building codes.
- F. Plans containing retaining walls located on or affecting multiple properties must provide adequate provisions for private access, maintenance and repair.

§ 180-520. Monuments & Markers

- A. Monuments and markers shall be set at all points, as required herein, for all new subdivision and land development plans approved by the Township. Monuments and markers shall be set by a Professional Land Surveyor licensed in the Commonwealth of Pennsylvania. All monuments and markers shall be secured as part of the project's financial security requirements as required under this Ordinance. Once installed, all monuments and markers shall be flagged and visible at the time of inspection. The installation requirements for monuments and markers are as follows:
- B. Monuments must be set as follows:
 - 1. One (1) monument at each intersection of all public street right-of-way lines.
 - 2. The intersections of lines forming angles or changes in direction along the boundary of the perimeter of the parent tract of land comprising the subdivision or land development unless said points are already marked by

monuments recognized as established survey corners or are impractical to set due to streams, topographic conditions or other similar constraints.

3. Such other intermediate points as may be required by the Township Engineer.

C. Markers must be set:

1. At all corners except those required to be monumented.
2. Prior to the construction of any building or residential unit on the property.

D. Monuments and markers shall be the following sizes and made of the following materials:

1. Monuments shall be four (4) inches square, octagonal or round and shall be thirty (30) inches long. Monuments shall be made of precast concrete, stone or by setting a four (4) inch diameter metal pipe filled with concrete.
2. Markers shall be three quarters (3/4) of an inch square or three quarters (3/4) of an inch in diameter and thirty (30) inches long. Markers shall be made of iron pipes or iron or steel reinforcing bars.

E. Monuments and markers must be placed so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with or within one (1) inch above the finished grade of the surrounding ground. Monuments must be marked on top with a copper or brass plate or dowel set in the concrete.

F. Removal - Any monuments or markers that are removed must be replaced by a Professional Land Surveyor at the expense of the person requiring the removal and replacement of said monument or marker.

§ 180-521. Natural Features Preservation

- A. All subdivision and land development plans shall be planned and designed without impact to and destruction of significant natural features located on the property. Significant natural features shall not be physically disturbed or used for any other uses other than public or private conservation areas and uses for the conservation of open space, water, soil and wildlife resources; educational facilities of an environmental nature, and private, passive recreation except to the extent that it is necessary to provide ingress and egress to a property or the extension of required utilities into the property where no other feasible alternative exists. Where access is required through significant natural features, it shall only be permitted where it can be demonstrated by the Applicant that the design is the least intrusive to the natural features in question.

- B. Significant natural features shall consist of the following elements:
1. Land areas having a slope equal to or in excess of twenty-five (25) percent which are not the result of manmade changes to the natural terrain. Excluded from this classification are slopes that are small, isolated or otherwise occurring as knolls, localized depressions, and the like which are not environmentally significant.
 2. Regulatory wetland areas as defined in Section 180-518.
 3. Areas comprised of rivers, creeks, streams, lakes, dams, ponds, and other bodies of water or defined watercourses and all land areas within twenty-five (25) feet of such features.
- C. The requirements of this Section shall not be construed to further restrict any development activity currently permitted by the Township relating to the use of floodways, flood fringe areas, or approximated floodplain areas.
- D. Slope areas shall be based upon a two (2) foot contour interval topographic survey and evaluation of all critical slope areas on the property. The average natural slope of an area shall be determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value. All slope areas shall be measured at right angles to the natural contour.
- E. Where a subdivision or land development plan contains significant natural features, conservation easements shall be provided for the purpose of protecting the natural features from any further development or destruction.

§ 180-522 Dedication of Recreation Land & Fee Requirements

- A. Applicability and Intent - All residential subdivision and/or land development applications submitted to the Township under this Ordinance shall provide for suitable and adequate recreation space in order to:
1. Ensure recreation areas and facilities are adequate to serve the residents of the Township.
 2. Maintain consistency with the conclusions and recommendations in the Township's Recreation Plan, the Township's Greenway Plan and consistency with the Township's Comprehensive Plan regarding recreation.
 3. Ensure that all residents have the opportunity to engage in varied recreation activities which includes passive and active forms of recreation.

4. Reduce the increasing user pressure on existing recreation areas and facilities.
5. Reduce the possibility of overburdening the Township with the development and maintenance of many small, randomly placed recreation areas.
6. Ensure parks and open spaces are designed to conserve sensitive natural features and are properly integrated into the community.

B. Land Dedication versus Fee in Lieu - The Planning Commission and the Parks and Recreation Board shall recommend to the Board of Supervisors whether a land dedication or the payment of fees in lieu thereof is recommended. This recommendation shall be made at the time of the preliminary plan review or, in the case of no preliminary plan, at the final plan review by the Planning Commission and the Parks and Recreation Board; however, under no circumstances would a park land dedication or fee in lieu payment be accepted to reduce the percentage of open space otherwise required under provisions of the Township Zoning Ordinance.

The Planning Commission shall, at a minimum, consider the following points in reaching their recommendation:

1. Whether the land proposed to be dedicated would serve a valid public purpose and meet the design requirements of usable recreation space.
2. Whether the land proposed to be dedicated meets the standards of the adopted Lower Paxton Township Recreation Plan.
3. Recommendations received from the Parks and Recreation Board.

C. Residential subdivision and/or land developments of fifty (50) lots/units or less - In order to encourage the acquisition of larger parcels for parks, recreation and open space, the Township shall encourage a fee in lieu of land dedication for subdivisions or land developments which contains fifty (50) lots/units, or less. In such instances, the Applicant shall pay a fee as set forth herein at the time of the recording of the final plan or each phase thereof. Unless the subject property is adjacent to existing park land.

D. Land Dedication Procedures and Requirements - For all residential subdivision and land development plans, the amount of land required to be dedicated to the Township for public recreational purposes shall be as follows:

1. Residential Subdivision and/or Land Development Requirements. A minimum area of one thousand eight hundred and forty-one (1,841) square

feet (.0423 acres) per dwelling unit shall be provided as a contiguous, usable area.

2. Time Requirements. Land to be dedicated to the Township must be dedicated for public use immediately after the recording of the final plan phase upon which the dedicated parcel is located. The proposed deed of dedication shall include a legal description and plat of the area and shall be submitted with the final plan for approval by the Township Solicitor. Title to land to be dedicated shall be good and marketable and free and clear of all liens and encumbrances or other defects as demonstrated by a current title report or a legal opinion of title provided by the Applicant.
3. As part of the plan submission process, the Applicant shall state what improvements, if any, that the Applicant intends to make to the land to make it suitable for intended purposes, such as grading or landscaping. The land shall be stabilized and free of construction debris at the time of dedication. The site shall not contain above ground or open storm water management facilities or be comprised of land that otherwise would not be developed due to physical, environmental or other developmental limitations.

E. Design Requirements for Lands to be Dedicated - The following criteria shall be considered in determining whether to approve the proposed location of and improvements to recreation areas.

1. The site shall have a minimum of one hundred fifty (150) feet of frontage on a public street and be easily accessible from all areas of the neighborhood / subdivision or land development.
2. The recreation area shall consist of one (1) contiguous tract of land and of usable proportions in terms of tract width and depth. At least seventy-five (75) percent of the tract shall have a slope of six (6) percent or less, with soil conditions suitable for establishment of proper vegetative cover (see Township Zoning Ordinance § 310 – Steep Slopes).
3. The site shall not contain utility easements or rights-of-way that would adversely affect the site, storm water management facilities, BMPs, wetlands, steep slopes (>15%), floodplain areas, or be comprised of lands that otherwise could not be developed due to physical, environmental or other limitations.
4. Whenever possible, the site shall be adjacent to other existing recreational lands to create a comprehensive recreation area.

5. The size and shape of the site should be suitable for development as a particular type of recreation area as categorized by the Township in its Recreation Plan.
6. Lands to be dedicated should be at least two (2) acres in area.
7. The site shall be located and designed to conveniently access public utilities which may be extended by the Applicant including sanitary sewer, water and electric service to be utilized by the property. If the land to be dedicated is proposed to have recreational facilities constructed by the Applicant, sufficient parking shall be constructed by the Applicant to support these facilities.
8. If the site has been disturbed or altered prior to dedication, the Applicant shall improve it as near as possible to a condition acceptable to the Township including, but not limited to, grading, topsoiling and seeding, and construction of buffering acceptable to the Township. Slopes of a 3:1 ratio or higher shall be seeded with ground cover vegetation.
9. If the subdivision site has been identified on the Township Greenway Plan, or is otherwise appropriate for construction of a greenway, the value of the greenway shall be considered as an alternative to traditional park land and/or fee-in-lieu payments. In most circumstances, the greenway shall be placed within an easement or a publicly dedicated right-of-way. Greenway development shall be in accordance with the Township Greenway Plan.
10. The proposed final condition of the tract to be dedicated shall be fully depicted on the subdivision or land development plan.

F. Fee in Lieu of Land Dedication Requirements - Where the Board of Supervisors determines that the land does not meet the requirements of Section 180-522 E, the Board of Supervisors may accept a payment of a fee in lieu of such land dedication which shall be payable to the Township as a condition of approval of the final plan by the Board of Supervisors. The amount of such fee shall be calculated using the following formula based upon the required dedicated acreage (0.423 acres/dwelling unit) multiplied by a recent average of lot prices as determined by Lower Paxton Township multiplied by the development cost factor (.75). The formula can also be described as a mathematical equation as follows:

$$\begin{array}{rcccccc}
 \text{Recreation area required} & & \text{Average} & & \text{Development} & & \text{Fee-in-Lieu} \\
 43,560 \text{ square feet} & \times & \text{Lot Price} & \times & \text{Cost Factor} & = & \text{Payment}
 \end{array}$$

G. Limitations on Uses of Fees - A fee authorized under this Section shall, upon its receipt by the Township, be deposited in an interest-bearing account. Interest earned on such an account shall become funds in that account. Funds from such

accounts shall be expended only to acquire lands and to design and construct new recreation facilities within the Township.

- H. Private Dedication of Land - The Board of Supervisors may accept the private reservation of the required percentage of land in lieu of public dedication. The land set aside shall be suitable in size, dimensions and topography in relationship to the proposed use; shall be convenient to the residents of the development to be served; and shall be accessible for maintenance of such recreation areas by maintaining ownership or by providing for and establishing an organization for the ownership and maintenance of the private recreation area. When a recreation area is dedicated to a private organization, the area may remain available for general public use without fees or charges except in specific cases of prior reservation of facilities. When the general public is allowed free and unrestricted use of the private recreation area, no fee-in-lieu payment is necessary. If use of the private recreation area is restricted to only residents of the development, 50% of fee-in-lieu funds shall be payable to the Township as a condition of approval of the final plan or each phase thereof.
- I. Optional Recreation Procedure - Upon agreement by the Applicant, the Township may accept the construction of recreational facilities; the donation of recreation equipment or facilities; the payment of fees in lieu of dedication; the use of easements to accommodate greenways; the private reservation of land for recreation purposes; the dedication of land located in other areas of the Township, or a combination of the above in order to satisfy the recreation requirements of a particular subdivision or land development.
- J. Timing for Contributions/Dedication - The dedication of land shall occur by transferable deed immediately following the recording of the final subdivision or land development plan for the phase in which the dedication is required. Where a payment of a fee in lieu of dedication is approved, the payment shall be made as a condition of approval of the final plan and shall be payable, in full, prior to recording of a final plan. Where recreation land or facility to be dedicated or privately developed recreation land or facility is to be developed in a later phase, the Township may require bonding in an amount to be determined by the Township Engineer to be one hundred ten (110) percent of the value of the privately owned recreation land or facility to be set aside in a later phase.
- K. Procedure - The Township Community Development Staff, upon receipt of a preliminary plan submission, shall distribute one (1) copy to the Parks and Recreation Department for review and recommendation. The review and recommendation by the Parks and Recreation Board shall include the following:
1. The amount of land required, or that a fee shall be charged in lieu of land, or that land and a fee shall be required, and/or that a stated amount of credit shall be given for Greenways, private recreation facilities or unique natural and special features.

2. The location of the land to be dedicated, and/or Greenway locations.

A copy of the Township Parks and Recreation Board's review and recommendation shall be forwarded to the Township Planning Commission and the Township Board of Supervisors. The Applicant shall dedicate the land and/or pay the fee-in-lieu as determined by the Township Board of Supervisors before the recording of the final plan or each phase thereof.

ARTICLE 6
TRAFFIC IMPACT STUDIES

§ 180-601. Intent

The intent of a traffic impact study is to identify and plan for safe means of ingress and egress for proposed developments; understand the adequacy of the existing transportation network for the intended use; to identify any potential transportation impacts of the proposed subdivision and/or land development; and to determine any roadway or traffic signalization improvements necessary to mitigate any impacts resulting from the planned development.

§ 180-602. General Provisions

- A. A traffic impact study shall be submitted for subdivision and land developments which meet the following criteria:
1. Residential. Involving fifty (50) or more dwelling units.
 2. Non-residential. Involving one hundred (100) or more new peak hour trips.
 3. Other. Whenever the Township shall find that there is a reasonable ground to believe that the existing transportation network may be inadequate to handle the volume or character of traffic likely to result from the proposed subdivision or land development.
- B. The study shall be prepared, signed and sealed by a Professional Engineer registered in the Commonwealth of Pennsylvania with sufficient prior traffic study and traffic engineering experience to qualify the engineer to perform the study and render any opinions and recommendations set forth therein.
- C. Study area boundaries shall be determined in accordance with the publication referenced in Section 180-703 below and through discussions with the Township Engineer. At a minimum, the study area shall include any intersection that experiences an increase of fifty (50) peak hour directional trips attributed to the development and other intersections which, in the opinion of the Township, warrant inclusion in the study. A pre-study conference between the Applicant's Traffic Engineer and the Township is required prior to undertaking the traffic impact study. Where a subdivision or land development project requires access to a State highway and meets the requirements of the Pennsylvania Department of Transportation (PENNDOT) for a traffic study, then PENNDOT shall also be consulted regarding the scope of the study prior to proceeding with the work.

§ 180-603. Contents

The study shall be prepared in accordance with the Institute of Transportation Engineer's (ITE) *Traffic Engineering Handbook* an ITE's *Transportation Impact Analyses for Site Development*, current editions and PENNDOT Publications 212 and 282, current editions and the requirements contained herein.

A. General Site Description.

1. The site description shall include the size, location, existing and proposed land uses, current zoning, construction phasing, and completion date of the proposed land development. Any residual land which, when developed, will utilize the proposed improvements shall be planned for as the highest and best use for the residual property and shall be included in the study. A brief description of other major existing and proposed land developments within the study area shall be provided.

B. Transportation Facilities Description.

1. Proposed Internal Transportation System. Describe the proposed vehicular bicycle and pedestrian circulation, ingress and egress locations, existing or proposed internal roadways including the widths of cartways and rights-of-way, parking conditions, traffic channelizations and any other traffic control devices within the site of the subdivision or land development.
2. External Transportation System. Describe the entire external roadway system within the study area for the proposed subdivision or land development including major intersections, traffic control devices, parking conditions, widths of cartways and rights-of-way, and vehicular, bicycle, and pedestrian circulation. Key intersections in the study area shall be identified and described. Current photographs of the study intersections depicting all approaches shall be included in the study. All planned or programmed public and/or private highway improvements, including proposed roadway construction and traffic signalization, shall be noted. Any proposed roadway improvements planned and approved from surrounding developments shall also be recorded.

C. Existing Traffic Conditions.

1. Existing traffic conditions shall be determined for all roadways and intersections in the study area. Existing traffic volumes for average daily traffic, peak highway hour(s) traffic, and peak development-generated hour(s) traffic shall be collected. Manual traffic counts at key intersections in the study area shall be conducted, encompassing the peak highway and development-generated hour(s). A volume capacity analysis

based upon existing volumes shall be performed during the peak-highway hour(s) and the peak development-generated hour(s) for all roadways and key intersections in the study area using the methodologies presented in the current edition of the Transportation Research Board's *Highway Capacity Manual*, current edition. Levels of service shall be determined for all roadways and key intersections. Traffic signal warrant analyses shall be conducted for all unsignalized intersections in accordance with PENNDOT Publication 212. Gap studies and queue length analysis shall also be completed for all key intersections. The analysis of the existing road network will be based on the current geometric condition and traffic conditions.

D. Future Trip Projections.

1. Estimation of vehicular trips to result from the proposed development shall be completed for the average daily, peak highway hour(s) and peak development-generated hour(s). Vehicular trip generation rates to be used for this calculation shall be based on *ITE's Trip General Manual*, and *ITE's Trip Generation Handbook*, current editions, and/or data collected from sites with similar trip generation characteristics. This existing data shall be collected in conformance with the guidelines presented in the ITE Trip Generation Handbook. Also, provide an estimate of anticipated truck volumes in the study. These development-generated traffic volumes shall be provided for the in-bound and out-bound traffic movements and the reference source(s) and methodology followed shall be documented. All turning movements shall be calculated. These generated volumes shall be logically distributed to the study area and assigned to the existing roadways, and key intersections throughout the study area. The methodology used to distribute trips shall be documented and approved by the Township Engineer.
2. Provide a detailed distribution and assignment of any passby trips. Document all assumptions used in the distribution and assignment phase in a manner which permits the duplication of these calculations. Pedestrian volumes shall also be calculated, if applicable. If school crossings are to be used, pedestrian volumes shall be assigned to each crossing. Any characteristics of the site that will cause particular trip generation problems shall be noted.
3. Background growth using the latest edition of the PENNDOT Publication entitled Pennsylvania Traffic Data and projected traffic from approved but not yet built subdivisions or land developments which are proximate to and will have an impact on the study points shall be included in the projection of future traffic.

4. All future analyses shall be conducted based upon a full build out in the planned opening year plus a ten (10) year horizon period. For phased projects, the entire project shall be assumed to be built out in the opening year plus the aforementioned ten (10) year horizon period.

E. Transportation Impacts.

1. The study area roadway network is to be analyzed for safety and capacity sufficiency for future network conditions without the proposed development and future network conditions with the proposed development. For each of these conditions, the following analyses shall be completed:
 - a. Mainline ADT volumes and turning movement volumes for all key intersections within the study area shall be determined for the AM peak hours, PM peak hours and the proposed development peak hours, if other than either the AM or PM peak hours of the network. Commercial development shall also provide a Saturday peak hour analysis.
 - b. The effectiveness of the traffic signal control at all key intersections shall be evaluated by approach in terms of vehicle stops and delays.
 - c. Gap studies will be conducted at the proposed site access points to evaluate the need for signal control, turn prohibition or additional site access points to reduce the left volume from the site driveway(s).
 - d. Queue length studies using 95% *Highway Capacity Manual* methodologies shall be completed to evaluate the potential for a backup of traffic from controlled intersections which could impact other intersections including access points to the proposed development.
 - e. An analysis of the volume and capacity of the network and all key intersections shall be conducted utilizing the most current *Highway Capacity Manual* procedures. Levels of service will be determined and documented.
2. The analysis of the future conditions without the proposed development will document the adequacy of the study area network to accommodate the traffic in the design year(s) without the proposed development. This analysis must include a full consideration of all committed roadway improvements to the study area network when determining the expected levels of service.

3. The analysis of the future conditions with the proposed development will document the impacts created as a result of the development.

F. **Conclusions and Recommended Improvements.** Levels of service for all street segments and key intersections shall be presented in tabular and graphic form. All street segments and key intersections showing a level of service below D for street segments and signalized intersections, and below E for street segments and unsignalized intersections shall be considered deficient, and specific recommendations for the elimination of these deficiencies shall be listed. This listing of recommended improvements shall include, but not be limited to, the following elements: internal circulation design, site access location and design, external street and intersection design and improvements, traffic signal installation and operation, and transit design improvements. All newly signalized intersections shall be designed to provide a level of service of D or better for all approaches for the horizon year. All un-signalized intersections shall be designed to provide a level of service of E or better for all approaches in the horizon year. All physical on-site improvements shall be shown on the subdivision and /or land development plan and approved by the Township Engineer prior to any plan approval by the Board of Supervisors. Any future phased improvements shall also be planned and represented by a phasing schedule outlining the timeframe or threshold for implementation along with the responsible party. For each recommended off-site improvement, provide a schematic drawing of existing and proposed conditions as well as a narrative description of the improvement, including the estimated cost of the improvements. All recommended improvements shall be clearly feasible from an engineering and construction perspective. Costs shall be separated for any recommended off-site improvements and any required on-site improvements.

§ 180-604. Final Report

A final report shall be prepared to document the results of the traffic study and the recommended improvements to accommodate the projected traffic due to the proposed development. Provide an executive summary which provides a concise description of the study area, results of the traffic analyses, and any recommended improvements. The presentation of data and analyses results should be accomplished on either schematic diagram of the study area, or through the use of charts and/or tables. All sources of data and methodologies which were used in the study (including computer programs) must be properly referenced and documented. Any waiver requests to the referenced procedures must be properly documented to enable a review of the appropriateness of the modification. Provide all computer output and calculations in appendices.

§ 180-605. Responsibility for Improvements

Where the traffic impact study indicates that on-site improvements are necessary or advisable to existing Township and/or State streets and intersections in order (i) to assure adequate, safe and convenient access to each lot and structure and parking compound proposed as part of the

development of the subject tract, (ii) to accommodate the traffic due to the proposed development, (iii) to provide for an acceptable level of service and delay for the design year, or years for phased projects, with the development which is at least equivalent to the projected level of service and delay for the design year(s) without the proposed subdivision or development, and (iv) to preserve the existing convenience of access to or ability to exit from abutting lots which gain access from the existing street, the Applicant shall install all such indicated on-site improvements. The Applicant shall install additional traffic lanes, traffic dividers, traffic control devices, traffic signals, and other measures as appropriate to ensure that the development of the subject tract does not adversely impact the existing street system and access to or the ability to exit from lots gaining access from an affected street. If the traffic impact study indicates that on-site improvements must be made to a State roadway, the Applicant shall also take all action necessary to obtain any Pennsylvania Department of Transportation permits and approvals to install the necessary street widening or traffic signals or traffic control devices. If the traffic impact study recommends installation of traffic signals or traffic signal modifications as part of the on-site improvements, the Applicant shall prepare all plans and studies and submit all necessary applications to enable the installation of the traffic signal or modifications and shall install the traffic signal or modifications at their cost and expense. If the traffic impact study indicates that traffic control devices or regulations, including but not limited to stop intersections, speed limit reductions, or parking prohibitions, are required as part of the on-site improvements, the Applicant shall prepare all traffic studies necessary to justify imposition of such regulations in accordance with Pennsylvania Department of Transportation regulations and shall pay all costs associated with the preparation and enactment of an ordinance to establish such regulations:

- A. The Applicant shall bear all costs and expenses in connection with the on-site improvements required by this Article. If the Applicant requires the Township to submit any permit applications or requests for approvals in the name of the Township, the Applicant shall reimburse the Township for all costs and expenses incurred by the Township in connection with its review of the application and submission of the application to the Pennsylvania Department of Transportation or any other governmental agency.

- B. When the Township determines that a portion or all of the required on-site improvements or that a portion or all of any agreed to off-site improvements are not feasible or appropriate at the present time, the Applicant shall enter into a Applicant's Agreement with the Township and deposit financial security with the Township until such time that the improvements are satisfactorily installed by the Applicant and accepted by the Township in accordance with other provisions of this Ordinance.

ARTICLE 7
HYDROGEOLOGIC ANALYSIS AND WATER QUALITY TESTING

§ 180-701. Test Required

A hydrogeologic analysis and water quality testing shall be required prior to the approval of any subdivision or land development plan representing more than ten (10) dwelling units, or a non-residential use or uses which individually or collectively have an anticipated daily water usage demand of four thousand (4,000) gallons per day or more, which proposes to utilize an on-site community public water supply system or individual private wells. However, this requirement will not apply to any single-family residential development where individual lots are larger than one (1) acre.

§ 180-702. Test Standards & Procedures

- A. No person shall propose the use of an on-site public water supply system or individual wells for a development activity described in § 180-801, without first administering the aquifer test required by this Article and meeting the minimum requirements of § 180-803.
1. Test Objective. The objectives of an aquifer test shall be one or more of the following:
- a. To obtain sufficient data for the calculations of aquifer performance, including the coefficients of transmissibility and storage, permeability, long-term well yield, and specific capacity.
 - b. To determine the location and character of geologic boundaries.
 - c. To ascertain the effects of well interference between on-site wells and surrounding off-site wells.
- B. Test Standard. The aquifer test shall establish that the proposed well(s) is (are) capable of supplying potable water at the minimum rate of four hundred (400) gallons per day per dwelling unit or in the case of non-residential use, the anticipated daily water flow, at a demand rate of not less than ten (10) gallons per minute for one (1) hour, either with or without the use of a storage system. The test shall also establish that no significant adverse impact will result to other existing on-site and surrounding wells.
- C. Test Supervision and Evaluation. The aquifer test shall be conducted under the supervision of a Professional Geologist or Professional Engineer, using testing procedures hereinafter set forth. The geologist or engineer shall be responsible for notifying the Township a minimum of three (3) days prior to the test. He or she will also summarize the test and its significance and make recommendations as to the suitability of the well or wells for the intended uses. The final report of

the supervising person shall include an opinion as to whether the proposed use of the well will have an impact upon other existing wells in the immediate surrounding area. The supervising person shall provide the Township with a copy of all field notes and test results.

D. Test Method. The method for conducting the aquifer test shall be as follows:

An aquifer test shall be conducted for a minimum of twelve (12) hours at a constant rate of pumping. The test well, shall be the one proposed for the specified development activity for which the test is conducted. Two (2) observation wells which have hydraulic continuity with the pumped well are required. The preferred method of analysis of the aquifer test data is the non-equilibrium formula, although other methods are available and may be used. These include various methods of analysis of either the drawdown or recovery data.

E. Collection of Data. Data shall be collected in conjunction with the aquifer test as follows:

1. Prior to the test:
 - a. Collection of geologic data of the area to be tested including well logs, if available.
 - b. History of water level fluctuations in the area when available.
 - c. The location, relative elevations and static water levels in the pumped well and the observation well or wells.
2. During the test: A standard aquifer test field data sheet will be required for a pumped well and each observation well. The data sheet shall include columns for listing:
 - a. Date.
 - b. Elapsed time since pumping started/stopped to the nearest 10th of a minute.
 - c. Depth to water below land surface to the nearest 10th of a foot.
 - d. Drawdown and recovery in feet and 10ths of feet.
 - e. Observed discharge at specified intervals in gallons per minute.

3. Following the test:

A report shall be prepared summarizing all project information and analyses including findings and recommendations regarding the adequacy of the groundwater supply for the proposed development. In accordance with recognized principles of well hydraulics, graphs shall be included to show time drawdown and time recovery for the pumped well and the observation wells. A distance drawdown graph will be required for anticipated rates of pumping. Computation of the coefficients of transmissibility and storage as well as the rate of pumping, time and drawdown are required as well as recharge and other hydrogeologic data which may be considered necessary to satisfy the test objectives.

- F. Impacts during Testing. The Applicant shall be fully responsible for mitigating any impacts to adjacent water supplies which occur as a result of the testing.

§ 180-703. Water Quality Test

A water quality test shall be conducted concurrently with any aquifer test required in § 180-801 of this Ordinance. Such tests shall be conducted by a Pennsylvania Department of Environmental Protection (PA DEP) certified laboratory. The quality of the water tested shall meet the minimum public drinking water standards as set forth by PA DEP's current standards, or be capable of treatment to attain said standard of quality. If an on-site community system is proposed, the PA DEP required "New Source" analyses will be required.

ARTICLE 8
IMPROVEMENT AND CONSTRUCTION REQUIREMENTS

§ 180-801. Intent

The Applicant shall design and construct all improvements required under the Township's Subdivision and Land Development regulations in accordance with the requirements and specifications as contained herein.

All materials, workmanship and methods of work shall comply with the current edition, as supplemented and amended from time to time, of the Pennsylvania Department of Transportation (PENNDOT) Publication 408, Specifications and the PENNDOT Publication 72M, Standards For Roadway Construction, (RC Drawings) as accepted and commonly used by the Township, and such specifications shall be considered to be incorporated into this Article as if copied in full. In the event a conflict arises between the requirements and specifications of this Article and the above reference specifications, the Township Engineer shall resolve the difference, and his opinion shall be binding.

Where an item of construction is not covered by the above referenced specifications or other specifications contained herein, the Applicant shall be required to submit full design information and construction details in accordance with commonly accepted engineering and construction practices for review and consideration by the Township Engineer.

Excluding emergency situations, when construction inspection by the Township is required as a precedent to other construction activities outlined herein, the Applicant, or their authorized representative, shall provide a minimum of forty-eight (48) hours notice to the Township prior to requesting said inspection.

§ 180-802. Preconstruction Meeting Requirements

- A. A minimum of two (2) working days prior to beginning the construction of any improvement under an approved subdivision or land development plan, the Applicant, or their designee, shall, with forty-eight (48) hour notice, arrange a preconstruction meeting with Lower Paxton Township officials, utility companies, contractors, regulatory agencies and other interested parties to review the project schedule; status of permits and approvals; construction and inspection procedures; project submittals; and other relevant information. At the preconstruction meeting, the Applicant shall provide a detailed construction schedule such that the Township can coordinate routine inspections of the work. Any project that begins work without proper notice to the Township shall bear the risk of either the removal of facilities that have been installed without proper inspection or ultimately the Township refusing to accept public facilities which are intended to be dedicated to the Township.

§ 180-803. Street Construction

- A. Pavement Construction. Streets shall be designed in accordance with Article 5 – Design Standards herein and shall be surfaced to the grades and dimensions drawn on the plan, profiles, and cross-sections submitted by the Applicant and approved by the Township. Before constructing the pavement structure for streets, the Applicant shall install all required utilities and provide, where necessary, adequate underdrains and stormwater drainage facilities for said streets, as approved by the Township. Unless otherwise required, the pavement subbase, base course, binder course and wearing surface must be constructed according to the following specifications and as outlined in Table 503.1 of Article 5, entitled “Street Widths and Materials” as contained herein.
- B. Private driveways, parking lots and other similar paved surfaces are exempt from the requirements of this section.

1. Site Preparation - Earthwork

- a. Clearing, grubbing, demolition activities, stripping topsoil, excavating and placing fill materials shall be in strict conformance with the requirements with PENNDOT Publication 408.
- b. Roadways in fill areas shall be compacted in not more than eight (8) inch layers in accordance with PENNDOT Publication 408 Specifications. Soil testing for each lift shall be performed and paid for by the Applicant as required by these specifications. The Applicant shall be responsible for documenting the location, number and results of all compaction testing on site and shall provide the same to the Township.

2. Subgrade Preparation

- a. The subgrade soil shall be prepared and tested in strict accordance with PENNDOT Publication 408, Section 210. Field Dynamic Cone Penetration (DCP) tests shall be conducted by the Applicant and observed by the Township on the subgrade soils prior to the placement of stone subbase. The location and number of the tests will be determined by the Township for the specific site conditions. Subgrade conditions that display a California Bearing Ratio (CBR) correlation from DCP testing of less than three (3) shall be deemed unacceptable for street construction and will require removal prior to proceeding with additional fill material or the placement of the subbase material.

- b. Soil cement, geogrids and/or Class 4, Type C geotextile material may be used in lieu of undercutting to stabilize weak subgrade areas, at the Township Engineer's sole discretion.
- c. Subgrade areas that have been disturbed by trenching shall be backfilled and compacted in eight (8) inch soil layers and inspected by the Township Engineer or a designated agent before proceeding with subsequent construction.
- d. Unsuitable material in the subgrade shall be removed and replaced with material acceptable to the Township.
- e. Any springs or wet areas discovered shall be provided with a proper under drain system, which shall be properly daylighted or connected to an approved storm sewer system.
- f. The subgrade shall be sloped to match the pavement cross slope to facilitate subgrade drainage. At inlet locations, the subgrade shall be transitioned for a minimum of four (4) feet on each side of the inlet to accommodate the sumped condition and to achieve the proper pavement thicknesses.
- g. Subgrade conditions shall be inspected by the Township or their designated agent prior to the placement of the subbase material.

3. Subbase Material

- a. Prior to the placement of the subbase, the subgrade shall be prepared and tested in accordance with Section 180-903.B(2)(a) above. A final proof roll with a tri-axle truck fully loaded with stone shall be conducted under the observation of the Township immediately prior to the placement of the subbase. All defects in the subgrade, including pumping, wheel ruts, soft patches and other defects shall be fully corrected to the satisfaction of the Township. Subbase placed without fully complying with this procedure and without it being witnessed by Township personnel shall be considered defective and it shall be removed and retested at the Applicant's sole expense.
- b. No subbase shall be placed on wet, frozen or unsuitable material. Unsuitable material is defined in the PENNDOT Publication 408, Specifications. Unsuitable material must be completely removed to the satisfaction of the Township.
- c. No subbase shall be placed prior to the installation of curbing, pavement base drain, storm sewers, sanitary sewers and other

structures and utilities which are located within the roadway cartway.

4. Hot Mix Asphalt (HMA) Base Course

- a. Prior to the placement of the HMA Base Course, the subbase shall be prepared and tested in accordance with Section 180-903 (B)(3)(a) above. A final proof roll with a tri-axle truck fully loaded with stone shall be conducted under the observation of the Township immediately prior to the placement of the HMA Base Course. All defects in the subbase, including wheel ruts, soft patches, excessive mud or dirt, improper slope and other defects, shall be fully corrected to the satisfaction of the Township. HMA Base Course placed without fully complying with this procedure or without it being witnessed by Township personnel shall be considered defective and shall be removed and retested at the Applicant's sole expense.
- b. PENNDOT Publication 408, Section 309, shall be strictly enforced for base course placement, except as amended by applicable Township ordinances, and shall include all testing requirements to be performed by the Applicant under the supervision of the Township or Township Engineer or designee at the Applicant's sole expense.
- c. Notwithstanding the paving requirements outlined in Section 180-903 (B)(7)(a), following the completion of the base course, the binder course shall be placed without excessive delay. Base course shall not be permitted to remain in place longer than thirty (30) days without placement of the binder course.

5. Surface Preparation and Tack Coat

- a. Tack coat shall be provided between all paving sections, according to PENNDOT Publication 408, Specifications.
- b. Prior to the placement of tack coat, the pavement surface shall be swept and cleaned in order to remove all stones, dirt and other accumulated debris as necessary.

6. HMA Binder and Wearing Courses

- a. Prior to the placement of the binder and/or wearing courses, the base course shall be prepared and tested in accordance with Section 180-903 (B)(4)(a). A final inspection shall be conducted under the observation of the Township immediately prior to the

placement of the binder and/or wearing courses. All defects in the base course or binder course, to include cracking, wheel ruts, soft patches and other deficiencies or deviations shall be fully corrected to the satisfaction of the Township. Prior to the placement of the final wearing course, an inspection by the Township of all curbing, inlets, manholes, valve boxes, and the like shall also occur in order to confirm the ability of these structures to accept the placement of the final paving section. Binder or wearing courses placed without fully complying with these requirements shall be considered defective and shall be removed and replaced at the Applicant's sole expense.

- b. PENNDOT Publication 408, Sections 408 & 409, shall be strictly enforced for binder and wearing course placement, except as amended by applicable Township ordinances, and shall include all testing requirements to be performed by the Applicant under the supervision of the Township or Township Engineer at the Applicant's sole expense. All binder and wearing course placement and compaction shall be observed by the Township or Township Engineer.
- c. PG 64-22 sealant shall be neatly placed to a width of twelve (12) inches wherever the final wearing surface abuts curb, inlets, manholes or other structures. Sealed pavement notches, in accordance with PENNDOT Publication 72M, RC-28M, shall be installed wherever proposed pavement ties into existing pavement. Sealant shall be neatly placed such that it is uniform in appearance and, is not applied to manhole frames and grates, inlets, curbing or other structures.
- d. Longitudinal pavement joints for the proposed HMA Wearing Course that fall within an existing travel lane are not permitted. The Applicant shall extend the wearing course by milling the travel lane to a minimum depth of 1-1/2 inches and installing the wearing course to the edge of the existing travel lane or centerline as required. All longitudinal pavement joints shall be sealed with PG 64-22.

7. Weather Limitations

- a. The placing of HMA base course or HMA binder course shall terminate after October 31 of each year, and shall not be resumed until April 1 of the following year.
- b. When the air temperature falls below 50° F, extra cold weather precautions shall be taken in drying the aggregate, controlling the

temperature of the delivered material and compacting the mixture. HMA base course or HMA binder course shall not be placed on wet surfaces, or when the air temperature is 40° F or lower.

- c. The placing of HMA wearing course or surface course shall terminate after October 15 of each year, and shall not be resumed until April 1 of the following year.
- d. When the air temperature falls below 50° F, extra cold weather precautions shall be taken in drying the aggregate, controlling the temperature of the delivered material and compacting the mixture. HMA wearing course or surface course shall not be placed on wet surfaces, or when the air temperature is 45° F or lower.

8. Construction Limitations on Wearing Course Placement

- a. Within any phase of a single-family or multi-family residential development, the placement of HMA wearing course on streets intended to be offered for dedication to the Township shall not occur until at least seventy (70) percent of the dwelling units are constructed. For commercial and/or industrial developments which contain streets intended to be offered for dedication to the Township, the placement of HMA wearing course shall not occur until the improvements on the lot or lots are substantially completed.

9. Pavement Base Drain

- a. Pavement base drain shall be constructed in accordance with the specifications as set forth in the Pennsylvania Department of Transportation, Publication 408, as amended, and as detailed on the Roadway Construction Standard Drawings (RC-30).
- b. Combination storm sewer and underdrain shall be constructed in accordance with the specifications as set forth in the Pennsylvania Department of Transportation, Publication 408, as amended, and as detailed on the Roadway Construction Standard Drawings (RC-30).
- c. Base Drain shall be six (6) inch perforated polyethylene pipe unless otherwise specified and approved by the Township.
- d. Pavement base drain shall be provided on both sides of new roadways and existing roadways being widened or reconstructed based upon the following criteria:

- i. In all locations where the pavement subgrade is in a cut condition as it relates to the existing ground elevations.
 - ii. On each side of the roadway at all low points for a minimum distance of one hundred (100) feet in each direction.
 - iii. At all other wet areas, springs, seeps, or spongy soil materials or at other locations as directed by the Township Engineer based upon good engineering practice.
- e. Base drains shall be properly connected to inlet boxes or other approved drainage structures but shall not be permitted to discharge by overland means.

10. Utility Construction in Existing Streets

- a. Utility excavations within the legal right-of-way of existing streets shall be constructed and backfilled, in accordance with the following standards:
 - i. Backfilling shall be done as promptly as possible. Trenches shall not be left open where they could create a hazard or unsafe condition.
 - ii. Trenches for utilities shall be a minimum width of the largest conduit diameter plus twelve (12) inches unless otherwise regulated herein.
 - iii. The trench shall be filled with hand-placed stone (PENNDOT No. 1B or 2A material) acceptable to the Township, to a height of at least one (1) foot above the top of the conduit, pipe or pipe bell.
 - iv. All utility trenches shall be provided with metallic identification tape placed above the utility line and within 18 inches of the surface of the trench.
 - v. The remainder of the trench shall be backfilled with PENNDOT No. 2A stone and properly compacted. The backfill material shall be mechanically tamped in six (6) inch layers.
 - vi. Trenches within existing streets shall be restored with a pavement section as outlined in Article 5, Table 503.1 for the street classification. Trench lines shall be cut back one

- (1) foot on each side of the maximum trench width and sealed with PG 64-22 for a width of twelve (12) inches.
- vii. Where openings are made behind the curb line, work shall be performed as required in these specifications, and the opening covered with good topsoil to a depth of six (6) inches, and seeded or sodded to the satisfaction of the Township.
 - viii. Whenever the trenches have not been properly filled, or if settlement occurs, they shall be re-excavated, refilled, re-compacted, smoothed off, and finally made to conform to the surface of the ground. Under no circumstances will the addition of bituminous material patched over existing settled bituminous material be permitted.
 - ix. Frozen material shall not be used for backfill, nor shall any backfilling be done when materials already in the trench are frozen.
 - x. All utility trenches shall be either perpendicular or parallel to the cartway. No skewed trenches across roadways shall be permitted.
 - xi. When an existing roadway is trenched or open cut at more than four (4) perpendicular trenches within a one hundred (100) foot section of roadway, the roadway shall be milled and overlaid as specified herein.
 - xii. Longitudinal trenching within the cartway of existing streets shall be prohibited unless the entire lane width is milled for a minimum of one and one half (1-½) inches and overlaid.
 - xiii. Alternate trenching and backfilling techniques such as directional drilling, boring, narrow trenching with flowable backfill, etc. will be entertained on a case by case basis by the Township only to the extent that the technique results in less disturbance to the Township's roadways.

§ 180-804. Curb Construction

- A. Curbs shall be installed on each side of the all new roadways and along widened or reconstructed roadways in accordance with the requirements of the Township.

- B. Curbs shall be constructed in accordance with the specifications as set forth in the Pennsylvania Department of Transportation, Publication 408, as amended, and as detailed on the PENNDOT RC Drawings (RC-64).
- C. Curb construction shall be either vertical concrete curbing or slant curbing. Rolled curbs shall not be permitted.
- D. Curbs shall be constructed in accordance with the cross section details shown on approved drawings and as referenced herein.
- E. Curbs shall be set and finished to the line and grade as shown on approved drawings.
- F. Backfill shall be placed as soon as the concrete is cured; surface finished and joints are sawn. The backfill shall be compacted in place along the rear face of the curb to within six (6) inches of the top of the curb.
- G. When curbing is to be removed to construct a driveway, the removal shall be done on the complete curb section. The length of curbing to be removed shall be carried to the nearest expansion joint or saw cut if the joint is located more than five (5) feet from the end of the curb removal. Two (2) No. 5 rebar dowels, each having a length of eighteen (18) inches shall be provided between the existing curb and the replaced curb section. Curb replacement shall be formed and shaped to the required driveway width. The driveway shall be depressed to a height of one and one-half (1 ½) inches above the finished paving grade.
- H. No grinding or partial sawcutting or breaking out of the curb shall be permitted for the creation of driveway cut areas.
- I. Curb joints shall be caulked prior to backfilling.
- J. Curbs shall be inspected by the Township, Township Engineer or designee just prior to the placing of concrete and after completion of all work.

§180-805. Sidewalk Construction

Sidewalks shall be installed on both sides of new streets or along one side of widened or reconstructed streets in accordance with Township requirements and in accordance with the following specifications:

- A. Sidewalks shall be constructed of four (4) inches of plain cement concrete in accordance with the specifications as set forth in the Pennsylvania Department of Transportation, Publication 408, Specifications, as amended.
- B. Four (4) inches of AASHTO Number 57 coarse aggregate shall be placed under all sidewalks.

- C. Sidewalks shall be located within the right-of-way of the street and shall extend in width from a point no closer than four (4) inches from the right-of-way line toward the curb line.
- D. Sidewalks shall be four (4) feet wide for residential developments and five (5) feet wide for commercial, industrial or all other types of developments unless the Township determines; based upon a special need that the width should be greater. These cases shall be areas which are used for recreation, in proximity to schools or as called for in the Township's Greenway plan.
- E. Where a sidewalk abuts a curb, wall, building or any other structure, a pre-molded expansion joint one-quarter (1/4) inch in thickness, shall be placed between the sidewalk and said structure for the full length of said structure.
- F. Sidewalks shall be boxed out around light standards, fire hydrants, etc., with a pre-molded expansion joint, one-quarter (1/4) inch in thickness.
- G. Sidewalks shall be inspected by the Township, Township Engineer or designee after the forms have been placed, just prior to the placing of the concrete and after the completion of all work.

§180-806. Traffic Signal Construction

A. Technical Specifications

1. Controller

- a. In accordance with PENNDOT Publication 408 Section 952.
- b. Traffic signal controller assembly shall at minimum meet NEMA TS-2, Type 2 standards and shall accommodate, at minimum, the installation of a NEMA TS-2, Type 2 controller unit.
- c. The traffic signal controller shall be manufactured by Econolite with features enabling the controller to operate within the Township's closed loop system.
- d. The traffic signal controller assembly shall be NEMA 2-8 phase Type M pole mounted or Type P ground mounted. Ground Mounted controllers are preferred.
- e. The traffic signal controller assembly shall also include all load switches and relays for operation, at minimum the controller shall be equipped with a RS-485 serial bus, RS-232C port and fiber optic telemetry port plus the standard A, B, C and D connectors for compatibility with existing NEMA TS-2 equipment.

- f. The controller cabinet shall have adequate shelf space for all control units, with all control units clearly visible through the provided door opening.
- g. The AC power line to the microprocessor traffic signal controller shall have a surge and transient arrestor. This unit shall be in addition to the standard lightning arrestor required on the power panel within the controller cabinet. The surge arrestor shall be 120 VAC single phase and shall be rated for 10 amps. It shall have a peak surge current of 20KA and a maximum clamp voltage of 280 volts at 20KA.
- h. The contractor shall provide the Township with a certification for the controller that the conflict monitor was inspected and bench tested and that all potential conflicts were simulated and that in all cases, the monitors detected the conflict and initiated flashing signal operation.
- i. Traffic signal controller assembly shall include:
- Fluorescent light with in-door on/off switch
 - Shelf mounted NEMA PLUS conflict monitor units
 - Detector harnesses and amplifiers, as noted
 - MUTCD flash operation controlled by TBC
 - Diagnostic load switches with input and output displays
 - The cabinet wiring shall facilitate the location of all switches, including the controller flash switch and Auto/Manual switch within the police-access portion of the cabinet.
 - The cabinet shall be wired with a six (6) foot auto-hand cord for manual control.
- j. Amplifiers shall be of digital design, self-tuning, and shall, where specified, have a built-in digital delay feature with a time range of 0 – 20 seconds. The amplifiers and harnesses shall utilize MS-type connectors, and where delay is specified, the delay override shall be enabled.
- k. Provide isolation or surge protection for all pedestrian pushbutton circuits.
- l. Load switches shall be the solid state cube type meeting NEMA specifications.
- m. Cabinet shall be natural aluminum.

- n. The controller assembly shall display a drawing showing the intersection, north arrow, and identifying all loops, signal heads, and phase assignments. Drawing shall be 8 ½" x 11" mounted with plastic cover on the inside door. Drawing material shall be permanent and non-fading.
- o. A four (4) inch LB will be installed into the base of the controller cabinet for pole mounted installations and connected to the pole via a short threaded nipple. The LB will be made of aluminum or steel.
- p. Master Controller shall be an Econolite model and shall be compatible with NEMA TS-2 controller units at minimum. All construction shall be in accordance with PENNDOT Publication 408 Sections 950.2 and 1104.01.
- q. A back up generator outlet shall be provided.
- r. An Uninterrupted Power Supply (Battery Backup) System shall be provided, equipped with an automatic transfer switch and capable of running the intersection for a minimum of 8 hours. The system shall automatically regenerate upon re-activation of the main power supply and shall automatically return to standby mode once fully charged. Locate the battery system so that it will not come in contact with water from rain or melted snow and provide barrier protection so that any faulty battery will not leak or corrode and affect the integrity of adjacent batterie, equipment, or components.

2. Traffic Signal Poles

- a. In accordance with PENNDOT Publication 408 Section 951.
- b. The traffic signal poles shall be hot dip galvanized tapered steel.
- c. Only mast arm installations shall be provided.
- d. Poles with luminaire attachments shall have shafts with sufficient height to provide for a thirty (30) foot luminaire mounting height. Luminaires shall have a twelve (12) foot arm. A minimum of two (2) luminaires shall be provided for each intersection.
- e. Should a pole mounted cabinet installation be required, the traffic signal pole used to mount controller cabinet will have a four (4) inch coupler welded into the pole to mount LB for wire runs into traffic signal cabinet.

3. Electrical Distribution

- a. In accordance with PENNDOT Publication 408 Section 954, and as follows: Service shall be PENNDOT Type "C", mounted on back of controller assembly. Coordinate installation of electrical service with the Township and PPL Utilities, Inc. (PPL). A three (3) foot clear work area shall be provided in and around the electrical service.
- b. All conflicting utility poles, lines and other facilities shall be adjusted or relocated to allow for the installation of the traffic signal in accordance with utility company requirements.
- c. Provide two electrical disconnect boxes; one for the traffic signal service (metered) and one for service to the street light circuits (unmetered). Conform to all electric company (PPL) standards for the service drop installation.
- d. All signal field wiring shall be done in accordance with PENNDOT Publication 408 Section 954 and PPL specifications.
- e. The conduit and wiring providing electrical service to the luminaries shall be contained in a separate conduit system from the traffic signal wiring. Conduit and wiring for the luminaries shall not enter the controller cabinet.
- f. All conduit crossings in Township streets shall be installed without open cutting or damaging the roadway.
- g. All junction boxes shall conform to PENNDOT Specification and be installed as located on the approved construction plans. All conduits shall terminate within the junction boxes utilizing ninety (90) degree sweeps up.

4. Telemetry

- a. Communications between the central computer and the system master shall be via leased telephone lines. The Applicant shall coordinate connection of leased telephone lines with the Telephone Company. All signal interconnect communications cable shall be fiber optic in accordance with PENNDOT Specifications – Section 957 and installed from intersection to intersection without splices.
- b. The Applicant shall supply a telephone service drop at the pole where the controller will be located. It shall consist of a weather

head, conduit, and a communications cabinet keyed with police door key and a separate conduit to the controller cabinet. The communications cabinet shall be a size as directed by the Telephone Company and the Township.

5. Traffic Signals

- a. All pedestrian signals, where applicable, shall be HAND/MAN LED with polycarbonate housing. Signals shall be mounted using stainless steel banding.
- b. All vehicle signal heads will be polycarbonate housings, containing red, yellow and green Gel-Core LED modules or approved equal. All Vehicular heads shall be twelve (12) inch sections. Signals shall be mounted using stainless steel banding.
- c. All overhead vehicle signal heads shall include back plates.
- d. Signal pole foundations shall be sized and installed in accordance with PENNDOT TC-7800 specifications.

6. Miscellaneous

- a. All push buttons and signs that are pole-mounted will be drilled and tapped and be mounted with five-sixteenths (5/16) inch stainless steel bolts. Push Buttons and associated pedestrian signs shall not be mounted using steel banding.
- b. All banding material used will be at least three-quarters (3/4) inch wide and .030" in thickness and be stainless steel.
- c. Each outermost vehicle signal head on each approach shall be wired independently with a seven (7) conductor wire.
- d. All signage and pavement markings indicated on the drawing shall be installed by the contractor in accordance with PENNDOT and Township requirements.
- e. All directional pavement arrows, crosswalks, stop bars, and wording shall be of a thermoplastic design and installed as indicated on the approved PENNDOT Traffic Signal Permit Plan.
- f. Removal of existing pavement markings and legends shall conform to current PENNDOT specifications.

- g. Traffic signal to be equipped with Econolite Autoscope video detection system for vehicle detection along all approaches to the intersection.
- h. Emergency vehicle pre-emption shall be provided on all approaches at all new signals or signal upgrades where pre-emption does not exist. The manufacturer and type shall be Opticom, as manufactured by Global Traffic Technologies. The Applicant shall provide three (3) emitters to the Township for each signal installed or modified by the Applicant.

§180-807. Changes Following Plan Approval

- A. In the event that changes to approved plans are required prior to or during the construction phase of the work due to unforeseen field conditions, final utility design, or other similar changes or conflicts encountered during construction, the Township shall be immediately notified in order to review the proposed changes prior to implementation. Depending upon the severity of the situation encountered, the Township may require the Applicant to submit engineering design information for review and approval prior to construction of the proposed modification. Design changes made without review and approval by the Township shall be considered defective work and shall be subject to removal and reconstruction.
- B. When discrepancies or plan errors are discovered during construction or any time thereafter that relate to property line closure; encroachments; easements; subdivision or other geometric type errors; or similar conditions which effect the conveyance of land or title thereto, the Applicant shall be required to correct the errors to the satisfaction of the Township which may include filing a corrective subdivision or land development plan or other similar efforts. Regarding the dedication of public facilities, the Township will not accept any facilities which knowingly contain defects in closure, title or otherwise.

§180-808. As-Built Plans

- A. Following the completion of all required public improvements and prior to final inspections and the offering of facilities for dedication to the Township, the Applicant shall prepare and submit an As-Built Plan prepared to a minimum scale of 1"=60' and on no larger than 24" x 36" plan sheets showing the actual location, dimension, elevation, and related features for all existing improvements as constructed. In addition, the plan shall demonstrate that the existing grading, drainage, and utility improvements are in substantial conformance with the previously approved drawings and specifications and that all facilities are properly located within planned rights-of-way, easements or property lines. The

plan shall specifically identify, graphically and by note, any and all deviations from the approved drawings. Where As-Built Plans are required by another Township entity or other governmental agency having jurisdiction, the Township may require confirmation by said entity or other governmental agency that the constructed improvements are acceptable and are in conformance with the approved plans and/or permits for the project.

- B. As-built plans shall, at a minimum include all facilities and infrastructure located within rights-of-way or easements to be offered for dedication to the Township and all drainage, stormwater and related facilities as proposed on the approved plan. The As-Built Plan shall include, where applicable, profiles and details to adequately depict the as-constructed condition of said facilities.
- C. The Applicant's Professional Land Surveyor shall sign and seal said plan certifying that the plan reflect all existing conditions as performed by a field survey following the actual construction of said improvements and that the plan as submitted is in strict conformance with the approved plans unless otherwise specifically noted as referenced above.
- D. Prior to the acceptance of dedicated public facilities, the Township may require the Applicant to remedy any material changes discovered during the preparation of the As-Built Plan which are not in strict conformance with the approved plans and specifications.
- E. The Applicant shall file three (3) paper copies, one (1) reproducible Mylar copy, one (1) electronic file copy in (.pdf) format, and one (1) electronic data file on a compact disk (CD) in the format and to the specifications outlined in Article 4, § 180-404.E.16.

ARTICLE 9
MOBILE HOME PARK REGULATIONS

§ 180-901. Grant of Power

The governing body of each municipality may regulate subdivision and land development within the municipality by enacting a subdivision and land development ordinance. Provisions regulating mobile home parks shall be set forth in separate and distinct Articles of any subdivision and land development Ordinance adopted pursuant to the "Pennsylvania Municipalities Planning Code," Act 247, as amended, Article V, Section 501.

§ 180-902. Purpose, Authority & Application

The purpose, authority and application of regulations for a mobile home park as a land development are the same as those contained in Article 1 of this Ordinance.

§ 180-903. Plan Requirements & Processing Procedure

The plan requirements and processing procedure for a mobile home park as a land development shall be in accordance with the requirements contained in Articles 3 and 4 of this Ordinance in addition to the following plan requirements:

- A. Number and location of each mobile home lot, dimensions for each and proposed location of each mobile home.
- B. Location and number of off-street parking spaces.
- C. Location of all plantings and landscaping.
- D. Location, dimensions and proposed use of all service and accessory structures.
- E. Location and type of all fire extinguishers and waste containers.
- F. Location of both sewer riser pipes and water riser pipes.
- G. Plans and specifications for refuse disposal facilities.

§ 180-904. Design Standards

The arrangement and other design standards for streets, easements, blocks, lots, stormwater management, drainage and erosion and sedimentation control, sidewalks, water and sewer service and other design features shall be in accordance with the requirements as contained in Article 5 herein. The following additional design standards shall also apply to mobile home parks.

- A. All mobile homes shall be properly placed on a mobile home stand and securely fastened to the foundation. An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- B. Mobile home parks located adjacent to any industrial or commercial land use shall be required to provide a screen planting along the property line separating the park and the adjacent use. The screen planting shall be located within a thirty (30) foot buffer yard around all sides of the park.
- C. A minimum of one (1) visitor parking space shall be provided for every three (3) mobile home spaces which shall be located within two hundred (200) feet of the mobile home spaces which are to be served.
- D. In order to insure that recreational vehicles are not parked on the streets or mobile home lots, a landscaped recreation vehicle parking area shall be provided. At a minimum, one (1) such space shall be provided for each five (5) mobile home lots and shall have an area of two hundred and fifty (250) square feet for each space required.
- E. All parks shall be furnished with street lighting fixtures so spaced and equipped with luminaries placed at such mounting heights as will provide average levels of illumination for the safe movement of pedestrians and vehicles at night.
- F. All mobile home parks shall be provided with pedestrian walks on both sides of the street. Such walks shall be at least four (4) feet in width. All sites shall be connected to the pedestrian walk with an individual walk at least thirty-six (36) inches in width. All walks shall be constructed in accordance with Township specifications.
- G. All streets within a mobile home park shall be privately owned.
- H. No part of any park shall be used for non-residential purposes, except for such uses that are required for recreation, direct servicing, management or maintenance of the park and its residents.
- I. All power distribution lines, telephone or cable servicing the park shall be installed underground and maintained in accordance with the respective utility company regulating such systems.
- J. Every mobile home park shall have a structure clearly designated as the office of the mobile home park manager. Service and accessory buildings should be used only by the residents of the park.
- K. Refuse Handling. The storage, collection and disposal of refuse in the mobile home park shall be the responsibility of the mobile home park owner or manager

and shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution and shall comply with all applicable Township and State regulations.

§ 180-905. Improvement & Construction Requirements

All improvements, construction requirements, and engineering specifications for the improvements required, shall be provided in accordance with Article 8 of this Ordinance.

§ 180-906. Standards for Mobile Home Parks in Floodplain Areas

Where permitted within any identified floodplain area, all mobile home parks and additions thereto shall be in accordance with Article 5 of this Ordinance and all applicable provisions of the Township Zoning Ordinance.

A. Permits and Removal

1. Permits. It shall be unlawful for any person to construct, alter or extend any mobile home park within the limits of Lower Paxton Township unless a valid permit has been issued in the name of such person for the specific construction, alteration or extension proposed. In addition, the owner of the mobile home park shall make certain that individual building permits are obtained prior to the construction or placement of all structures on the premises.
2. Removal. No mobile home in a mobile home park shall be removed from the Township without first obtaining a permit from the Township Tax Collector as required by Act No. 54, 1969, of the Pennsylvania General Assembly. Such permit shall be issued upon payment of a fee to be established from time to time, by resolution of the Board of Supervisors and real estate taxes assessed against the home and unpaid at the time the permit is requested.

B. Notices, Hearings, and Orders

1. Notice. Whenever the Township Building Inspector or other authorized Township representatives determine that there are reasonable grounds to believe that there has been a violation of any provision of this Article, or of any regulations adopted pursuant thereto, the Township shall give notice of such alleged violation to the person to whom the permit or license was issued. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time for the performance of any act it requires; (d) be served upon the owner or his agent as the case may require; provided, that such notice or order shall be deemed to have been properly served when a copy has been served by any method authorized or required by the laws of the State; (e) contain an

outline of remedial action which, if taken, will effect compliance with the provision of this Ordinance.

2. **Hearing.** Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Article may request a hearing on the matter before the Board of Supervisors provided that such person shall file with the Township Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds thereof within ten (10) days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension. Upon receipt of such petition, the Township Secretary shall set a time and place for such hearing and shall give the petitioner written notice. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed; provided that upon application of the petitioner, the Township Secretary may postpone the date of the hearing for a reasonable time beyond such ten (10) day period when, in his judgment, the petitioner has submitted good and sufficient reasons for such postponement.
3. **Findings and Orders.** After such hearing, the Board of Supervisors shall make findings as to compliance with the provisions of this Article and shall issue an order, in writing, sustaining, modifying or withdrawing the notice which shall be served as provided above. Upon failure to comply with any order sustaining or modifying a notice, the permit of the mobile home park affected by the order shall be revoked.
4. **Record.** The proceedings of such a hearing, including the findings and decision of the Board of Supervisors together with a copy of every notice and order related thereto, shall be entered as a matter of public record in the office of the Township, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought. Any person aggrieved by the decision of the Board may seek relief in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

C. **Mobile Homes Not Located in a Mobile Home Park**

1. Where a mobile home is used for human habitation and is not located in a mobile home park, the lot on which the mobile home is situated shall comply with the requirements of the Lower Paxton Township Zoning Ordinance and the requirements of this Ordinance as applicable. The mobile home is subject to the same requirements of a single family detached dwelling.

ARTICLE 10
TRAFFIC CALMING

§ 180-1001. Intent

The purpose of traffic calming is to encourage the design of streets and roadside appurtenances to be pedestrian friendly and aesthetically pleasing, with the goal to reduce vehicle operating speeds, promote adherence to the speed limit within a development, and negate the need for future traffic calming retrofits. Traffic calming shall enhance the livability of a street and shall produce a roadway network that naturally disperses and slows traffic. Traffic calming shall be implemented in a comprehensive approach utilizing both non-invasive and invasive techniques as differing situations apply. Non-invasive traffic calming, such as traffic calming through geometric design elements, shall be considered first. Invasive traffic calming shall be applied where dictated by this ordinance.

§ 180-1002. General Provisions

- A. A Traffic Calming Plan shall be submitted for review by the Township Engineer, Public Safety Committee, and Planning Commission. This plan shall depict specific design elements that have been utilized to calm traffic.
- B. A Traffic Calming Plan shall be required for all proposed developments that meet the requirement to prepare a traffic study. The traffic calming plan shall include the following:
 - 1. All features required on the site plan.
 - 2. The location and type of speed control points.
 - 3. All proposed traffic markings, regulatory signs and warning signs.
 - 4. All non-invasive traffic calming features.
 - 5. All invasive traffic calming features.
- C. The Plan shall be prepared, signed and sealed by a Professional Engineer registered in the Commonwealth of Pennsylvania with sufficient prior traffic engineering experience to qualify the engineer to develop the plan and render any opinions and recommendations set forth therein.
- D. Traffic calming shall be required on all minor roads.
- E. Traffic calming shall be required on collector roads within 600 feet of areas of concentrated pedestrian traffic (i.e.: town squares, intersections of two collector roads in a business district, parks, schools, churches, planned Greenway Plan and Comprehensive Plan improvements) and within all developments required to install sidewalks.
- F. Design Speeds – as per Chapter 180 Article 5, roads shall be designed to encourage the adherence to the respective design speeds.

- G. All traffic calming elements shall be designed in accordance with Pennsylvania's Traffic Calming handbook. All features shall also be designed to facilitate a 42' minimum turning radius and 11' minimum travel lane to facilitate emergency vehicles and snow clearing apparatus.

- H. Non-invasive traffic calming elements are design elements relating to street geometry and are the preferred method of traffic calming, such as:
 - 1. Curvilinear Roadway Design
 - 2. Decreased street width
 - 3. "T" Intersections
 - 4. Alternating parking
 - 5. Roundabouts
 - 6. Boulevard entrances
 - 7. Boulevard roadways

- I. Invasive traffic calming elements involve the physical change of the street or roadside appurtenances that limit vehicle operating speeds. Invasive traffic calming elements shall be considered at locations of concentrated pedestrian movements, as previously defined where non-invasive design elements cannot be employed. Refer to Section J.3(a) for preferred examples of invasive traffic calming devices.

- J. Speed control points are points at which speed is limited by either invasive or non-invasive traffic calming elements. The maximum road length between speed control points shall be 600 feet. Types of speed control points are:
 - 1. Warranted stop sign
 - a. Stop signs shall not be used as speed control points unless the stop sign meets warrants for installation as set forth in the current edition of PENNDOT Publication 212 and the Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.

 - 2. Horizontal Curve
 - a. Curvilinear street form is a preferred method of non-invasive traffic calming that not only reduces vehicle speed but also enhances aesthetics. The "600 feet" measurements shall be measured from the point of curvature (PC) of the curve.

3. Traffic Calming Device

- a. A traffic calming device is an invasive physical alteration of the roadway, or roadside appurtenance that has the tendency to limit vehicle operating speeds. Refer to PENNDOT Publication 383 “Pennsylvania Traffic Calming Handbook” for background information regarding traffic calming techniques and devices.

Preferred examples are:

- Curb Extensions
- Intersection Bulb-outs
- Gateways
- Textured Crosswalks
- Speed Humps
- Raised Crosswalks
- Raised Intersection

ARTICLE 11
ADMINISTRATION

§ 180-1101. Intent

- A. This subdivision and land development ordinance shall be considered to set forth the minimum requirements for the protection of the public health, safety, comfort, property or general welfare, pursuant to the authority of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, or such statutes hereinafter in effect, and shall be construed most favorably to the Township as encouraging standards of planning and development exceeding these basic and minimum regulations.

§ 180-1102. Administration & Enforcement

- A. The Board of Supervisors shall have the duty and authority for the administration and enforcement of the provisions of this Ordinance. As directed by the Board, officials of the Township having regulatory duties shall have the duty and authority for the controlling enforcement of the provisions of this Ordinance.
- B. Permits required by the Township for the erection or alteration of buildings, the installation of streets, storm water drainage systems, or for other appurtenant improvements to or use of the land, shall not be issued by any Township official responsible for such issuance until it has been ascertained that the site for such building, alteration, improvement, or use is contained in a subdivision or land development plan approved and publicly recorded in accordance with the provisions of this and other applicable Township Codes and Ordinances.

§ 180-1103. Modification of Requirements

- A. The provisions of this Ordinance are intended as minimum standards for the protection of the public health, safety and welfare of the residents and inhabitants of Lower Paxton Township. The Board of Supervisors may grant a modification of the requirements of one or more provisions of this Ordinance if the Board concludes that literal enforcement will exact undue hardship because of peculiar or unique conditions pertaining to the land in question, provided that such modifications will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.
- B. All requests for a modification of requirements shall be in writing to the Board and shall accompany and be part of the application for subdivision or land development. The request shall state in full the grounds and facts of unreasonableness or hardship upon which the request is based; the provision or provisions of the Ordinance involved; and the minimum modification necessary to afford relief. The request for a modification of requirements shall also be referred to the Township Planning Commission for advisory comments.

- C. All such modification requests shall be approved or disapproved by the Board of Supervisors. A written record of the action shall be kept for all modification requests.
- D. A listing of all modifications granted by the Board of Supervisors shall be clearly identified on the preliminary and/or final plan for ease of future reference.

§ 180-1104. Appeals

- A. An Applicant, subdivider, landowner or developer aggrieved by any action of the Board of Supervisors regarding refusal to approve a subdivision or land development plan may, within thirty (30) days of such refusal, appeal to the Common Pleas Court of Dauphin County. Any other appeals by aggrieved parties or other landowners shall be subject to the appeal procedures outlined in Article X of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

§ 180-1105. Schedule of Fees

- A. Annually, the Board of Supervisors shall establish, by resolution, a schedule of fees, charges and expenses pertaining to application filing fees, plan review fees, engineering and legal fees, inspection fees and other matters necessary for the administration of this Ordinance. The schedule of fees shall be made available in the Township municipal building during normal business hours.
- B. At the time of filing, all plans shall be accompanied by a check payable to Lower Paxton Township, in the amount specified herein, to cover the required initial application fees to help defray the cost of reviewing the proposed plans and required data. Also at the time of filing, all plans shall be accompanied by a check payable to the Dauphin County Planning Commission, in the amount specified by the County, to cover the costs of the County Planning Commission review and report.
- C. Any additional fees incurred due to review during the review process, shall be promptly billed by Lower Paxton Township to the Applicant and the same shall be paid by the Applicant within thirty (30) days. Until all fees, charges and expenses have been paid in full by the Applicant, the subdivision or land development plan shall not be placed on public record nor shall any permits related to the project be issued.
- D. Review fees shall include the reasonable and necessary charges by the Township's Engineer, Solicitor or other Professional Consultant for review and report to the Township related to the application as duly filed. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer, Solicitor or Professional Consultant for similar service in

the community, but in no event shall the fees exceed the rate or fees charged by the engineer, solicitor or consultant to the Township when fees are not reimbursed or otherwise imposed on Applicants.

- E. In the event the Applicant disputes the amount of any such review fees, the Applicant shall, within fifteen (15) days of the billing date, notify the Township in writing that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the Applicant's request over disputed fees. In the event that the Township and the Applicant cannot agree on the amount of review fees which are reasonable and necessary, then the fees 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.
- F. Whenever an application is disapproved by the Township, withdrawn by the Applicant or subject to other similar action, and subsequently resubmitted by the Applicant, the Township shall require the payment of new fees as any resubmission shall be considered as a new submission.

§ 180-1106. Enforcement & Penalties

- A. Preventive Remedies
 - 1. In addition to other remedies that the Township may institute, the Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following Applicants:
 - a. The owner of record at the time of such violation.
 - b. 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.
 - c. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - d. The vendee or lessee of the current owner of the 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.

2. 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.

B. Enforcement Remedies

1. Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable thereof in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, corporation violating this 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 (5th) day following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation.
2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
3. Nothing contained in this Article 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 Ordinance.
4. Magisterial District Judge shall have initial jurisdiction in proceedings brought under this Ordinance.

§ 180-1107. Effect of Change on this Ordinance

Changes in this Ordinance shall affect plans as follows:

- A. From the time an application for approval of a plan, whether preliminary or final, is duly filed as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of this Ordinance, zoning or other governing ordinance or plan shall affect the decision on such application

adversely to the Applicant and the Applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. The Applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

- B. When an application for approval of a plan, whether preliminary or final, has been approved without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment in this Ordinance, zoning or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.
- C. Where final approval is preceded by preliminary approval, the aforesaid five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of this Ordinance or the governing ordinance or plans as they stood at the time when the application for such approval was duly filed.
- D. Where the landowner has substantially completed the required improvements as depicted upon the final plan within the aforesaid five-year limit, or any extension thereof as may be granted by the Board of Supervisors, no change of any ordinance or plan enacted subsequent to the date of filing of the preliminary plan shall modify or revoke any aspect of the approved final plan pertaining to zoning classification or density, lot, building, street or utility location.
- E. In the case of a preliminary plan calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plan delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed. Such schedule shall be updated annually by the Applicant on or before the anniversary of the preliminary plan approval, until final plan approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Board of Supervisors in its discretion.
- F. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Board of Supervisors in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plan approval, including compliance with landowner's aforesaid schedule of submission of final plans for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plan within five years shall apply and for any section or sections, beyond

the initial section, in which the required improvements have not been substantially completed within said five-year period the aforesaid protections shall apply for an additional term or terms of three years from the date of final plan approval for each section.

- G. Failure of landowner to adhere to the aforesaid schedule of submission of final plans for the various sections shall subject any such section to any and all changes in this Ordinance, zoning, and other governing ordinance enacted by the Township subsequent to the date of the initial preliminary plan submission.

§ 180-1108. Validity & Severability

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 other part thereof.

§ 180-1109. Effect of Plan Approval on Official Map

After a plan has been approved and recorded as provided herein, all streets and public grounds on such plan shall be, and become a part of the official map of Lower Paxton Township without public hearing.

**EXHIBIT 1 – LOWER PAXTON TOWNSHIP
APPLICATION FOR SUBDIVISION AND LAND DEVELOPMENT REVIEW**

Date of Plan Submission: _____

Title of Plan: _____

Name of Owner /Applicant: _____

Phone Number: _____ Fax Number: _____

Address: _____

Contact Person: _____ E-mail Address: _____

Name of Plan Preparer: _____

Contact Person: _____ E-mail Address: _____

Phone Number: _____ Fax Number: _____

Address: _____

Plan Classification: Subdivision Land Development

Preliminary Final

Development Type: Residential Commercial Industrial Other

Describe: _____

Previous Plan Approvals for the Property: _____

Date of Previous Plan Approvals: _____

Recorder of Deeds Plan Reference: _____

Total Tract Area in Acres: _____

Number of Residential Lots/Dwelling Units Proposed: _____

Total Amount of Non-Residential Floor Area: _____

Are any modifications of requirements being requested? If so, list the specific Section of the Ordinance from which relief is requested and provide full justification for the requested modification. (Use separate sheets if required)

Have any variances been requested or granted to allow this development? Describe:

I hereby certify that the plan submission as represented by this application is complete and is prepared in conformance with all of the applicable provisions of the Lower Paxton Township Subdivision and Land Development Ordinance. I further agree to comply with all provisions of Township Ordinances in affect at the time of the filing of this application for plan review.

I also understand and agree that failure to file a complete and correct application including the attached checklist and the items referenced therein may result in the Township's refusal to process the application for planning review.

Signature of Applicant

Date

Printed Name

EXHIBIT 1

**LOWER PAXTON TOWNSHIP
SUBDIVISION AND LAND DEVELOPMENT PLAN SUBMISSION CHECKLIST**

Name of Subdivision/Land Development: _____

Name of Applicant: _____

Date of Plan Submittal: _____

In accordance with the requirements of the Lower Paxton Township Subdivision and Land Development Ordinance, the following initial information is required for a complete submission:

<u>Applicant</u>	<u>Township</u>	
_____	_____	Completed and Signed Application for Subdivision and Land Development Review
_____	_____	Statement of all requested waivers with full written justification
_____	_____	Subdivision and Land Development Plan Submission Checklist
_____	_____	Subdivision and Land Development Plan Requirement Checklist
_____	_____	Required Township Review Fees
_____	_____	Dauphin County Planning Commission Application for Review
_____	_____	Dauphin County Planning Commission Review Fees
_____	_____	Sixteen (16) copies of the complete plan set (24"x36" maximum)
_____	_____	Four (4) completed PA DEP Sewage Facilities Planning Modules
_____	_____	Two (2) copies - Wetland Delineation Report
_____	_____	Two (2) copies - Traffic Impact Study
_____	_____	Two (2) copies - Hydrogeologic Analysis and Water Quality Testing Report
_____	_____	Two (2) copies - Stormwater Management Drainage Plan
_____	_____	Lower Paxton Township Authority approval for sewer extension design
_____	_____	Commitment Letter or Service Agreement from Water Supplier
_____	_____	Evidence of E & SC Plan submission to the Dauphin County Conservation District
_____	_____	Complete listing of all required Local, State, and Federal outside agency permits/approvals required for the project.
_____	_____	Two (2) copies - Homeowner's Association Documents

EXHIBIT 1

**LOWER PAXTON TOWNSHIP
SUBDIVISION AND LAND DEVELOPMENT PLAN SUBMISSION CHECKLIST**

_____ Two (2) copies – Financial Security Estimate
_____ Digital files

I understand that if the above listed information is not included in the plan submission, the application will not be considered a complete application and will not be further processed.

I also understand that all required communication relative to this plan application will be sent to the individual listed herein as Applicant.

Signature of Applicant

Date

Printed Name



For Township Use Only:

Application is: _____ Complete _____ Incomplete

By: _____ Date Filed: _____

Plan Review Deadline: _____

Township Fee Paid: _____ Check #: _____

County Fee Paid: _____ Check #: _____

EXHIBIT 1

**LOWER PAXTON TOWNSHIP
SUBDIVISION AND LAND DEVELOPMENT SKETCH PLAN REQUIREMENT CHECKLIST**

Name of Plan _____

Name of Applicant _____

Date of Submission _____

Plan Preparer's Name _____

Plan Preparer's Signature _____

For items marked N/A (Not Applicable), provide statement as to why.

Sketch Plan Content	✓ / N/A
1. Title Block	
2. Name of proposed development, municipality, county and plan label (Sketch)	
3. Name, address, email address and telephone number of owner, equitable owner, subdivider/developer, engineer, landscape architect and land surveyor.	
4. Date of plan preparation and revision date(s).	
5. Location map with north arrow and scale.	
6. Existing and proposed features:	
Streets	
Buildings	
Lot arrangements	
Utilities	
Significant natural features	
Sketch Plan Coordination	
1. Dauphin County Conservation District E&S Feasibility	
2. Public Sewer and Water or On-lot Utility Feasibility Study	
3. Floodplain Management	

EXHIBIT 1

**LOWER PAXTON TOWNSHIP
SUBDIVISION AND LAND DEVELOPMENT PRELIMINARY PLAN REQUIREMENT
CHECKLIST**

Name of Plan _____

Name of Applicant _____

Date of Submission _____

Plan Preparer's Name _____

Plan Preparer's Signature _____

For items marked N/A (Not Applicable), provide statement as to why.

Preliminary Plan Cover Sheet Information	✓ / N/A
1. Title Block	
2. Name of proposed development, municipality, county and plan label (Preliminary)	
3. Name, address, email address and telephone number of owner, equitable owner, subdivider/developer, engineer, landscape architect and land surveyor	
4. Written and graphic plan scale	
5. Date of plan preparation and revision date(s)	
6. Signature blocks for Board of Supervisors, Township Planning Commission, Township Engineer, and County Planning Commission	
7. Certification of ownership and dedicatory statement	
8. Certification of accuracy	
Preliminary Plan Content	
9. Location map (1" = 1000' or larger)	
10. North arrow and scale	
11. Metes and bounds descriptions	
12. Existing features within 100' of property boundary	
13. Existing and proposed protective covenants running with the land, easements, and rights-of-way	
14. Zoning districts and zoning lines	
15. Existing contours within 100' of property boundary	
16. One permanent benchmark on site	
17. Plan scale ≤ 1"=60'	
18. Tax parcel number, deed reference, source of title of property and adjoiners	
19. Lot layout	
20. Proposed features	
21. Proposed easements and rights-of-way (size, type, location, beneficiary, metes and bounds)	
22. On-lot well and sewage disposal system locations	
23. Public improvements	
24. Fire lanes	

EXHIBIT 1

LOWER PAXTON TOWNSHIP
SUBDIVISION AND LAND DEVELOPMENT PRELIMINARY PLAN REQUIREMENT
CHECKLIST

25. Phasing plan and schedule	
26. Construction details	
27. Sight distances and clear sight triangles	
28. Dedicated land designation and schedule	
29. 100-year base flood elevation	
30. Street and site lighting	
Preliminary Plan Notes and Conditions	
31. Tabular plan requirements and existing conditions	
32. Tabular zoning information	
33. Statement of intent/use	
34. Statement indicating that all easements and rights-of-way have been shown on the plan and that all utilities have been contacted	
35. Current PA One Call listing and serial number	
36. Statement indicating that the Applicant shall comply with all Township regulations in effect at the time of the filing of the preliminary plan	
37. Statement that the Applicant shall be responsible for paying for the installation of all street and traffic control signs required for the project as deemed necessary by Lower Paxton Township	
38. Statement of any deed restrictions or covenants that may be a condition of sale of the property	
39. HOP Note	

EXHIBIT 1

**LOWER PAXTON TOWNSHIP
SUBDIVISION AND LAND DEVELOPMENT FINAL PLAN REQUIREMENT CHECKLIST**

Name of Plan _____

Name of Applicant _____

Date of Submission _____

Plan Preparer's Name _____

Plan Preparer's Signature _____

For items marked N/A (Not Applicable), provide statement as to why.

Final Plan Cover Sheet Information	✓ / N/A
1. Title Block	
2. Name of proposed development, municipality, county and plan label (Final)	
3. Name, address, email address and telephone number of owner, equitable owner, subdivider/developer, engineer, landscape architect and land surveyor	
4. Written and graphic plan scale	
5. Date of plan preparation and revision date(s)	
6. Signature blocks for Board of Supervisors, Township Planning Commission, Township Engineer, County Planning Commission, and Recorder of Deeds	
7. Certification of ownership and dedicatory statement	
8. Certification of accuracy	
Final Plan Content	
9. Location map (1" = 1000' or larger)	
10. North arrow and scale	
11. Metes and bounds descriptions	
12. Existing features within 100' of property boundary	
13. Existing and proposed protective covenants running with the land, easements, and rights-of-way	
14. Zoning districts and zoning lines	
15. Existing contours within 100' of property boundary	
16. One permanent benchmark on site	
17. Plan scale ≤ 1"=60'	
18. Tax parcel number, deed reference, source of title of property and adjoiners	
19. Lot layout and numbers	
20. Proposed features	
21. Proposed contours	
22. Proposed easements, setbacks, rights-of-way, and property lines (size, type, location, beneficiary, metes and bounds)	
23. On-lot well and sewage disposal system locations	
24. Public improvements	
25. Fire lanes	
26. Construction details	

EXHIBIT 1

**LOWER PAXTON TOWNSHIP
SUBDIVISION AND LAND DEVELOPMENT FINAL PLAN REQUIREMENT CHECKLIST**

27. Sight distances and clear sight triangles	
28. 100-year base flood elevation	
29. Street and site lighting	
30. Survey monuments and markers	
31. Phasing plan and schedule	
32. Dedicated land designation and schedule	
Final Plan Notes and Conditions	
33. Tabular plan requirements and existing conditions	
34. Tabular zoning information	
35. Statement of intent/use	
36. Statement of waivers granted and date of action	
37. Statement indicating that all easements and rights-of-way have been shown on the plan and that all utilities have been contacted	
38. Statement indicating that the Applicant shall comply with all Township regulations in effect at the time of the filing of the final plan	
39. Statement that the Applicant shall be responsible for paying for the installation of all street and traffic control signs required for the project as deemed necessary by Lower Paxton Township	
40. Statement that Applicant shall provide as-builts upon construction completion	
41. Statement of any deed restrictions or covenants that may be a condition of sale of the property	
42. HOP Note	
43. Current PA One Call listing and serial number	

EXHIBIT 2 – OWNER’S CERTIFICATION AND DEDICATORY STATEMENT

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____

ON THIS THE _____ DAY OF _____, 20____ BEFORE ME THE UNDERSIGNED PERSONALLY APPEARED.

OWNER(S) _____
PRINTED NAME SIGNATURE

OWNER(S) _____
PRINTED NAME SIGNATURE

WHO BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THEY ARE THE OWNER(S) OR EQUITABLE OWNER(S) OF THE PROPERTY SHOWN ON THIS PLAN AND THAT THEY ACKNOWLEDGE THE SAME TO BE THEIR ACT AND DEED, THAT ALL STREETS OR PARTS THEREOF AND OTHER LANDS INTENDED TO BE OFFERED FOR PUBLIC USE, IF NOT PREVIOUSLY DEDICATED, ARE HEREBY OFFERED FOR DEDICATION TO PUBLIC USE AND DESIRE THE SAME TO BE RECORDED AS SUCH ACCORDING TO LAW.

WITNESS MY HAND AND NOTORIAL SEAL THE DAY AND THE DATE ABOVE WRITTEN

NOTARY PUBLIC MY COMMISSION EXPIRES _____

EXHIBIT 3 –PLAN APPROVAL BLOCKS

THIS PLAN REVIEWED BY THE DAUPHIN COUNTY PLANNING COMMISSION THIS _____ DAY OF _____ 20_____

CHAIRMAN _____

SECRETARY _____

THIS PLAN REVIEWED BY THE LOWER PAXTON TOWNSHIP ENGINEER THIS _____ DAY OF _____ 20_____

TOWNSHIP ENGINEER _____

THIS PLAN RECOMMENDED FOR APPROVAL BY THE LOWER PAXTON TOWNSHIP PLANNING COMMISSION THIS _____ DAY OF _____ 20_____

CHAIRMAN _____

SECRETARY _____

THIS PLAN APPROVED BY THE LOWER PAXTON TOWNSHIP BOARD OF SUPERVISORS, AND ALL CONDITIONS IMPOSED WITH RESPECT TO SUCH APPROVAL WERE COMPLETED ON THIS _____ DAY OF _____ OF 20_____

CHAIRMAN _____

SECRETARY _____

PROVIDE A 2" X 2" SPACE FOR UPI CERTIFICATION BY DAUPHIN COUNTY TAX ASSESSMENT OFFICE

PROVIDE A 4" X 2.5" SPACE FOR THE RECORDER OF DEEDS CERTIFICATION

EXHIBIT 4 – PROFESSIONAL CERTIFICATIONS

I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE, THE SURVEY AND PLAN SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE LOWER PAXTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE.

SURVEYOR'S SIGNATURE AND SEAL

I HEREBY CERTIFY THIS PLAN TO BE CORRECT AS SHOWN AND IN COMPLIANCE WITH THE REQUIREMENTS OF THE LOWER PAXTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE.

ENGINEER'S SIGNATURE AND SEAL

EXHIBIT 5 – TIME EXTENSION AGREEMENT

**TIME EXTENSION AGREEMENT
LOWER PAXTON TOWNSHIP**

**AGREEMENT TO EXTEND THE TIME FOR RENDERING
AND COMMUNICATING A DECISION ON CERTAIN
PRELIMINARY AND/OR FINAL SUBDIVISION/LAND DEVELOPMENT PLANS**

This Agreement made the _____ day of _____, 20____, by and between the Board of Supervisors of the Township of Lower Paxton, Dauphin County, Pennsylvania, (hereinafter called “Governing Body” and _____ (hereinafter call “Applicant”).

WHEREAS, the Applicant submitted a Preliminary/Final Plan of Subdivision/Land Development for a development known as _____ to the Township on the _____ day of _____, 20____, and

WHEREAS, the term within which the Governing Body must render a decision approving or disapproving said plan of Subdivision/Land Development pursuant to the provisions of Section 508 of the Pennsylvania Municipalities Planning Code, as amended expires the _____ day of _____, 20____, and

WHEREAS, the Applicant wishes to have an additional period of time within which to attempt to bring said plan of Subdivision/Land Development into compliance with all applicable Township ordinances and regulations or to further document the said submissions.

NOW, THEREFORE, in consideration of the above recitals and the covenants and in reliance thereon, the parties agree as follows:

1. Applicant hereby agrees to an extension of the time within which the Governing Body must render a decision and communicate its decision relative to the above mentioned plan of Subdivision/Land Development to the Applicant which extended time period shall expire the _____ day of _____, 20____.
2. Applicant understands that Governing body is relying on the representation of Applicant and Applicant intends to be bound by the extension of time granted herein.

IN WITNESS WHEREOF, the parties intending to be legally bound have hereunto set their hands and seals the day and year first above written.

Accepted by Applicant:

BY: _____

Title Date

Accepted by Lower Paxton Township:

BY: _____

Title Date

EXHIBIT 6
FINANCIAL SECURITY AND
PERFORMANCE BOND AGREEMENT

THIS Financial Security and Performance Bond Agreement (hereinafter "Agreement") is entered into this ____ day of _____, 20__ by and between **LOWER PAXTON TOWNSHIP**, acting by and through its governing body (hereinafter called "LPT") and _____ (hereinafter called "Developer").

WHEREAS, Developer has approved a land development or subdivision plan (hereinafter called "Plan") as such terms are defined in the Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. Section 10101, et seq., (hereinafter the "MPC") designated as _____ (hereinafter called "Development") which was approved by LPT, conditioned on Developer providing the proper improvement guarantee; and

WHEREAS, the Developer in accordance with the approved Plan is required to install or have installed on its behalf certain improvements as more specifically described in Appendix "A" attached hereto (hereinafter called "Improvements"); and

WHEREAS, in accordance with the provisions of the MPC, in order to guarantee that the Improvements will be completed as described above, Developer has elected to provide financial security in the form of a performance bond sufficient to cover the cost of completing the Improvements, as determined by the submission to LPT of a cost estimate prepared and certified by Developer's professional engineer (licensed in the Commonwealth of Pennsylvania) to be a fair and reasonable estimate of the cost to complete the Improvements.

NOW THEREFORE, in consideration of the approval of the Plan by LPT, and the mutual promises contained herein, LPT and Developer agree as follows:

1. The total amount of the financial security required to be provided by Developer to guarantee the Improvements (hereinafter the "Security Amount"), shall be

_____, which amount the parties agree equals one hundred ten percent (110%) of the cost of completing the remaining Improvements.

2. Developer shall, forthwith upon execution of this Agreement by the Developer and LPT, deposit with LPT a performance bond (in form satisfactory to LPT) equal to the amount of the Security Amount, issued by _____ for the benefit of LPT in accordance with the provisions and purposes of this Agreement, in order to guarantee that the Improvements will be completed and installed in strict accordance with the Plan and all applicable ordinances of LPT and regulations of the Commonwealth of Pennsylvania, Department of Transportation.
3. _____ (hereinafter called "Surety"), which is agreed to be a surety authorized to do business in the Commonwealth of Pennsylvania within the meaning of Section 509(d) of the MPC, 53 P.S. §10509(d), shall provide the Performance Bond for the Security Amount in accordance with the terms of this Agreement.
4. In the event that Developer has not completed and installed all of the Improvements as hereby guaranteed within twelve (12) months from the date of this Agreement, or within such extended period of time as may hereafter be agreed upon in writing by LPT and Developer, LPT may present to Surety a demand for payment to LPT of funds not to exceed the Security Amount in order that LPT may make or cause the Improvements to be made.
5. All portions of the Performance Bond paid over to LPT by the Surety shall be used by LPT solely for the purpose of completing and installing the Improvements as herein guaranteed and for no other purpose. Any moneys paid to LPT from the Performance

Bond in excess of the actual and reasonable cost of completing the Improvements shall be refunded by LPT to Developer.

6. No funds paid from the Performance Bond to LPT shall in any way be construed as a loan to LPT nor, except as specifically provided herein, obligate LPT to repay such funds.
7. In the event that the Performance Bond is insufficient to cover the reasonable and actual cost of completing the Improvements, nothing herein shall be construed to limit the remedies available to LPT.
8. When the Improvements have been completed and installed as herein guaranteed, Developer shall provide a notice of completion to LPT and the LPT Engineer as provided by Section 509(j) of the MPC, 53 P.S. §10509(j). LPT shall, within the time limits prescribed by Section 509(j) of the MPC, 53 P.S. §10509(j), provide to Developer written notification of LPT's approval or rejection of the Improvements.
9. From time to time as work on the Improvements proceeds, Developer may make written requests to LPT, pursuant to Section 509(j) of the MPC, 53 P.S. §10509(j), for release of portions of the Performance Bond. LPT shall, within the time limits prescribed by Section 509(j) of the MPC, 53 P.S. §10509(j), provide to Developer written notification of the amount LPT has authorized to be released from the Performance Bond pursuant to Developer's request.
10. In no event shall the Surety's liability to any party pursuant to this Agreement exceed the Performance Bond in force. Surety shall not incur any liability whatsoever for acts taken or omitted in good faith reliance upon any instrument or document reasonably believed by Surety to be genuine, to be truthful, to have been signed or presented by a

proper person, and to conform with the provisions of this Agreement.

11. LPT shall in its sole discretion determine whether the Improvements are constructed and installed in strict accordance with the Plan and the aforesaid ordinances and regulations.
12. Upon completion of the Improvements and as a condition precedent to acceptance by LPT the Developer, at its expense, agrees to:
 - a. tender to LPT a Legal Description and drawing for the proposed right-of-way for the Improvements; and
 - b. shall submit to LPT an affidavit, Waiver of Mechanics Liens, or such other satisfactory evidence as LPT may require, that all labor, material, rentals, contractors, and subcontractors used, supplied, furnished, or employed in the construction of the Improvements have been paid.
13. Developer shall upon the final and full completion of the Improvements and/or part thereof as herein set forth, guarantee the work, material, construction, and installation performed pursuant to this Agreement, and shall remedy, without cost to LPT, any defects which may develop therein during a period of eighteen months from the date of completion and acceptance of the work performed hereunder, and shall deliver or cause to be delivered to LPT, maintenance security in the amount of fifteen percent (15%) of the actual cost for the installation of the Improvements for a period of eighteen (18) months, in accordance with Section 509(k) of the MPC, 53 P.S. §10509(k), in form satisfactory to LPT and in compliance with LPT's requirements for the acceptance of the foregoing Improvements by LPT.
14. In the event of default by the Developer, the Developer shall, in addition to all damages

available to LPT, at law or in equity, be liable for any and all attorneys fees, costs, and other similar charges incurred by LPT in completing or securing completion of the Improvements.

15. This Agreement is executed in and shall be construed in accordance with the laws of the Commonwealth of Pennsylvania and shall be binding upon and inure to the benefits of the parties hereto, and their heirs, representative, successors, and assigns.
16. Neither this Agreement nor the obligations of the parties set forth herein shall be modified or changed except by written agreement executed by all parties hereto.
17. Each person whose signature appears below represents that he or she has been duly authorized in accordance with law to execute this Agreement with legally binding effect, in conformity with the Uniform Written Obligation Act of 1927, upon the party represented.

FOR LOWER PAXTON TOWNSHIP

ATTEST:

By _____
Chairman

FOR _____

ATTEST:

By _____

FOR _____

ATTEST:

By _____

EXHIBIT 6
FINANCIAL SECURITY AND ESCROW AGREEMENT
WITH TOWNSHIP AS ESCROW AGENT

THIS Financial Security and Escrow Agreement (hereinafter "Agreement") is entered into this ____ day of _____, 20__ by and between **LOWER PAXTON TOWNSHIP**, acting through its governing body (hereinafter called "LPT") and _____ (hereinafter called "Developer") and **LOWER PAXTON TOWNSHIP** (hereinafter called "Escrow Agent").

WHEREAS, Developer has an approved land development or subdivision plan (hereinafter called "Plan") as such terms are defined in the Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. §10101, et seq., (hereinafter the "MPC") designated as _____ (hereinafter called "Development") which was approved by LPT, conditioned on Developer providing the proper improvement guarantee; and

WHEREAS, the Developer in accordance with the approved Plan is required to install or have installed on its behalf certain improvements as more specifically described in Appendix "A" attached hereto (hereinafter called "Improvements"); and

WHEREAS, in accordance with the provisions of the MPC, and in order to guarantee that the Improvements will be completed as described above, Developer has elected to provide financial security in the form of funds deposited in escrow sufficient to cover the cost of completing the Improvements, as determined by the submission to LPT of a cost estimate prepared and certified by Developer's professional engineer (licensed in the Commonwealth of Pennsylvania) to be a fair and reasonable estimate of the cost to complete the Improvements.

NOW THEREFORE, in consideration of the approval of Plan by LPT, and the mutual promises contained herein, LPT and Developer agree as follows:

1. The total amount of the financial security required to be provided by Developer to guarantee the Improvements (hereinafter the "Security Amount"), shall be _____, which amount the parties

agree equals one hundred ten percent (110%) of the cost of completing the remaining Improvements.

2. Developer shall, forthwith upon execution of this Agreement by the Developer and LPT, deposit with **LOWER PAXTON TOWNSHIP** funds equal to the amount of the Security Amount, which funds shall be held by **LOWER PAXTON TOWNSHIP** for the benefit of LPT, in accordance with the provisions and purposes of this Agreement, in order to guarantee that the Improvements will be completed and installed in strict accordance with the Plan and all applicable ordinances of LPT and regulations of the Commonwealth of Pennsylvania, Department of Transportation. Said Escrow Agreement shall automatically renew from any expiration date, unless written notice of termination is provided to LPT within thirty (30) calendar days of the expiration date.
3. Escrow Agent, which is agreed to be a duly chartered and acceptable lending institution within the meaning of Section 509(c),(d) of the MPC, 53 P.S. §10509(c),(d), shall act as Escrow Agent for the deposit of the Security Amount in accordance with the terms of this Agreement.
4. By execution of this Agreement by the Escrow Agent, the Escrow Agent acknowledges that it is, as provided by this Agreement, holding funds deposited by Developer equal to the amount of the Security Amount.
5. The principal amount of the funds so deposited by Developer (hereinafter the "Escrow Fund") shall be held by the Escrow Agent in an account bearing such interest as may be separately agreed upon by Developer and Escrow Agent. Any interest earned thereon shall be credited to and considered to be the sole property of Developer, and shall, upon release or payment of any part of the Escrow Fund in accordance with this Agreement,

be paid only to Developer. If agreed upon by Developer and the Escrow Agent, the Escrow Fund may be commingled in a single restricted account with other funds deposited by the Developer for like purposes; provided however, that the Escrow Fund, and any payments therefrom shall be separately accounted for, and no such other funds nor interest earned thereon shall be considered to form a part of the Escrow Fund nor be subject to payment, release or other remedies pursuant to the terms of this Agreement.

6. In the event that Developer has not completed and installed all of the Improvements as hereby guaranteed within twelve (12) months from the date of this Agreement, or within such extended period of time as may hereafter be agreed upon in writing by LPT and Developer, LPT may present to Escrow Agent a demand for payment containing a verified certification by the LPT Engineer of the estimated cost of completing the remaining Improvements not yet installed by Developer. Upon presentation of said demand for payment, the Escrow Agent shall pay over to LPT such remaining portion of the Escrow Fund as does not exceed the estimated cost of completion set forth in the demand for payment.
7. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.

8. All portions of the Escrow Fund paid over to LPT by the Escrow Agent shall be used by LPT solely for the purpose of completing and installing the Improvements as herein guaranteed and for no other purpose. Any moneys paid to LPT from the Escrow Fund in excess of the actual and reasonable cost of completing the Improvements shall be refunded by LPT to Developer.
9. No funds paid from the Escrow Fund to LPT shall in any way be construed as a loan to LPT nor, except as specifically provided herein, obligate LPT to repay such funds.
10. In the event that the Escrow Fund is insufficient to cover the reasonable and actual cost of completing the Improvements, nothing herein shall be construed to limit the remedies available to LPT.
11. When the Improvements have been completed and installed as herein guaranteed, Developer shall provide a notice of completion to LPT and the LPT Engineer as provided by Section 509(j) of the MPC, 53 P.S. §10509(j). LPT shall, within the time limits prescribed by Section 509(j) of the MPC, 53 P.S. §10509(j), provide to Developer and the Escrow Agent written notification of LPT's approval or rejection of the Improvements.
12. Upon receipt by the Escrow Agent of LPT's notification that the Improvements have been approved, or, in the absence of such notification, upon presentment by the Developer of evidence demonstrating that LPT has not notified the Developer of either approval or rejection within forty-five (45) days of the Developer's notice of completion, the Escrow Agent shall release and pay to Developer the entire Escrow Fund or any remaining portions thereof, plus any interest earned thereon since the time of deposit.

13. From time to time as work on the Improvements proceeds, Developer may make written requests to LPT, pursuant to Section 509(j), 53 P.S. §10509(j), for release and payment to Developer of portions of the Escrow Fund. LPT shall, within the time limits prescribed by 53 P.S. §10509(j), provide to Developer and the Escrow Agent written notification of the amount LPT has authorized to be released from the Escrow Fund pursuant to Developer's request. Upon receipt of such notification from LPT, the Escrow Agent shall release and pay to Developer from the Escrow Fund the amount so authorized. In the absence of such notification, and upon presentment to the Escrow Agent by Developer of evidence demonstrating that LPT has failed to act upon such request within forty-five (45) days of the making thereof, the Escrow Agent shall release and pay to Developer from the Escrow Fund the amount specified in the request.
14. All payments from the Escrow Fund required by the provisions of this Agreement shall be made by the Escrow Agent within five (5) working days from the Escrow Agent's receipt of the necessary demand, notification or evidence. In the event that the Escrow Agent fails or refuses to pay amounts from the Escrow Fund to any party hereto as required by this Agreement, the Escrow Agent shall, in addition to all damages or other relief available at law or in equity, be liable for and pay to the party entitled to payment any and all costs incurred by said party in obtaining payment, including a reasonable attorney's fee, together with interest upon the unpaid amount at the rate of eighteen percent (18%) per annum.
15. In no event shall the Escrow Agent's liability to any party pursuant to this Agreement exceed the original Escrow Amount and any interest earned thereon, less the amount of any payments made from the Escrow Fund pursuant to the provisions of this

Agreement, plus such interest and costs as are made recoverable by paragraph 13 above.

Escrow Agent shall not incur any liability whatsoever for acts taken or omitted in good faith reliance upon any instrument or document reasonably believed by Escrow Agent to be genuine, to be truthful, to have been signed or presented by a proper person, and to conform with the provisions of this Agreement.

16. LPT shall in its sole discretion determine whether the Improvements are constructed and installed in strict accordance with the Plan and the aforesaid ordinances and regulations.
17. Upon completion of the Improvements, and as a condition precedent to the acceptance of the Improvements by LPT, the Developer, at its expense, agrees to:
 - a. tender to LPT a Legal Description and drawing for the proposed right-of-way for the Improvements; and
 - b. submit to LPT an affidavit, Waiver of Mechanics Liens, or such other satisfactory evidence as LPT may require, that all labor, material, rentals, contractors, and subcontractors used, supplied, furnished, or employed in the construction of the Improvements have been paid.
18. Developer shall upon the final and full completion of the Improvements and/or part thereof as herein set forth, guarantee the work, material, construction, and installation performed pursuant to this Agreement, and shall remedy, without cost to LPT, any defects which may develop therein during a period of eighteen (18) months from the date of completion and acceptance of the work performed hereunder, and shall deliver or cause to be delivered to LPT, maintenance security in the amount of fifteen percent (15%) of the actual cost for the installation of the Improvements for a term of eighteen

(18) months, in accordance with Section 509(k) of the MPC, 53 P.S. §10509(k), in form satisfactory to LPT and in compliance with LPT's requirements for the acceptance of the foregoing Improvements by LPT.

19. In the event of default by the Developer, the Developer shall, in addition to all damages available to LPT, at law or in equity, be liable for any and all attorneys fees, costs, and other similar charges incurred by LPT in completing or securing completion of the Improvements.
20. This Agreement is executed in and shall be construed in accordance with the laws of the Commonwealth of Pennsylvania and shall be binding upon and inure to the benefits of the parties hereto, and their heirs, representative, successors, and assigns.
21. Neither this Agreement nor the obligations of the parties set forth herein shall be modified or changed except by written agreement executed by all parties hereto.
22. Each person whose signature appears below represents that he or she has been duly authorized in accordance with law to execute this Agreement with legally binding effect, in conformity with the Uniform Written Obligation Act of 1927, upon the party represented.

FOR LOWER PAXTON TOWNSHIP

ATTEST:

By _____
Chairman

FOR _____

ATTEST:

By _____

EXHIBIT 6
FINANCIAL SECURITY AND ESCROW AGREEMENT
WITH THIRD PARTY AS ESCROW AGENT

THIS Financial Security and Escrow Agreement (hereinafter "Agreement") is entered into this ____ day of _____, 20____, by and between **LOWER PAXTON TOWNSHIP**, acting through its governing body (hereinafter called "LPT") and _____ (hereinafter called "Developer") and _____ (hereinafter called "Escrow Agent").

WHEREAS, Developer has an approved land development or subdivision plan (hereinafter called "Plan") as such terms are defined in the Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. §10101, et seq., (hereinafter the "MPC") designated as _____ (hereinafter called "Development") which was approved by LPT, conditioned on Developer providing the proper improvement guarantee; and

WHEREAS, the Developer in accordance with the approved Plan is required to install or have installed on its behalf certain improvements as more specifically described in Appendix "A" attached hereto (hereinafter called "Improvements"); and

WHEREAS, in accordance with the provisions of the MPC, and in order to guarantee that the Improvements will be completed as described above, Developer has elected to provide financial security in the form of funds deposited in escrow sufficient to cover the cost of completing the Improvements, as determined by the submission to LPT of a cost estimate prepared and certified by Developer's professional engineer (licensed in the Commonwealth of Pennsylvania) to be a fair and reasonable estimate of the cost to complete the Improvements.

NOW THEREFORE, in consideration of the approval of Plan by LPT, and the mutual promises contained herein, LPT and Developer agree as follows:

1. The total amount of the financial security required to be provided by Developer to guarantee the Improvements (hereinafter the "Security Amount"), shall be

_____, which amount the parties agree equals one hundred ten percent (110%) of the cost of completing the remaining Improvements.

2. Developer shall, forthwith upon execution of this Agreement by the Developer and LPT, deposit with _____ funds equal to the amount of the Security Amount, which funds shall be held by _____ for the benefit of LPT, in accordance with the provisions and purposes of this Agreement, in order to guarantee that the Improvements will be completed and installed in strict accordance with the Plan and all applicable ordinances of LPT and regulations of the Commonwealth of Pennsylvania, Department of Transportation.
3. Escrow Agent, which is agreed to be a duly chartered and acceptable lending institution within the meaning of Section 509(c),(d) of the MPC, 53 P.S. §10509(c),(d), shall act as Escrow Agent for the deposit of the Security Amount in accordance with the terms of this Agreement.
4. By execution of this Agreement by the Escrow Agent, the Escrow Agent acknowledges that it is, as provided by this Agreement, holding funds deposited by Developer equal to the amount of the Security Amount.
5. The principal amount of the funds so deposited by Developer (hereinafter the "Escrow Fund") shall be held by the Escrow Agent in an account bearing such interest as may be separately agreed upon by Developer and Escrow Agent. Any interest earned thereon shall be credited to and considered to be the sole property of Developer, and shall, upon release or payment of any part of the Escrow Fund in accordance with this Agreement, be paid only to Developer. If agreed upon by Developer and the Escrow Agent, the Escrow Fund may be commingled in a single restricted account with other funds

deposited by the Developer for like purposes; provided however, that the Escrow Fund, and any payments therefrom shall be separately accounted for, and no such other funds nor interest earned thereon shall be considered to form a part of the Escrow Fund nor be subject to payment, release or other remedies pursuant to the terms of this Agreement.

6. In the event that Developer has not completed and installed all of the Improvements as hereby guaranteed within twelve (12) months from the date of this Agreement, or within such extended period of time as may hereafter be agreed upon in writing by LPT and Developer, LPT may present to Escrow Agent a demand for payment containing a verified certification by the LPT Engineer of the estimated cost of completing the remaining Improvements not yet installed by Developer. Upon presentation of said demand for payment, the Escrow Agent shall pay over to LPT such remaining portion of the Escrow Fund as does not exceed the estimated cost of completion set forth in the demand for payment.
7. All portions of the Escrow Fund paid over to LPT by the Escrow Agent shall be used by LPT solely for the purpose of completing and installing the Improvements as herein guaranteed and for no other purpose. Any moneys paid to LPT from the Escrow Fund in excess of the actual and reasonable cost of completing the Improvements shall be refunded by LPT to Developer.
8. No funds paid from the Escrow Fund to LPT shall in any way be construed as a loan to LPT nor, except as specifically provided herein, obligate LPT to repay such funds.
9. In the event that the Escrow Fund is insufficient to cover the reasonable and actual cost of completing the Improvements, nothing herein shall be construed to limit the remedies available to LPT.

10. When the Improvements have been completed and installed as herein guaranteed, Developer shall provide a notice of completion to LPT and the LPT Engineer as provided by Section 509(j) of the MPC, 53 P.S. §10509(j). LPT shall, within the time limits prescribed by Section 509(j) of the MPC, 53 P.S. §10509(j), provide to Developer and the Escrow Agent written notification of LPT's approval or rejection of the Improvements.
11. Upon receipt by the Escrow Agent of LPT's notification that the Improvements have been approved, or, in the absence of such notification, upon presentment by the Developer of evidence demonstrating that LPT has not notified the Developer of either approval or rejection within forty-five (45) days of the Developer's notice of completion, the Escrow Agent shall release and pay to Developer the entire Escrow Fund or any remaining portions thereof, plus any interest earned thereon since the time of deposit.
12. From time to time as work on the Improvements proceeds, Developer may make written requests to LPT, pursuant to Section 509(j), 53 P.S. §10509(j), for release and payment to Developer of portions of the Escrow Fund. LPT shall, within the time limits prescribed by 53 P.S. §10509(j), provide to Developer and the Escrow Agent written notification of the amount LPT has authorized to be released from the Escrow Fund pursuant to Developer's request. Upon receipt of such notification from LPT, the Escrow Agent shall release and pay to Developer from the Escrow Fund the amount so authorized. In the absence of such notification, and upon presentment to the Escrow Agent by Developer of evidence demonstrating that LPT has failed to act upon such request within forty-five (45) days of the making thereof, the Escrow Agent shall

release and pay to Developer from the Escrow Fund the amount specified in the request.

13. All payments from the Escrow Fund required by the provisions of this Agreement shall be made by the Escrow Agent within five (5) working days from the Escrow Agent's receipt of the necessary demand, notification or evidence. In the event that the Escrow Agent fails or refuses to pay amounts from the Escrow Fund to any party hereto as required by this Agreement, the Escrow Agent shall, in addition to all damages or other relief available at law or in equity, be liable for and pay to the party entitled to payment any and all costs incurred by said party in obtaining payment, including a reasonable attorney's fee, together with interest upon the unpaid amount at the rate of eighteen percent (18%) per annum.
14. In no event shall the Escrow Agent's liability to any party pursuant to this Agreement exceed the original Escrow Amount and any interest earned thereon, less the amount of any payments made from the Escrow Fund pursuant to the provisions of this Agreement, plus such interest and costs as are made recoverable by paragraph 13 above. Escrow Agent shall not incur any liability whatsoever for acts taken or omitted in good faith reliance upon any instrument or document reasonably believed by Escrow Agent to be genuine, to be truthful, to have been signed or presented by a proper person, and to conform with the provisions of this Agreement.
15. LPT shall in its sole discretion determine whether the Improvements are constructed and installed in strict accordance with the Plan and the aforesaid ordinances and regulations.
16. Upon completion of the Improvements, and as a condition precedent to the acceptance of the Improvements by LPT, the Developer, at its expense, agrees to:

- a. tender to LPT a Legal Description and drawing for the proposed right-of-way for the Improvements; and
- b. submit to LPT an affidavit, Waiver of Mechanics Liens, or such other satisfactory evidence as LPT may require, that all labor, material, rentals, contractors, and subcontractors used, supplied, furnished, or employed in the construction of the Improvements have been paid.

17. Developer shall upon the final and full completion of the Improvements and/or part thereof as herein set forth, guarantee the work, material, construction, and installation performed pursuant to this Agreement, and shall remedy, without cost to LPT, any defects which may develop therein during a period of eighteen (18) months from the date of completion and acceptance of the work performed hereunder, and shall deliver or cause to be delivered to LPT, maintenance security in the amount of fifteen percent (15%) of the actual cost for the installation of the Improvements for a term of eighteen (18) months, in accordance with Section 509(k) of the MPC, 53 P.S. §10509(k), in form satisfactory to LPT and in compliance with LPT's requirements for the acceptance of the foregoing Improvements by LPT.

18. In the event of default by the Developer, the Developer shall, in addition to all damages available to LPT, at law or in equity, be liable for any and all attorneys fees, costs, and other similar charges incurred by LPT in completing or securing completion of the Improvements.

19. This Agreement is executed in and shall be construed in accordance with the laws of the Commonwealth of Pennsylvania and shall be binding upon and inure to the benefits of the parties hereto, and their heirs, representative, successors, and assigns.

20. Neither this Agreement nor the obligations of the parties set forth herein shall be modified or changed except by written agreement executed by all parties hereto.

21. Each person whose signature appears below represents that he or she has been duly authorized in accordance with law to execute this Agreement with legally binding effect, in conformity with the Uniform Written Obligation Act of 1927, upon the party represented.

FOR LOWER PAXTON TOWNSHIP

ATTEST:

By _____
Chairman

FOR _____

ATTEST:

By _____

FOR _____

ATTEST:

By _____

EXHIBIT 7
FINANCIAL SECURITY AND
IRREVOCABLE LETTER OF CREDIT AGREEMENT

THIS Financial Security and Irrevocable Letter of Credit Agreement (hereinafter "Agreement") is entered into this ___ day of _____, 20___ by and between Lower Paxton Township, acting through its governing body (hereinafter called "LPT") and _____(hereinafter called "Developer").

WHEREAS, Developer has an approved land development or subdivision plan (hereinafter called "Plan") as such terms are defined in the Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. Section 10101, et seq., (hereinafter the "MPC") designated as _____(hereinafter called "Development") which was approved by LPT conditioned on Developer providing the proper improvement guarantee; and

WHEREAS, the Developer in accordance with the approved Plan is required to install or have installed on its behalf certain improvements as more specifically described in Appendix "A" attached hereto (hereinafter called "Improvements"); and

WHEREAS, in accordance with the provisions of the MPC and in order to guarantee that the Improvements shall be completed as described above, Developer has elected to provide financial security in the form of an irrevocable Letter of Credit sufficient to cover the cost of the Improvements, as determined by the submission to LPT of a cost estimate prepared and certified by Developer's professional engineer (licensed in the Commonwealth of Pennsylvania) to be a fair and reasonable estimate of the cost to complete the Improvements.

NOW THEREFORE, in consideration of the approval of the Plan by LPT, and the mutual promises contained herein, LPT and Developer agree as follows:

1. The total amount of the financial security required to be provided by Developer to

guarantee the Improvements (hereinafter the "Security Amount"), shall be _____, which amount the parties agree equal one hundred ten percent (110%) of the cost of completing the remaining Improvements.

2. Developer shall, forthwith upon execution of this Agreement by the Developer and LPT, deposit with LPT an irrevocable Letter of Credit (hereinafter "Letter of Credit") (in form satisfactory to LPT) equal to the amount of the Security Amount, issued by _____ for the benefit of LPT in accordance with the provisions and purposes of this Agreement, in order to guarantee that the Improvements shall be completed and installed in accordance with the Plan and all applicable ordinances of LPT and regulations of the Commonwealth of Pennsylvania, Department of Transportation. Said Letter of Credit shall automatically renew from any expiration date, unless written notice of termination is provided to LPT within thirty (30) calendar days of the expiration date.
3. _____ (hereinafter called "Issuer"), which is agreed to be a duly chartered and acceptable lending institution within the meaning of Section 509(c), (d) of the MPC, 53 P.S. §10509(c), (d) shall provide the Letter of Credit for the Security Amount in accordance with the terms of this Agreement.
4. In the event that Developer has not completed and installed all of the Improvements as hereby guaranteed within twelve (12) months from the date of this Agreement, or within such extended period of time as may hereafter be agreed upon in writing by LPT and Developer, LPT may present to Issuer a demand for payment by sight draft to LPT of funds not to exceed the Security Amount in order that LPT may make or cause the

Improvements to be made.

5. All portions of the Letter of Credit paid over to LPT by the Issuer shall be used by LPT solely for the purpose of completing and installing the Improvements as herein guaranteed and for no other purpose. Any moneys paid to LPT from the Letter of Credit in excess of the actual and reasonable cost of completing the Improvements shall be refunded by LPT to Developer.
6. No funds paid from the Letter of Credit to LPT shall in any way be construed as a loan to LPT, nor, except as specifically provided herein, obligate LPT to repay such funds.
7. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.
8. In the event that the Letter of Credit is insufficient to cover the reasonable and actual cost of completing the Improvements, nothing herein shall be construed to limit the remedies available to LPT.
9. When the Improvements have been completed and installed as herein guaranteed, Developer shall provide a notice of completion to LPT and the LPT Engineer as provided by Section 509(j) of the MPC, 53 P.S. §10509(j). LPT shall, within the time limits prescribed by Section 509(j) of the MPC, 53 P.S. §10509(j), provide to Developer written notification of LPT's approval or rejection of the Improvements.

10. From time to time as work on the Improvements proceeds, Developer may make written requests to LPT, pursuant to Section 509(j) of the MPC, 53 P.S. §10509(j), for release of portions of the Letter of Credit. LPT shall, within the time limits prescribed by Section 509(j) of the MPC, 53 P.S. §10509(j), provide to Developer written notification of the amount LPT has authorized to be released from the Letter of Credit pursuant to Developer's request.
11. In no event shall the Issuer's liability to any party pursuant to this Agreement exceed the Letter of Credit in force. Issuer shall not incur any liability whatsoever for acts taken or omitted in good faith reliance upon any instrument or document reasonably believed by Issuer to be genuine, to be truthful, to have been signed or presented by a proper person, and to conform with the provisions of this Agreement.
12. LPT shall in its sole discretion determine whether the Improvements are constructed and installed in accordance with the Plan and the aforesaid ordinances and regulations.
13. Upon completion of the Improvements, and as a condition precedent to the acceptance of the Improvements by LPT, the Developer, at its expense, agrees to:
 - a. tender to LPT a Legal Description and drawing for the proposed right-of-way for the Improvements; and
 - b. submit to LPT an affidavit, Waiver of Mechanics Liens or such other satisfactory evidence as LPT may require, that all labor, material, rentals, contractors and subcontractors used, supplied, furnished or employed in the construction of the Improvements have been paid.
14. Developer shall upon the final and full completion of the Improvements and/or part thereof as herein set forth, guarantee the work, material, construction, and installation

performed pursuant to this Agreement, and shall remedy, without cost to LPT, any defects which may develop therein during a period of eighteen (18) months from the date of completion and acceptance of the work performed hereunder, and shall deliver or cause to be delivered to LPT, maintenance security in the amount of fifteen percent (15%) of the actual cost for the installation of the Improvements for a term of eighteen (18) months, in accordance with Section 509(k) of the MPC, 53 P.S. §10509(k), in a form satisfactory to LPT and in compliance with LPT's requirements for the acceptance of the foregoing Improvements by LPT.

15. In the event of default by the Developer, the Developer shall, in addition to all damages available to LPT, at law or in equity, be liable for any and all attorneys fees, costs, and other similar charges incurred by LPT in completing or securing completion of the Improvements.
16. This Agreement is executed in and shall be construed in accordance with the laws of the Commonwealth of Pennsylvania and shall be binding upon and inure to the benefits of the parties hereto, and their heirs, representatives, successors, and assigns.
17. Neither this Agreement nor the obligations of the parties set forth herein shall be modified or changed except by written agreement executed by all parties hereto.
18. Each person whose signature appears below represents that he or she has been duly authorized in accordance with law to execute this Agreement with legally binding effect, in conformity with the Uniform Written Obligation Act of 1927, upon the party represented.

FOR LOWER PAXTON TOWNSHIP

ATTEST:

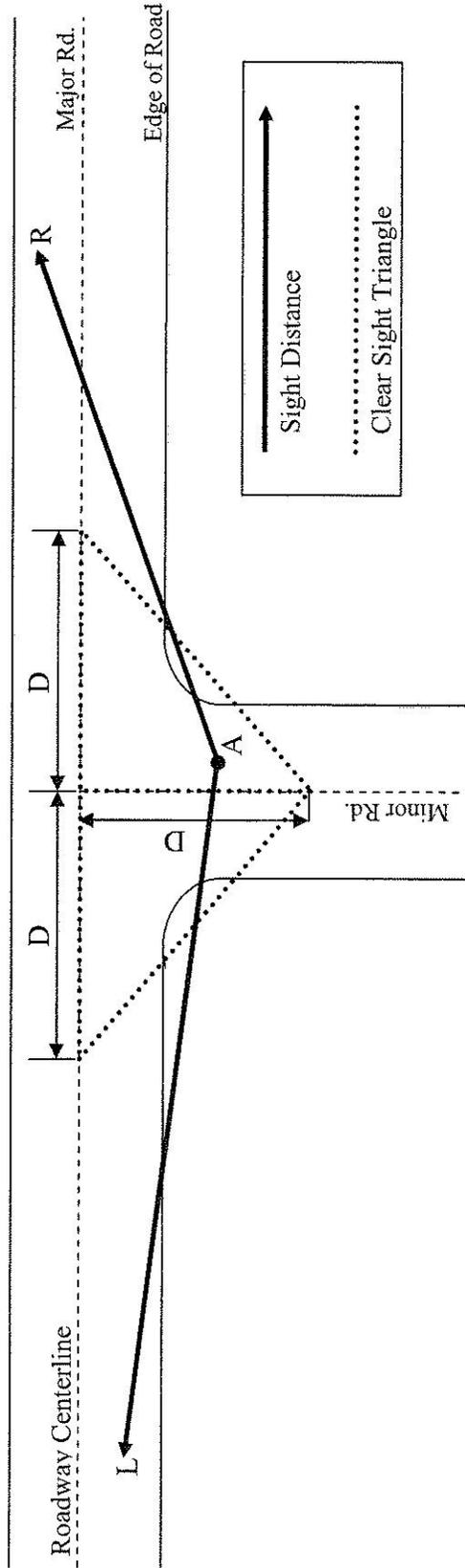
By _____
Chairman

FOR _____

ATTEST:

By _____

EXHIBIT 8 – INTERSECTION SIGHT DISTANCE AND CLEAR SIGHT TRIANGLE
 (Two Lane Roadway, Stop Condition, 3% grades or less) ¹.



Required Intersection Sight Distance

Speed ² (MPH)	Distance Left "L" (ft)	Distance Right "R" (ft)
25	280	240
30	335	290
35	390	335
40	445	385
45	500	430
50	555	480
55	610	530

A – Position 3.5 ft. above roadway, 14.4 ft. from near edge of roadway.

L – Distance to left of object 3.5 ft. above adjoining roadway.

R – Distance to right of object 3.5 ft. above adjoining roadway.

Note: 1. For all other conditions, refer to AASHTO, A Policy on Geometric Design of Highways and Streets.

2. Posted or Operating speed per Article 5 Section 180-503(j)(1)

Clear Sight Triangle

Type of Road	Distance "D" (ft)
Arterial/Collector	150
Minor, Private, Driveway	75

